

06 September 2022

Development Management
Cherwell District Council
Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

66 St James's Street
St James's
London
SW1A 1NE

0370 777 6292
info@rapleys.com
rapleys.com

LONDON
BIRMINGHAM
BRISTOL
CAMBRIDGE
EDINBURGH
HUNTINGDON
MANCHESTER

Dear Sir/Madam,

APPLICATION FOR NON-MATERIAL AMENDMENTS UNDER SECTION 96a OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO PLANNING PERMISSION 21/04144/F AT JACOBS DOUWE EGBERTS, RUSCOTE AVENUE, BANBURY, OX16 2QU

On behalf of our client, Quantum Construction Limited, 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 car park levels. After an internal review, a decision has been made to revise the proposed levels of the car park to reduce the amount of digging around the trees on the Site. The change in the proposed car park levels means that the steps and ramp that were proposed to access the computer suite are no longer required as level access is now achieved. Although the steps and ramp to the main computer suite entrance are now proposed to be removed, the scheme now proposes the provision of a smaller ramp to the side of the computer suite for the emergency exit.

The application has been submitted via Planning Portal (ref: PP-11529946) 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Approved Drawing to be Superseded	Amended Drawing	Prepared By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 PL3)	Darling Associates Architects
Proposed Ground Floor Plan CS (Ref: (03) P-0G0 Rev PL1)	Proposed Ground Floor Plan CS (Ref: (03) P-0G0 Rev PL3)	Darling Associates Architects
Design and Access Statement Rev B	Design and Access Statement Rev C	Darling Associates Architects

The requisite planning application fee of £234 has been paid online via the Planning Portal.

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 stairs and ramp to the office building following changes to the proposed car park ground levels, and the inclusion of a small ramp to the side of the computer suite to serve the emergency exit, and within the context of the proposal as a whole, are considered to be *‘non-material’*.

The proposed revisions to the car parking levels have been designed in the interest to protect the existing trees on the Site, the contractors do not intend to dig as deep as initially proposed in order to protect those trees which as a result, has altered the proposed car park levels. Now that the car park levels have been revised, level access is now achieved across the car park and therefore there is no longer a requirement to provide steps or a ramp to the main entrance of the computer suite. Therefore, the steps and ramp to the front of the computer suite are no longer proposed as part of the development. The level access will serve all users who require disabled access through allowing access to the refurbished building without obstruction. The proposed new ramp to the side of the computer suite will ensure that the emergency access can serve all disabled users.

The proposed amendments to the car park level and the removal of the steps and ramp to the front of the computer suite do not result in the nature of the proposed development changing. Furthermore, the amendments do not have any impact on neighbouring properties, nor would they warrant re-consultation with any party. The proposed amendments to the car parking levels 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,


MPlan MRTPI
Senior Planner
Victoria.bennion@rappleys.com
07795672154