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Planning Department
Havant Borough Council
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PO9 2AX

04 June 2025

Dear Sir / Madam,

**UNIT 8, WELLINGTON RETAIL PARK, HAMBLEDON ROAD, WATERLOOVILLE, HAMPSHIRE, PO7 7FG.
APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS AMENDED, FOR
A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REFERENCE APP/24/00554**

On behalf of our client, BL Wellington Limited, (*'The Applicant'*), we submit an application under Section 96A of the Town and Country Planning Act 1990, as amended, to facilitate the instillation of an additional set of double doors, bollard and an extension to the service ramp. The proposals are progressed following the approval of Planning Permission Ref. APP/24/00554 on 29 November 2024, which granted permission for the sub-division and external works at Unit 8, in order to meet the requirements of the incoming tenant. The effect of the proposed change will be negligible in the context of the approved scheme and the wider surroundings.

This application is comprised of the following information:

- Application Forms signed and dated 04 June 2025;
 - Covering Letter (i.e., this letter);
- Approved and Proposed Application Drawings, prepared by Denning Male Polisano Limited:
- Existing and Proposed Elevations (reference 384-PL102.P3)
 - Existing and Proposed Floor Plans (reference 384-PL101.P3)

This application has been submitted via the planning portal under reference PP-14069266. The application fee of £383.00 (service charge inclusive) has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2023.

Legislative Context

Section 96A of the Town and Country Planning Act 1990 (as amended) gives power to local planning authorities to make non-material changes to planning permissions: It states:

"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."

S96A also provides the basis for new conditions to be imposed or existing conditions to be removed or altered. There is no statutory definition of what constitutes a non-material amendment. However, guidance is provided in the National Planning Practice Guidance (NPPG), which states:

“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.”

Further, and as set out in S96A(3), the power to make changes to a planning permission extends to ‘remove or alter’ existing planning conditions:

“(3) The power conferred by subsection (1) includes power- (a) to impose new conditions; (b) to remove or alter existing conditions.”

Primary legislation is therefore clear that if the determining authority is content that the effect of the proposed change is non-material, a planning permission can be amended, existing planning conditions altered and new conditions imposed under Section 96A of the Act. Given the small nature of the proposals, comprising alterations to details of the overall scheme, the proposals are considered to be non-material in their nature as set out below, and can be determined under S96A.

Application Background

The Site comprises Unit 8 at Wellington Retail Park, located within the Primary Frontage of Waterlooville Town Centre. Wellington Retail Park comprises three separate terraces of retail units located either side of Hambledon Road, to the north of Maurepas Way (A3), the majority of which are within the Waterlooville Town Centre boundary and play a key role in contributing to the vitality of the Town Centre.

Unit 8 is located within the main terrace at the retail park, which runs from Sainsbury’s south towards St George’s Walk and the remainder of the Town Centre.

On 29 November 2024, Planning Permission reference APP/24/00554 was approved for the following development at Unit 8:

“Subdivision and external alterations to Unit 8 comprising the removal of existing entrance and replacement with two new entrances, additional changes to fenestration and doors, and associated works”

This approved the subdivision of Unit 8 into Unit 8A and 8B, alongside the associated external alterations. This application relates specifically to the area associated with approved Unit 8B.

Proposed Non-Material Amendments

The application seeks the following non-material amendments to the approved plans:

- Instillation of additional double doors to the rear elevation of Unit 8B;
- Erection of an additional bollard at rear elevation of Unit 8B; and
- Extension of existing ramp at the rear elevation.

The proposals do not seek the insertion of new floorspace, and the use of the units will not be altered. The proposed amendments will not result in alterations of a scale that would materially affect the overall permitted scheme.

This application seeks to permit the installation of a new set of double doors to the rear of Unit 8B. These double doors will provide rear access to Unit 8B to enable effective deliveries to the unit and will be of a scale that enables delivery via pallet. An additional bollard and an extension to the existing ramp is proposed, associated with the creation of the new doors. The exact locations of the proposed alterations are shown on the drawings submitted alongside this application.

The proposed amendments are of a scale which are considered to not materially affect the overall permitted scheme, and as such can be dealt with via the submission of a S96A application.

To enable the proposed amendments to the scheme outlined above, a variation to Condition 2 of planning permission reference APP/24/00554 is sought as part of this planning application. The intent of Condition 2 is to ensure that the development approved under planning permission reference APP/24/00554 is carried out in accordance with the approved plans and documents.

This S96A application therefore seeks to replace the relevant approved drawings with those that include details of the proposed amendments to the scheme. These are set out below:

Drawing Title	Previously Consented Drawing Reference	Proposed Drawing Reference
Existing and Proposed Elevations	384-PL102.P2	384-PL102.P3
Existing and Proposed Floor Plans	384-PL101.P2	384-PL101.P3

Conclusions

This application seeks a non-material amendment to planning permission APP/24/00554 to allow for minor changes to the approved scheme. The proposals are progressed in direct response to operational requirements to enable efficient deliveries and would not result in any material changes to the permitted scheme. As such, the proposed amendments are not considered material and can be determined under S96A of the Town and Country Planning Act 1990 (as amended).

We trust you have sufficient information to validate and determine this application, however if you have any queries or require any additional information, please do not hesitate to contact either Harry Manners (harry.manners@montagu-evans.co.uk) or Tommy Cooney (tommy.cooney@montagu-evans.co.uk) at these offices.

Yours faithfully,



Montagu Evans LLP

Enc.