

**Jacobs Douwe Edberts, Ruscote Avenue,  
Banbury, Oxfordshire, OX16 2QU**

**22/01944/NMA**

**Case Officer:** Shona King

**Recommendation:** Approve

**Applicant:** Jacobs Douwe Egberts

**Proposal:** Omission of cladding following demolition; relocation of one car parking space; removal of speed bumps; and revision to pedestrian crossing to provide improved pedestrian access (proposed as non-material amendment to 21/04144/F)

**Expiry Date:** 27 July 2022

**Extension of Time:** No

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

- 1.1. The site is within the Jacobs Douwe Egberts factory site located adjacent to the main site entrance accessed from Ruscote Avenue. Along the Ruscote Avenue boundary there is a chain-link fence with a hedgerow and trees.
- 1.2. Planning permission was granted under application 21/02144/F for the demolition of an existing office block and the construction of a surface level car park providing 215 replacement car parking spaces, along with a new main entrance and reception of the Computer Suite. The remaining part of the building was to be clad with external cladding.

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

- 2.1. Consent is sought for amendments to the planning permission as set out below:
  - Omission of cladding following demolition;
  - relocation of one car parking space;
  - removal of speed bumps; and
  - revision to pedestrian crossing to provide improved pedestrian access

## **3. RELEVANT PLANNING HISTORY**

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

21/02144/F- 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 - Approved

## **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.

## **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. Whilst the omission of the cladding would result in a change to the proposed materials, it would be replaced with brick to match the existing building and would not introduce a different material that would affect the external appearance of the building.
- 5.5. The relocation of the parking space would make it easier to access and would enable a gap for pedestrian access into the car park. The number of parking spaces would remain as approved. Importantly, the proposed change would not raise any new issues or require further consultation.
- 5.6. The remaining alterations to the car park, with the removal of the speed bumps and the re-alignment of the pedestrian crossing at the entrance to the car park would not affect the overall development as approved.
- 5.7. The Local Highway Authority did not specifically comment on pedestrian movements in its assessment of the original application, and did not recommend any conditions relating to speed bumps or the pedestrian crossings within the site.
- 5.8. The proposed changes raise no new issues, no interested party would be prejudiced by not being consulted on them, and overall the proposed changes are considered to be non-material in the context of the whole development.

## **6. CONCLUSION**

- 6.1. The proposal is considered to be non-material and the application is therefore recommended for approval.
- 6.2. Drawing Nos. 16061 (03) S 001 PI PI2, 16061 (03) Cs E 002 PI PI2, 16061 (03) Cs P 0G0 PI PI2, 16061 (03) E 001 PI PI2.

Case Officer: Shona King

DATE: 18 July 2022

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Checked By: Nathanael Stock

DATE: 25.07.2022

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