

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**24 April 2014**

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## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

24 April 2014

### WRITTEN UPDATES - ADDENDUM

#### Item 12 – Former Winners Bargain Centres – 14/00154/F

##### Policy Response

I refer to your memorandum dated 4 February 2014 regarding the above application. The application proposes the construction of 40 assisted living units (use class C2) together with ancillary accommodation on the site of Winners Bargain Centres, Victoria Road, Bicester. The comments below relate to the principle of the proposed development.

##### **History of the Site**

I understand that the current application follows two similar applications which were both refused: 12/01465/F (Construction of a 60 bed care home) and 13/00484/OUT (Construction of a 36 unit assisted living home (class C2)). 12/01465/F was refused on design grounds whilst 13/00484/OUT was refused in the absence of a satisfactory planning obligation agreement. The latter refusal was taken to appeal, and the appeal was subsequently dismissed. The principle of the proposed use at the site in terms of compliance with policy was not a reason for refusal of either application and was not therefore contested at appeal. The most recent Committee Report notes that (application 13/00484/F, paragraph 5.9) 'Given the above assessment and the location of the site in relation to the town's main retail streets it is considered that the principle of a residential care home within Bicester town centre between commercial properties and other residential areas is acceptable'.

I understand that the current proposal is not for self-contained dwellings such as independent extra care accommodation but this should be clarified with the applicant if required.

##### **Compatibility with the Development Plan and other Local Plan policies**

The main relevant policies are set out below.

##### **Adopted Cherwell Local Plan 1996**

The Adopted Cherwell Local Plan 1996 contains a number of policies of relevance to the proposal including H4 – Provision of Housing Schemes for the Elderly which sets out that such schemes will be encouraged within convenient reach of shops, community facilities and public transport. Policy H4 will be replaced by Policy BSC 4 of the Cherwell Local Plan 2014 upon its adoption.

The application site is not within the boundary of Bicester Town Centre as defined in the Adopted Cherwell Local Plan 1996.

A number of the design and conservation policies of the Adopted Cherwell Local Plan are relevant particularly as the site abuts the Bicester Conservation Area.

##### **Material Considerations**

##### **Non Statutory Cherwell Local Plan 2011**

Policy H6, similar to H4 of the Adopted Cherwell Local Plan, sets out that the provision of housing schemes for older people must be located on sites within convenient reach of shops, community facilities and frequent public transport services.

The application site is within the boundary of Bicester Town Centre as defined in the Non Statutory Cherwell Local Plan 2011 but it is not primary shopping frontage. Policy S12 sets out that proposals for new retail, leisure, residential or other development appropriate to a town centre location will be permitted within Bicester Town Centre.

A number of the Non Statutory Cherwell Local Plan's policies concerning 'Conserving and Enhancing the Environment' and 'Urban Design and the Built Environment' are relevant to the proposal.

#### **Submission Cherwell Local Plan 2014**

Since the decisions on previous planning applications at the site, including the appeal decision dated 24 January 2014, the Cherwell Local Plan 2014 has been submitted to the Secretary of State for independent Examination (on 31 January 2014). Hearings sessions to examine the soundness of the Local Plan are scheduled to commence in June 2014.

Paragraph 216 of the National Planning Policy Framework (NPPF) indicates the weight that may be given to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Local Plan has now reached an advanced stage. The Submission Local Plan policies are considered to be generally consistent with the NPPF. It is considered that the first and third bullet points of paragraph 216 of the NPPF are met and therefore some weight can be given to the Submission Local Plan policies. However, there are some unresolved objections relating to the policies in the Plan (including Policy Bicester 5, below) which limits the weight to be given to the emerging plan policies.

The Submission Cherwell Local Plan focuses on the creation of sustainable economic growth, with an emphasis on providing diverse employment. The policies in the Local Plan provide a clear framework to guide development that creates positive, sustainable growth, therefore following the presumption in favour of sustainable development set out in the NPPF. In terms of specific policies, the main relevant policies in the Submission Cherwell Local Plan 2014 are as follows:

#### **Bicester 5 – Strengthening Bicester Town Centre**

The application site is within the current Bicester town centre as defined by Policy Bicester 5. Policy Bicester 5 sets out that the policy aims with regards to the town centre are to:

- Support the viability and vitality of the existing town centre
- Encourage economic activity
- Assist with the connectivity between the existing town centre, a new Bicester Town Railway Station, Bicester Village and adjoining existing and proposed residential areas
- Improve the character and appearance of the centre of Bicester and the public realm.

