

**Case Officer:** Michael Sackey

**Recommendation:** Approval

**Applicant:** Amazon UK Services Ltd

**Proposal:** Change the external layout of the van storage bays and landscaping (proposed as non-material amendment to 21/04157/F)

**Expiry Date:** 11 March 2024

**Extension of Time:** No

---

## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

- 1.1. The application relates to an existing vacant B8 storage and distribution warehouse situated on Southam Road in Banbury. The site extends to 3.78ha and has historically formed part of the wider Jacobs Douwe Egberts site to the north/north-east.
- 1.2. The building itself has been recently refurbished and is clad in a grey profile steel, typical of units in the area. The site includes existing car/van parking to the front with lorry parking and loading docks to the southern side of the building.
- 1.3. The site incorporates established landscaping and trees to the boundaries and is enclosed by a palisade security fence.
- 1.4. To the north of the site are operational units within the Douwe Egberts site. To the east of the site is the Waitrose food store with car showrooms beyond on the opposite side of Southam Road. To the south and southwest of the site are residential properties and the Southam Road cemetery and further surface level car parking is located directly to the west of the site.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

- 2.1. The application seeks consent for changes to planning permission ref. 21/04157/F, specifically to make the following changes:
  - Approved landscaping scheme
  - Previously proposed van storage spaces to landscaping
- 2.2. The current application relates to the email and amended plan and documents received on (17.04.2024) at 10:32hrs reference "Application form", "Letter - DWD (Ref: 15222g)", "Softworks General Arrangement Plan - 388-UW-T-001 REV H", "5 Year Landscape Maintenance and Management Plan (November 2023 - Rev F)", "Proposed Site Plan - A003 Rev P18", "External Works Plan - A007 Rev P07" and "Access and Parking Equipment - A021 Rev P06". The amended plans submitted was in response to officers' raising concerns with the level of the proposed changes which would have had an impact on the drainage, arboriculture and ecology of the site. The assessment and determination of this application is based on the amended plans and additional information.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

**Application: 17/01322/OUT**

OUTLINE - for a mixed use development

**Application: 19/00062/NMA** Permitted 18 July 2019

Alterations to office cladding configuration and colour. Level of cladding to base of front elevation revised. Additional window added. Access gate location amended. Barrier island revised (Proposed as Non Material Amendment to application 18/01246/F)

**Application: 19/01602/NMA** Permitted 9 September 2019

Non-material amendment to 18/01246/F - addition of strip glazing above dock doors to south west elevation

**Application: 21/00503/F** Permitted 20 August 2021

Use of the site for the storage of operational vehicles, elevational alterations, associated parking, vehicle barriers, guard hut and associated infrastructure

**Application: 21/04157/F** Permitted 1 April 2022

Use of the site for the storage of operational vehicles, together with elevational and site alterations, associated parking, welfare facilities, vehicle barrier and associated infrastructure

**Application: 22/02392/ADV** Permitted 3 October 2022

Installation of non-illuminated signs across the site

**Application: 23/00411/ADV** Permitted 13 April 2023

Installation of: 9m totem (#1), monument sign (#2), monument sign (#3), directional sign (#4), clearance bar (#5), menu board (#6), order point canopy (#7), menu board (#8), directional sign (#10), fascia sign (#11), fascia sign (#12), fascia sign (#13), fascia sign (#14) and banner frame (#16)

**Application: 23/00719/ADV** Permitted 18 May 2023

5 no (3.5m x 1.0m) temporary vinyl, waterproof banners advertising/celebrating 100 years of Kenco Coffee - attached with rope/cable ties

#### **4. PUBLICITY AND CONSULTATION**

- 4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.
- 4.2. However, the following comments have been received:
- 4.3. Highways – Having assessed the plans, this proposal is unlikely to have any significant impact to the local highway network in safety or traffic terms. Therefore, OCC do not object to the granting of planning permission.

#### **5. APPRAISAL**

- 5.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.
- 5.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated that: "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".
- 5.3. The National Planning Practice Guidance states that: "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". The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.
- 5.4. The proposed change to the approved site involves the replacement of the proposed van storage bays with landscaping along the western boundaries of the site and the replacement of some landscaping with van storage bays near the southern boundaries of the site.
- 5.5. The Local Highway Authority has been consulted on the proposed changes and has indicated that an assessment of the changes would be required, albeit it advises it has carried out that assessment and raises no objections to the proposed changes.
- 5.6. Following amended plans, the overall appearance and layout of the site would not be significantly altered from the approved scheme and there would be no increase in the scale and layout of the site, nor would there be any significant changes to the landscaping of the site, additional increase in noise from the site arising from the development or detriment to highway safety as a result of the amendments. These issues were considered as part of the original planning application.
- 5.7. The proposed changes particularly to the landscape scheme would not have an impact on the drainage, arboriculture and ecology of the site, given that it would be very similar to the previous approval.
- 5.8. Overall, none of the proposed changes would raise any new issues, nor would they necessitate further consultation with any third party consulted at the time of the planning application.

## **6. CONCLUSION**

- 6.1. The proposal is therefore considered to be non-material and the application is therefore recommended for approval.

In accordance with drawing No "Letter - DWD (Ref: 15222g)", "Softworks General Arrangement Plan - 388-UW-T-001 REV H", "5 Year Landscape Maintenance and Management Plan, November 2023 - Rev F", "Proposed Site Plan - A003 Rev P18", "External Works Plan - A007 Rev P07" and "Access and Parking Equipment - A021 Rev P06".

Case Officer: Michael Sackey

DATE: 11 March 2024 / 30.04.24

Checked By: Nathanael Stock

DATE: 30.04.2024

---