



A Multi-Disciplinary Planning  
& Development Consultancy

Planning Department  
Cherwell District Council  
Bodicote House,  
Bodicote,  
Banbury,  
Oxfordshire,  
OX15 4AA

My reference:

Your reference:

**By Email: [planning@cherwell-dc@gov.uk](mailto:planning@cherwell-dc@gov.uk)**

30<sup>th</sup> July 2020

Dear Sirs,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION FOR DETERMINATION AS TO WHETHER PRIOR APPROVAL IS  
REQUIRED  
LEISURE INTERIORS, 47F BROAD STREET, BANBURY OX16 5BT**

1. We propose to change the use of this building from B1(c) light industrial use to provide 18 x Class C3 residential units over the existing ground, first and second floors on behalf of the applicant, Cornerstone Place, under Class PA in Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the 2016 Order).
2. "Class PA" came into force on 6<sup>th</sup> April 2016 and was amended further by Article 3 of the 2018 Order in respect of the definition of the "building" to exclude part only of a building to which this PD right applies, and states the following:

***Permitted development***

***PA.*** Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

***Development not permitted***

***PA.1.*** Development is not permitted by Class PA if—

- (a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;
- (b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the prior approval date falls on or after 1st October 2020;

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- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins—
  - (i) an agricultural tenancy over the site has been terminated, and
  - (ii) the termination was for the purpose of carrying out development under this Class,unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;
- (g) the site is, or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area;
  - (iii) a military explosives storage area;
- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

### **Conditions**

**PA.2.**—(1) Development is permitted by Class PA subject to the condition that before beginning the development, the developer must—

- (a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a light industrial use on the date referred to in paragraph PA.1(b);
- (c) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the development,
- (ii) contamination risks in relation to the building,
- (iii) flooding risks in relation to the building,
- (iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Development under Class PA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

### **Background**

3. The application property comprises a three storey light industrial building located to the west side of Broad Street. It comprises approximately 482 sqm GIA.
4. Further details regarding the sustainable nature of this location, access to the building and the number of parking spaces is shown on the attached plans and commented on within the attached Transport Statement (TS) by TPS Transport Consultants Ltd.



- 5. There is no Article 4 direction affecting the site's right to Prior Approval under Class PA.
  
- 6. The property is not listed, nor is any of the immediate adjacent buildings. The site does not fall within a conservation area.

**Planning History**

- 7. There is no planning history for this building online; two planning applications are shown in respect of this postcode and address but they incorrectly relate to a shop and hot food takeaway premises with a very similar address but which is an entirely different unit fronting Broad Street.
  
- 8. It is listed in the Business Rates list under this address as 'warehouse and premises'. There is also a Building Regulations application reference CP/GASAFE/01248/2017 relating to Leisure Interiors 2000.
  
- 9. The Building Regulations application is consistent with the content of the Statement of Truth from Jane Fitzpatrick, who is a Director at Leisure Interiors. This statement could not be sworn on oath as COVID-19 restrictions as inhibited access to a solicitor or commissioner for oaths.

**The Proposals**

- 10. The proposals comprise the following:
  - Change of use of existing B1(c) light industrial building to 18 self-contained small flats across ground, first and second floors.
  - Surface level car parking.
  - No external alterations are proposed nor are there any works of extension or demolition proposed.
  
- 11. The following are enclosed:
  - Site location plan showing the application site in red outline
  - Block Plans showing the existing and proposed parking and servicing arrangements
  - A full set of existing and proposed floor plans

- Statement of Truth from Jane Fitzpatrick
- Transport Statement
- Desktop Phase 1 Environmental Report



**In accordance with Condition PA.1**

12. Our comments are set out below in respect of each condition.

13. Development is not permitted where

*(a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;*

Application made after this date

*(b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*

The building was in B1(c) use as of this date and has been so at all material times since to the date of this application

*(c) the prior approval date falls on or after 1st October 2020;*

This application is made more than 56 days before the 1<sup>st</sup> October 2020

*(d) the gross floor space of the existing building exceeds 500 square metres;*

GIA of the existing building is below 500 sqm

*(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*

The building is not so occupied.

*(f) less than 1 year before the date the development begins—*

*(i) an agricultural tenancy over the site has been terminated, and*

*(ii) the termination was for the purpose of carrying out development under this Class,*

*unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;*

Does not apply.

*(g) the site is, or forms part of—*

*(i) a site of special scientific interest;*

*(ii) a safety hazard area;*

*(iii) a military explosives storage area;*

*(h) the building is a listed building or is within the curtilage of a listed building; or*

*(i) the site is, or contains, a scheduled monument.*

None of these apply.

## **In accordance with Condition PA.2**

14. We require confirmation from the Council that prior approval is not required in relation to the transport and highways impacts, contamination risks and flooding risks of the site and the impact on other industrial and business uses (*if the building is located in an area important for providing such services or businesses*). Each of these elements is addressed in the following sections.

## **Paragraph W of the GPDO 2015 (as amended)**

15. The following is provided in accordance with the requirements of paragraph W:

- **Written description of the proposed development**  
Change of use B1(c) light industrial to provide 18 self-contained flats over ground, first and second floors.
- **Plan indicating the site and showing the proposed development**  
Appropriate plans are included with this application.
- **Developer's contact details**  
Cornerstone Place,  
c/o David Kemp, DRK Planning Ltd,  
215 Alfred Court,  
53 Fortune Green Road,  
London, NW6 1DF
- **Developer's email address**  
All correspondence to be addressed to the following email address:  
david@drkplanning.co.uk

## **Transport and Highways Impact**

16. The site would include sufficient car parking spaces for all 18no 1-bedroom units. Please see the attached TS for further details.

17. Therefore, with regard to all of these matters, the prior approval of the local planning authority in respect of transport and highways impacts is not considered to be required.

## **Flood risk assessment**

18. A flood risk assessment is not required in this case as the site is in Flood Zone 1 and has a low risk of surface water flooding.

19. Therefore, the prior approval of the local planning authority in respect of flood risk from neighbouring commercial premises is therefore considered not to be required.

## **Contamination assessment**

20. The proposals only concern internal alterations to existing floors, so will not have any direct impact on the underlying ground surface. Nevertheless, we have provided a Desktop Phase 1 Environmental Report to assist officers and provide further comfort.

21. Therefore, the prior approval of the local planning authority in respect of contamination from neighbouring commercial premises is therefore considered not to be required.

## **Impact on other Businesses and Services**

22. The property is not within an area important for providing industrial services or storage and distribution services, or a mix of those services. Although the site is within the town centre area, residential uses are generally encouraged in such areas and there is no specific policy constraint in principle against the loss of employment uses in this location.
23. Furthermore, the site is located very close to residential uses and the future potential for industrial or storage and distribution uses is extremely limited on this site given the potential harm this could cause to neighbouring residents and the degree to which access to the site is possible.

## **Conclusions**

24. The existing building proposed to be subject to this application has a lawful B1(c) light industrial use and the proposed change of use presents no contamination or flood risk to the future occupiers of the proposed flats. In addition, the proposal will not lead to a material increase in the character of traffic in the vicinity of the site, indeed there will be a lesser impact on traffic in the area and with regard to paragraph 32 of the NPPF, applications should only be refused on transport and highways grounds if the impact of proposals is likely to be 'severe', which would not be the case with these proposals. The site is an appropriate site for residential use as it is close to existing residential uses and in a mixed character town centre area.
25. Therefore, we ask that this application is granted.

Yours faithfully,

**David Kemp BSc(Hons) PGDL MRICS**  
Director  
DRK Planning Ltd