

Planning Dept  
Oxford City Council  
St Aldates Chambers,  
109 St Aldate's,  
Oxford OX1 1DS

Dear Sirs

**Site: Unit 19 Kingsmeadow, Osneymead Oxford OX2 0DP**

**Application: to expunge conditions 3, 7 and 8 of plan ref: 87/00820/NF**

Unit 19 lies within the Kingsmeadow Industrial Estate on land granted planning permission, ref: 87/00820/NF, for 21 units arranged in 4 blocks for light industrial and ancillary storage/offices uses. This was granted by a delegated decision on 16 Oct 1987 and contained 16 conditions.

This covering letter supports an application to expunge conditions 3, 7 and 8 of planning permission as it applies to Unit 19.

**Condition 3** states :

- a) Notwithstanding Class B1 of Part 8 of the Town and County Planning (Use Classes Order) 1987, the development shall be confined to light industrial use being an industrial use of the type which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*
- b) For the avoidance of doubt no retail use shall be undertaken at the premises hereby permitted*

**Condition 7** states:

*"The occupation of the development, the subject of this permission shall be restricted to those firms, persons or organisations which in the opinion of the LPA have an operational need to be in the city because a:*

- I. There is need for access to the local market or labour force, or*
- II. There are significant links with supportive firms or organisations locally or*
- III. The user provides a necessary local service or*
- IV. The user is already established locally or is being set up by local residents or workers*

**Condition 8** states:

*Details of the proposed occupier shall be submitted to and approved in writing by the LPA before the premises are occupied".*

The Land Use Classification Order 1987 (England) was substantially amended on 1<sup>st</sup> September 2020 by Statutory Instrument No 757 to amalgamate Class A and B into a single Use Class. The resulting Class E, Part A & B (Schedule 3 Article 3) ensures that any change of use therein is not 'development' as defined in §55(1) of the Principle Act.

Given the above context, Condition 3 no longer applies and therefore is requested to be removed.

Regarding conditions 7 and 8 – these are, in a modern context, considered ultra-vires of the planning permission and do not meet the conditions tests as outlined in paras 54 to 57 of the Framework. In such circumstance, they too are requested to be removed.

You will note that any change within the Use Classification Order does not require planning permission and is therefore outside the policies contained within the Local Development Plan.

I note that there is an Article 4 Direction (adopted March 2015) which includes the Kingsmeadow Estate preventing the conversion of offices to residential units.

I note that several of these units have been granted expressed planning permission for various uses that are outside the current LUCO Classes A and B.

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Given this context, we believe that there is a sound justification for removing the said conditions of the planning permission as it applies to Unit 19.

I trust this is to your satisfaction but if you require any further please do not hesitate to contact me.

Yours sincerely



**David Lomas**

Director

