

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

22/02753/NMA

Case Officer: Shona King

Recommendation: Approve

Applicant: Quantum Construction Limited

Proposal: Change in the proposed car park levels resulting in the removal of the steps and ramp that were proposed to access the computer suite 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 (proposed as non-material amendment to 21/04144/F)

Expiry Date: 5 October 2022

Extension of Time: No

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:
 - Change in the proposed car park levels resulting in the removal of the steps and ramp.
 - provision of a smaller ramp to the side of the computer suite for the emergency exit

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

22/01944/NMA - 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) – 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. The agent has advised that the proposed changes to the levels of the car park are a result of the contractors' intention to not dig as deeply into the existing banking and car park, as previously proposed, in order to reduce the amount of digging around the existing trees on the site. This provides a level surface for the car park and access to the buildings. The steps and ramp previously approved are no longer required. A lower ramp to the east elevation to serve the emergency access is now proposed and this will be fully accessible to all users.
- 5.5. It is considered that the amendments would not affect the overall development as approved and 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. Proposed Block Plan of Site (Ref: (03) S-001 Rev PL3), Proposed Ground Floor Plan CS (Ref: (03) P-0G0 Rev PL3), Design and Access Statement Rev C.

Case Officer: Shona King

DATE: 4 October 2022

Checked By: Nathanael Stock

DATE: 04.10.2022
