

29 June 2022

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Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 96a NON-MATERIAL CHANGES TO PLANNING PERMISSION 21/04144/F AT JACOBS DOUWE EGBERTS, RUSCOTE AVENUE, BANBURY, OX16 2QU

On behalf of our client, Jacobs Douwe Egberts Ops GB Ltd, we hereby submit a Section 96a planning application to make non-material amendments to planning permission 21/04144/F.

On 15th March 2022, full planning permission was granted for the demolition of an existing office block and the erection of a surface level car park at Jacobs Douwe Egberts, Banbury. The formal description of development is:

“Demolition of existing office block and erection of surface level car park providing 215 replacement car parking spaces, including landscaping and other associated works; new main entrance and reception of the Computer Suite, with external re-cladding”.

Following the grant of planning permission, the client has progressed further with the detailed design of the elevations of the computer suite. After an internal review, a decision has been made to no longer propose the external metal cladding and instead to block up the existing computer suite walls where the demolition of the office building has occurred with facing bricks to match the existing external materials of the computer suite.

In addition to the removal of the proposed metal cladding, the client also seeks to relocate one car parking space to improve the pedestrian circulation of the car park and the pedestrian crossing to the north of the site has been revised slightly to provide improved pedestrian access. The speed bumps originally proposed are now proposed to be removed.

The application has been submitted via Planning Portal (ref: PP-11361467) and comprises the following:

Approved Drawing to be Superseded	Amended Drawing	Prepared By
Proposed Block Plan of Site (Ref: (03) S-001 Rev PL1)	Proposed Block Plan of Site (Ref: (03) S-001 Rev PL2)	Darling Associates Architects
Proposed Ground Floor Plan CS (Ref: (03) P-0G0 Rev PL1)	Proposed Ground Floor Plan CS (Ref: (03) P-0G0 Rev PL2)	Darling Associates Architects
Proposed CS West Elevations (Ref: (03) E-001 Rev PL1)	Proposed CS West Elevations (Ref: (03) E-001 Rev PL2)	Darling Associates Architects
Proposed CS North and South Elevations (Ref: (03) E-002 Rev PL1)	Proposed CS North and South Elevations (Ref: (03) E-002 Rev PL2)	Darling Associates Architects

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REGULATED BY RICS

The requisite planning application fee of £234 has been paid online via credit card.

Non-Material Amendment

Section 96a of the Town and Country Planning Act provides Local Planning Authorities with the power to make non-material changes to planning permissions, stating in 96a (2) 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”*. There is no statutory definition of ‘non-material’ as it is dependent on the context of the overall scheme. The amendments to the scheme are limited to the omission of the proposed external cladding, the relocation of one parking space to improve pedestrian circulation and the removal of the speed bumps, and within the context of the proposal as a whole, are considered to be ‘non-material’.

The proposed metal cladding system had been proposed to add interest to the elevations of the computer suite following the demolition of the office building. The approved elevational drawings show the retained computer suite to be clad with profiled metal sheeting. After a further design review, it became clear that to achieve a design that is more in keeping with the existing brick computer suite, a more suitable elevation design would be to block up the walls that had been impacted following the demolition of the office building with facing bricks to match the existing brick building.

The proposed amendments to the elevations do not result in the nature of the proposed building changing. Indeed, the proposed brickwork will match the existing computer suite materials instead of introducing a new material to the external appearance. Furthermore, the amendments do not have any impact on neighbouring properties, nor would they warrant re-consultation with any party.

The proposed relocation of one car parking space to the eastern corner of the site and the slight revision to the pedestrian crossing to the north will improve the proposed pedestrian access and pedestrian circulation within the site and does not impact on the overall proposal of the new surface level car park.

We would note that the proposed non-material amendments do not impact upon the principle of the development, nor do they affect or conflict with any conclusions and recommendations of the proposals provided within the Planning Officer Report of 15th March 2022. Overall, the proposed amendments are considered non-material given that principle of the development remains unchanged.

Conclusion

In consideration of the context of the proposed amendments and also the effect of the change in comparison to the wider scheme, it is our consideration that the proposed amendments constitute ‘non-material’ and can be progressed through a section 96a planning application.

We trust that the documents submitted via the Planning Portal are acceptable to validate the planning application and we look forward to receiving the notices of registration. If you require any further information or clarification, please do not hesitate to contact me on 07795672154.

Yours faithfully,

Victoria Bennion

MPlan MRTPI

Senior Planner

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