

Our Ref: 021LCC210316

21 March 2016

Jon Woodward  
Planning and Building Control  
The City of Liverpool Council  
Municipal Buildings  
Dale Street  
Liverpool, L2 2DH

PP-04925719

Dear Jon,

**S96a Town and Country Planning Act (1990) (as amended)  
New Mersey Shopping Park, Speke Road, Liverpool, L24 8QB  
Proposed Non Material Amendment to Planning Permission 15F/0808**

Further to our discussions with you and Fred Billingham, we submit on behalf of the owners of New Mersey Shopping Park, Speke Unit Trust, an application under S96a of the TCPA (1990) (as amended) for a Non Material Amendment to planning permission 15F/0808.

**The Planning Permission**

Planning permission 15F/0808 was granted on 29 July 2015 and permitted the following development;

*"To erect new cinema and restaurants following demolition of existing retail units, reconfigure the B&Q unit, erect new retail units, undertake shop front improvements, erect customer services centre, reconfigure car park and relocate substation, so as to allow existing retail allowances across the retail park to be applied flexibly"*

**The Proposed Non Material Amendment (NMA)**

The proposed NMA concerns proposed enhancements to the public realm in front of the approved cinema/restaurants building including an enhanced canopy over the restaurants, and also revisions to the design of the cinema building. The proposed changes are described in more detail in the Supplementary Design & Access Statement (RPS) and in summary involve the following:

**Public Realm:** it is proposed to increase the extent of the public realm so that there is a greater degree of separation between the external seating area in front of the restaurants and the car park/access road. In addition, it is proposed to increase the quality of the public realm by introducing tree planting and soft landscaping, in the form of 'pocket parks' to provide a natural 'buffer' between the restaurants and the car park. The rationale behind this is to create a more exciting destination, which is more enclosed and relaxed.

**Enhanced Canopy/revised Cinema Design:** The intention behind the revised canopy concept is to create an environment which is more interesting, natural and dynamic. To complement the proposed canopy design it is proposed to revise the high level cladding on the cinema to provide fins. Other amendments to materials are described in the Supplementary Design & Access Statement.

**Consequential Revision to Car Parking:** The above changes will result in a reduction in customer car parking of 33 spaces, from the total 2,036 spaces currently approved under 15F/0808. The submitted Transport Statement (AECOM, March 2016) reflects pre-application discussions with Fred Billingham and concludes that the proposed changes would not have a materially different effect or greater impact on highway matters than the current approved layout and therefore the conclusions set out in the Transport Statement submitted with application 15F/0808 remain unchanged.

S96a of the TCPA (1990) (as amended) gives power to LPAs to make non-material amendments to planning permissions. S96a, subsection (2) 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."*

National Planning Practice Guidance (NPPG) on making a s96a non-material amendment to a planning permission 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."*<sup>1</sup>

It is considered that the proposed amendments are non material because;

- They would not change to the amount, scale, or massing of the approved development;
- They would not have any material effects over and above those already identified and found to be acceptable in the approval of application 15F/0808.

Under S96a(3) the LPA has the power when approving an NMA to impose new conditions and to remove or alter existing conditions.

To reflect the proposed amendments it is necessary to revise the list of approved drawings under Condition 2 of the planning permission. A full list of the proposed amended drawings is attached to this letter.

The NMA application is supported by the following documents;

- Transport Statement;
- Supplementary Design & Access Statement;
- Revised Drawings – see Drawings list attached

Also submitted or information are the following revised images;

P14-050-Rev A- Proposed Perspectives Sheet 1  
P14-051-Rev A- Proposed Perspectives Sheet 2  
P14-054-Rev A- Proposed Perspectives Sheet 5  
P14-055-Rev A- Proposed Perspectives Sheet 6  
P14-056-Rev A- Proposed Perspectives Sheet 7  
P14-062- Proposed Perspectives Sheet 13  
P14-063- Proposed Perspectives Sheet 14  
P14-064- Proposed Perspectives Sheet 15  
P14-065- Proposed Perspectives Sheet 16  
P14-066- Proposed Perspectives Sheet 17

Should you require any further information please do not hesitate to contact Colin Burnett at this office.

