

Our ref: TR/AC/Q200589
Your ref: S/21/0931
Email: adam.cornish@quod.com
Date: 09 May 2022



Planning Department
Swindon Borough Council
Wat Tyler House
Swindon
SN1 2JH

Submitted via Planning Portal (PP-11195550)

Dear Sir / Madam,

Town and Country Planning Act 1990 (as amended)
Section 96A application for non-material amendments relating to planning permission ref. S/21/0931 (dated 20th October 2021) as amended by S/AMEND/22/0136 (dated 15th February 2022)
TK Maxx Unit, Great Western Way, Swindon, SN2 1US
Submitted on behalf of TJ Morris Limited

We are instructed by our client, TJ Morris Limited ('TJM') ('the Applicant'), to submit the enclosed Section 96A application, which seeks approval for a non-material amendment to planning permission ref. S/21/0931, dated 20th October 2021, relating to the TK Maxx Unit on Great Western Way, Swindon, SN2 1US (the 'Application Site'). Specifically, permission is sought to secure non-material changes to the external design of the Unit.

Officers will be aware that an application made under Section 96A is not an application for planning permission. It is a quick and straightforward procedure that allows non-material amendments to be approved by the Local Planning Authority within 28 days. In this case, Section 38(6) of the Planning and Compulsory Act 2004 is not relevant. For the reasons set out in this covering letter, the amendment to the existing planning permission is non-material and should therefore be granted.

The application has been submitted via the Planning Portal (PP-11195550) and includes the following documents in line with your validation requirements:

- **The requisite application form, duly completed;**
- **Decision Notice (ref. S/21/0931, dated 20th October 2021);**
- **NMA Decision Notice (ref. S/AMEND/22/0136, dated 15th February 2022)**
- **Existing and proposed drawings prepared by WPL Consulting LLP:**



Drawing Reference	Drawing Title	Scale
9268-104-Rev-X	Existing (as approved) Site Plan	1:100 @ A0
9268-105-Rev-E	Existing (as approved) Building Plan	1:100 @ A0
9268-106-Rev-E	Existing (as approved) Elevations	1:100 @ A0
9268-107-Rev-C	Existing (as approved) Roof Plan	1:100 @ A0
9268-104-Rev-BB	Proposed Site Plan	1:100 @ A0
9268-105-Rev-I	Proposed Building Plan	1:100 @ A0
9268-106-Rev-I	Proposed Elevations	1:100 @ A0
9268-107-Rev-E	Proposed Roof Plan	1:100 @ A0

A payment of £234, plus the service charge, has been made via the Planning Portal to enable the application to be validated.

1 Background

The current unit was constructed under planning permission reference T88/0836, dated 15th August 1988. Specifically, this planning permission granted the following:

“Erection of non-food retail development (Class A1) with garden centre and associated works”

Swindon Borough Council (‘SBC’) granted full planning permission under application ref. S/21/0931 on 20th October 2021 for the following development:

“Erection of a customer entrance/exit lobby, comprehensive refurbishment including new cladding, external display area, alterations to car park and associated works to the existing retail unit plus the sale of food and drink (Class E) up to maximum 30% of the floor area of the unit.”

This permission was subject to 12no. of conditions. Following this approval, a non-material application (S/AMEND/22/0136) was approved on 15th February 2022. This permitted a relocation of the plant from the roof to the rear of the unit as well as other non-material changes to the external appearance and layout.

A copy of the aforementioned decision notices are enclosed within this submission.

2 Proposed Non-Material Amendment

This application seeks consent for non-material amendments to planning permission ref. S/21/0931, dated 20th October 2021 as already amended by S/AMEND/22/0136. The changes sought under this application are as follows:

- Removal of entrance/exit lobby and tower;
- Replacement of roof;



- Removal of lower brickwork and replacement cladding;
- Relocation of trolley coral at the front of the unit;
- Relocation of DDA spaces;
- Relocation of Spinkler Tank and Pump House within service yard; and
- Relocation of plant back to roof as originally approved.

For clarity, the table below sets out the drawing which we are seeking approval in the Section 96A application:

Drawing Reference	Drawing Title	Scale
9268-104-Rev-BB	Proposed Site Plan	1:100 @ A0
9268-105-Rev-I	Proposed Building Plan	1:100 @ A0
9268-106-Rev-I	Proposed Elevations	1:100 @ A0
9268-107-Rev-E	Proposed Roof Plan	1:100 @ A0

The changes above are sought as a result of the structural engineer having carried out additional ground investigations at the Site. The further information collected has made it clear that it is unlikely to be able to construct the outer skin of brickwork and the large entrance/exit lobby and tower. The ground conditions are poor in terms of their ability to support this type of building works.

The lower brickwork and entrance/exit lobby is therefore no longer possible to construct as shown in the approved plans. It is therefore proposed within this submission to include additional cladding on the lower part of the elevation. The existing building is almost fully clad and therefore the acceptability of the material in this location is well established and the cladding proposed will be new and high-quality ensuring that the overall design of the building and setting continues to be improved as a result of the application and subsequent occupation by Home Bargains.

The removal of the entrance/exit lobby also results in associated works at the front of the unit including the relocation and reconfiguration of disabled bays and trolley corrals. However, it is important to the note that it will not result in a reduction.

Further, the sprinkler tank and pump house is relocated within the service yard to sit next to the building. This is relocated further from residential housing and will sit within the shadow of the retail unit and therefore will not negatively impact the surroundings in terms of aural or visual amenity. Finally, the plant is proposed to be relocated from the rear of the building to the roof space as originally approved.

In summary, the proposed changes are considered by their nature to be non-material against the approved development and do not significantly alter the design and layout of the approved



development. This application does not seek to introduce anything new to the Site, instead it simply seeks non-material amendments which ensures the development can come forward.

3 Conclusion

We are instructed by our client, TJ Morris Limited, to submit the enclosed Section 96A application to make non-material amendments to the permitted planning permission ref. S/21/0931 as amended by S/AMEND/22/0136. The non-material amendments are necessary and primarily brought about due to ground conditions.

We trust the enclosed is sufficient for you to register this planning application, and we look forward to receiving confirmation in due course. If you require any additional information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in grey ink, appearing to read 'Adam Cornish', written in a cursive style.

Adam Cornish
Associate