

**Site Address: Bicester Town Centre  
Development, Manorsfield Road,  
Bicester**

**13/00138/F**

**Ward: Bicester Town**

**District Councillor: Councillor D.M.Pickford  
Councillor D. Edwards**

**Case Officer: Bob Duxbury**

**Recommendation: APPROVE**

**Applicant: Town Centre Retail (Bicester) Ltd**

**Application Description: Variation of Condition 36 of 11/01178/F – To extend the use of Units A1 and A2 from A1 Retail to include all A1-A5 Retail Uses**

**Committee Referral: Major**

## **1. Site Description and Proposed Development**

1.1 This application relates to two retail units which are currently under construction as part of the Bicester Town Centre regeneration scheme. They are situated in the block adjacent to the Sainsbury's block which contains the proposed cinema. The application seeks to allow these two units to be used for all A1-A5 retail uses rather than just A1 (retail) as originally approved

1.2 The units to which the application relates will front onto the new pedestrian street currently being formed (Bure Place) and the adjacent terrace of units (Units A3-A6) will continue to be for A1 retail only uses only .

1.3 The current condition states  
"notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) order 1987 (2005) units ET1 A7 and CW7 shall be used for purposes falling within Classes A1 or A3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 1987 (2005) only and for no other purpose.

It is proposed to vary this condition to insert  
"notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) order 1987 (2005) units ET1 A7 and CW7 shall be used for purposes falling within Classes A1 or A3, **and Units A1 and A2 shall be used for purposes falling within Classes A1-A5** of the Town and Country Planning (Use Classes) (Amendment) (England) Order 1987 (2005) only and for no other purpose

## **2. Application Publicity**

2.1 The application has been advertised by means of site notices

2.2 No representations have been received

## **3. Consultations**

3.1 Bicester Town Council welcomes this application and raises no objections

3.2 Oxfordshire County Council, as local highway authority, comment that the proposal does not appear to be increasing the approved floor areas of the approved development, therefore the proposal is unlikely to have any highway safety

implications and no objections are raised

#### **4. Relevant National and Local Policy and Guidance**

##### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- TR1: Transportation funding
- S12: Town Centre Development

##### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Submission Draft (August 2012)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- SLE2: Securing Dynamic Town Centres
- Bicester 5: Strengthening Bicester Town Centre
- Bicester 6: Bure Place Town Centre Redevelopment

#### **5. Appraisal**

##### 5.1 The key issues raised by this development are:

- The impact of the change of use upon the vitality and viability of the town centre
- Impact upon heritage aspects
- Impact upon neighbours
- Highway/parking impacts

##### **Policy Context and the Principle of Additional Floorspace**

5.2 The National Planning Policy Framework and our own Local Plans (adopted and proposed submission documents) all demonstrate the urban focus that should be adopted by local planning authorities. The application site is within the town centre boundary in the adopted Local Plan and the proposed submission local plan and is part of a site that has long been promoted as a site for town centre regeneration

5.3 The National Planning Policy Framework (NPPF) establishes a clear presumption in favour of sustainable development and indicates in paragraph 14 that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

5.4 Section 2 of the NPPF seeks to ensure the vitality of town centres and requires LPAs to promote competitive town centres that should provide customer choice and a diverse retail offer. Paragraph 26 confirms that impact assessments are not required

5.5 It is important to assess if the introduction of other than normal A1 uses will

detrimentally impact upon what will become a primary shopping frontage

- 5.6 Members are reminded that the A (retail classes) are divided as follows in The Town and Country Planning (use classes) Order
- A1 shops
  - A2 professional and financial
  - A3 restaurant and café
  - A4 drinking establishments
  - A5 hot food takeaways
- 5.7 The units will be central to the new development and are well located to provide a variety of town centre uses. The applicants seek to extend the allowable use categories to allow greater flexibility of tenants and therefore to help reduce the likelihood of vacancy and therefore assisting in maintaining the vitality and vibrancy of the town centre. The proposed A3-A5 uses will also compliment and support the adjacent cinema use. This is agreed by the HPDDM and it is considered that the ability to change uses as proposed is acceptable and will not harm the vitality or viability of the town centre and that therefore it complies with the type of policies set out in section 4 above.
- 5.8 The proposed change of uses is unlikely to have an impact upon the Conservation Area which is centred as Sheep Street and Market Square and will it will also not harm the heritage aspect or the setting of listed buildings.
- 5.9 There are relatively few residential properties nearby and this is considered to be a good location for A3-A5 uses which will remain open into the evening and hopefully help to provide a vibrant night-time economy associated with the cinema use.
- 5.10 Uses other than A1 should not affect the access and car parking patterns this will be established by the new centre development.
- 5.11 **Engagement**  
With regards to the duty set out in paras 186 and 187 of the framework it is considered that the duty to be positive and productive has been discharged through the formerly determination of this application

## 6. Recommendation

**Approval**, subject to:

a) the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Notwithstanding the provisions of the Town and Country Planning (use classes) (Amendment) (England) Order 1987 (2005) Units GT1, A7 and CW7 shall be used for purposes falling within Classes A1 or A3, **and Units A1 and A2 shall be used for purposes falling within Classes A1-A5** of the Town and Country Planning (Use Classes) (Amendment) (England) Order 1987 (2005) only and for no other purpose

3. Those conditions placed upon 11/01178/F that one still required and relevant given this current stage of development.

### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.