Yours sincerely

*Burnett Planning & Development Limited*

**Burnett Planning & Development Limited**

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<sup>1</sup> Reference ID: 17a-002-20140306

## New Mersey Shopping Park, Speke Road, Liverpool

### Proposed Non Material Amendment to Planning Permission 15F/0808 – Drawings List

Approved Drawing	NMA Drawing
P14-003 Proposed Site Plan Rev B	P14-003 Proposed Site Plan Rev C
P14-005 Proposed Roof Plan Rev B	P14-005 Proposed Roof Plan Rev C
P14-104 Cinema/A3 Units - Proposed Ground Floor Plan - Sheet 1 of 3 Rev A	P14-104 Cinema/A3 Units – Proposed Ground Floor Plan – Sheet 1 of 3 Rev B
P14-107 Cinema Proposed First Floor and Upper Level Plan Rev A	P14-107 Cinema Proposed First Floor and Upper Level Plan Rev B
P14-108 Cinema Proposed Projection Level Floor and Roof Plan Rev A	P14-108 Cinema Proposed Projection Level Floor and Roof Plan Rev B
P14-109 Cinema and Restaurant Units - Proposed Elevations - Sheet 1 of 5 Rev B	P14-109 Cinema and Restaurant Units – Proposed Elevations Sheet 1 of 5 Rev C
P14-110 Cinema and Restaurant Units - Proposed Elevations - Sheet 2 of 5 Rev B	P14-110 Cinema and Restaurant Units – Proposed Elevations Sheet 2 of 5 Rev C
P14-115 Cinema Section sheet 2 of 2 Rev A	P14-115 Cinema Section Sheet 2 of 2 Rev B
LSH-C01 Concept Landscape Proposals: Cinema Entrance Rev C	LSH-C01 Concept Landscape Proposals: Cinema Entrance – rev E
LSH-C02 Concept Landscape Proposals: Unit Frontages Rev C	LSH-C02 Concept Landscape Proposals: Unit Frontages – rev E
LSH-C03 Concept Landscape Proposals: Future Areas Rev B	LSH-C03 Concept Landscape Proposals: Feature Areas – rev D
LSH-C04 Concept Landscape Proposals: Play Area	LSH-C04 Concept Landscape Proposals: Play Area – rev B
LSH-D04 Detailed Hard Landscape Proposals (sheet 4 of 9) – rev C	LSH-D04 Detailed Hard Landscape Proposals (sheet 4 of 9) – rev D
LSH-D05 Detailed Hard Landscape Proposals (sheet 5 of 9) – rev C	LSH-D05 Detailed Hard Landscape Proposals (sheet 5 of 9) – rev D
LSH-D07 Detailed Hard Landscape Proposals (sheet 7 of 9) – rev C	LSH-D07 Detailed Hard Landscape Proposals (sheet 7 of 9) – rev D
LSS-C01 Concept Landscape Proposals: Colour Palette Concept Rev C	LSS-C01 Concept Landscape Proposals: Colour Palette Concept – rev D
LSS-C02 Concept Landscape Proposals: Tree and Hedge Planting Rev B	LSS-C02 Concept Landscape Proposals: Tree and Hedge Planting Concept – rev C
LSS-C03 Concept Landscape Proposals: Cool Planting Zones Rev B	LSS-C03 Concept Landscape Proposals: Cool Planting Zones – rev C
LSS-C04 Concept Landscape Proposals: Warm Planting Zones Rev B	LSS-C04 Concept Landscape Proposals: Warm Planting Zones – rev C
LSS-D04 Detailed Soft Landscape Proposals (sheet 4 of 9) – rev C	LSS-D04 Detailed Soft Landscape Proposals (sheet 4 of 9) – rev D
LSS-D05 Detailed Soft Landscape Proposals (sheet 5 of 9) – rev C	LSS-D05 Detailed Soft Landscape Proposals (sheet 5 of 9) – rev D
LSS-D06 Detailed Soft Landscape Proposals (sheet 6 of 9) – rev C	LSS-D06 Detailed Soft Landscape Proposals (sheet 6 of 9) – rev D
LSS-D07 Detailed Soft Landscape Proposals (sheet 7 of 9) – rev C	LSS-D07 Detailed Soft Landscape Proposals (sheet 7 of 9) – rev D