The policy sets out that 'shopping, leisure and other town centre uses will be supported within Bicester town centre'. Residential uses are not town centre uses as defined by the NPPF. However Policy Bicester 5 further states that 'Residential uses will be supported in appropriate locations in Bicester town centre except where it will lead to a loss of retail or other Main Town Centre Uses'. The redevelopment of the Winners site for a care home would lead to the loss of a retail use but it is noted that Winners has not been open for some time and it is understood that during consideration of previous applications on the site,

information was provided on activities undertaken to market the site to new prospective occupiers and the enquiries received in response related to residential/care home proposals. The content of Policy SLE 2: Securing Dynamic Town Centres is not directly relevant to this proposal since it contains policy relating to directing town centre uses to town centre locations, and requiring a sequential and impact assessment for town centre uses outside of centres. However, the supporting text to Policy SLE 2, paragraph B.48, sets out that 'the renewal and strengthening of the town centres is critical' including through the creation of uses which generate employment other than retail and commercial uses.

Policy BSC4: Housing Mix seeks a mix of homes in the interests of meeting housing need with paragraph B.118 of the Submission Local Plan highlighting the needs of an ageing population.

The Submission Cherwell Local Plan contains a number of other policies of relevance to the detail of this proposal including ESD 1: Mitigating and Adapting to Climate Change, ESD 2: Energy Hierarchy, ESD 3: Sustainable Construction, ESD 7: Sustainable Drainage Systems (SuDS), and ESD 16: The Character of the Built and Historic Environment.

### **National Planning Policy Framework (NPPF)**

The NPPF paragraph 14 sets out a presumption in favour of sustainable development, with sustainable development defined as having an economic, social and environmental role. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (paragraph 8). Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (paragraph 9).

Paragraph 19 of the NPPF states that 'significant weight should be placed on the need to support economic growth through the planning system'. Planning should operate to encourage and not act as an impediment to sustainable growth. Whilst the application site is not an allocated employment site, parts of paragraph 22 are relevant in advising that 'applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.

The NPPF seeks the delivery of a wide choice of high quality homes, to widen opportunities for home ownership, and to create sustainable, inclusive and mixed communities through the provision of a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community (paragraph 50).

In terms of town centres, the NPPF promotes the vitality and viability of town centres and is clear regarding the role that local planning authorities have in promoting competitive town centre environments which includes considering residential development on appropriate sites (paragraph 23). The site is situated to the rear of retail activity along Sheep Street, separated from Sheep Street by Victoria Road (at the western side of the application site). On the northern, eastern and southern sides the site is surrounded by residential development. In this particular case it is considered that the application site is distinct from the retail activity of the town centre and could therefore be considered an 'appropriate location' for residential uses/care home use under the NPPF and Policy Bicester 5.

### **National Planning Practice Guidance**

Along with the Submission of the Cherwell Local Plan, one further difference in the policy context since the previous decisions relating to the site is the publication of the National Planning Practice Guidance (NPPG) on 6 March 2014. The NPPG includes the following advice of relevance to the 'town centre' aspect of this application:

- Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work
- Local planning authorities should take full account of relevant market signals when planning for town centres

- A positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits.

### **Conclusions**

In this particular case, the principle of the change of use has been established by previous decisions and by the appeal decision in which the principle of the change of use was not contested. Whilst the loss of retail use at the site would be contrary to Submission Local Plan Policy Bicester 5, in this case there are material considerations which may indicate that the proposal does accord with the broad aims of Policy Bicester 5 set out in paragraph C.64b of the Submission Local Plan, and with paragraph 23 of the NPPF regarding residential development being encouraged on 'appropriate sites' within town centres. These considerations include the location of the site in relation to surrounding residential development, the retail unit having been vacant for some time, and attempts to attract new retail occupiers having been unsuccessful. The proposal will encourage economic activity in creating circa 20 jobs once the care home is operational. The potential to achieve some environmental improvements at the site might also be considered to accord with the final bullet point of paragraph C.64b regarding improving the character and appearance of the centre of Bicester and the public realm (subject to the detailed comments of other consultees).