

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) (ENGLAND)
ORDER 2015

Name and Address of Agent/Applicant:

UPP - Urban Planning Practice
74 Brent Street
London
NW4 2ES

Office (B1) to Residential (C3) "Prior Approval" Determination

Date Registered: 11th December 2020

Proposal: Prior Approval for the change of use from office (Use Class B1a) to residential (Use Class C3) to create 30 self-contained flats.

Location: 2 - 4 Waterperry Court, Middleton Road, Banbury, OX16 4QG

Parish(es): Banbury

REFUSAL OF PERMISSION FOR PRIOR APPROVAL

The Cherwell District Council as Local Planning Authority has determined on the basis of the information submitted that its **Prior Approval is required** for the proposed development specified above but that it is hereby **REFUSED** for the reason(s) set out in the attached schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA



David Peckford
Assistant Director – Planning and
Development

Date of Decision: 5th February 2021

Checked by: Nathanael Stock

REASONS FOR REFUSAL

1. Condition 11 of application Ref CHN 546/89 states that the premises shall be used only for the purpose of B1(a) and B1(b) and for no other purpose whatsoever, including any other purpose in class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987. Regulation 3(4) The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not permit development which would be contrary to any condition imposed by any planning permission. The change of use from B1(a) to C3 therefore requires planning permission.
2. By virtue of its siting adjacent to the commercial operations of Banbury Royal Mail Sorting Office and Banbury train station and associated Birmingham to London railway line, the proposed development would be adversely affected by noise, thereby resulting in an unacceptable living environment for the occupiers of the proposed residential units. Insufficient information has been submitted to demonstrate that such harm could be appropriately mitigated against or that an appropriate internal living environment could be provided. The development would not provide a good standard of amenity for the proposed residents and does not result in sustainable development, contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C30 & ENV1 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>