

Case Officer: Gemma Magnuson **Ward(s):** Bicester East

Applicant: Ms Karen Curtin – Cherwell District Council

Ward Member(s): Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Proposal: Change of use from Class A to Blass B1(a) office "Incubation space for start-up business"

Committee Date: 19.01.2017 **Recommendation:** Approve

Reason for Referral Cherwell District Council Application

1. Application Site and Locality

- 1.1 The application relates to a ground floor Class A (A1, A3, A4 or A5) unit at Franklins House on Wesley Lane in Bicester town centre. The building has recently been constructed, and is not a listed building. The site is in close proximity to the Bicester Conservation Area boundary. The land is potentially contaminated, and is of medium archaeological interest. A number of protected and notable species have been identified in the vicinity.
- 1.2 Franklins House is a five storey building that has consent for mix of uses including Class A, B1 (a), C1 and D1 uses.

2 Description of Proposed Development

- 2.1 The current application seeks a temporary 5 year consent to change the use of Unit 2 from Class A (A1, A3, A4 or A5) to Class B1(a), allowing the flexibility to lease the space as either Class A or Class B1(a) for 5 years. If the unit is not taken up for retail use then it is proposed to operate as an incubation centre for start-up businesses. More specifically, the office would be designed to provide desk space, meeting space and hot desk space to support start-up businesses locating within Bicester. The applicant considers the temporary 5 year consent is sufficient to provide the catalyst for local office-based businesses to locate within Bicester in the first instance, before finding longer term premises in the Bicester area.

3 Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
14/00403/F	Erection of a five storey building comprising community and town centre uses together	Permitted 20

with servicing and alterations to the vehicle access June 2014

15/00180/F	Variation of Conditions 2, 3, 15 and 18 of 14/00403/F	Permitted on 20 March 2015
15/02230/F	Variation of Conditions 2 and 18 of 14/00403/F	Permitted on 22 January 2016

4 Response to Publicity

4.1 This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comment was 05 January 2017. One letter has been received commenting as follows:

- The redundant space could be used for community purposes. For instance, part could be used to house a Heritage Centre/Museum. Another part could be used as a Post Office, generating income and easing pressure on Martins in Sheep Street. Any surplus space could be used as incubation space, accomplishing three projects.

5 Response to Consultation

Bicester Town Council: welcome the application.

Cherwell District Council Business Support Unit: no comments received.

Cherwell District Council Economic Development: no comments received.

Oxfordshire County Council Highway Authority: no objection.

6 Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

SLE1 - Employment Development

SLE2 - Securing Dynamic Town Centres

BIC5 - Strengthening Bicester Town Centre

Cherwell Local Plan 1996 (Saved Policies)

ENV1 – Development likely to cause detrimental levels of pollution

C28 - Layout, design and external appearance of new development

C31 – Compatibility of proposals in residential areas

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7 Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;

Principle of Development

- 7.2 The acceptability of the principle of the change of use from Class A (A1, A3, A4 or A5) to B1(a) stands to be considered against Government guidance contained within the NPPF and Policies SLE1, SLE2 and Bicester 5 of the Cherwell Local Plan 2011-2031.
- 7.3 The Cherwell Local Plan 2011-2031 designates the site as being beyond the current town centre boundary, although within the Area of Search for the Town Centre Extension. The site is not within the Primary Shopping Frontage.
- 7.4 Government guidance contained within the NPPF to ensure that local authorities support the viability and vitality of town centres, as the heart of their communities. A range of suitable sites should be allocated in order to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development that is needed in town centres. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity. A Main Town Centre Use (MTCU) is defined as retail development, leisure, entertainment facilities (e.g. cinemas, night clubs, health and fitness centres, bingo halls), offices and arts, culture and tourism development. The B use proposed does not fall into this definition.
- 7.5 Policy SLE 1 of the Cherwell Local Plan 2011-2031 relates to employment development, which is defined as a B Use Class. Employment proposals in Bicester would be supported if

they are within the built-up limits of the settlement, outside the Green Belt, make efficient use of previously developed land, make efficient use of existing and underused sites and premises and increasing the intensity of use on sites, have good access by public transport and other sustainable modes, meet high design standards using sustainable construction and does not have an adverse effect on surrounding land uses, residents and the historic and natural environment.

- 7.6 Policy SLE2 of the Cherwell Local Plan 2011-2031 seeks to direct retail and other Main Town Centre Uses towards the town centre of Bicester. Where proposals for retail and other MTCU's are proposed in non-town centre locations they should be in edge of centre locations. Preference will be given to sites that are well connected to the town centre and the sequential test will be applied.
- 7.7 Policy Bicester 5 seeks to strengthen Bicester town centre and states that shopping, leisure and other MTCU's will be supported within Bicester town centre. The Council will review the town centre boundary through the Local Plan Part 2, but prior to this, retail and other MTCU's will only be supported within the Area of Search if they form part of new schemes which help deliver the aims for central Bicester.
- 7.8 Whilst the site itself is beyond the current town centre boundary, the unit does form a part of a larger building accommodating other MTCU's, such as the existing offices and hotel, which have only recently been accepted in this location. Further, the site is around 10 metres from the current town centre boundary, and forms a part of the Area of Search. Whilst other vacant units are available within the current town centre boundary that could be considered for the proposed B1 (a) use, given that the proposed use would replace an approved MTCU, the close proximity to the current town centre boundary and the aims of the development to make use of a vacant unit, encourage economic activity and improve the character and appearance of the centre of Bicester, it is considered that the principle of the development can be supported.
- 7.9 In addition, only a temporary consent is sought, enabling the development to be re-assessed at the end of the five year period, if necessary.

Design, Layout and Appearance

- 7.10 The proposed development would involve no external alterations and there would be no impact upon the design, layout and appearance of the building as a result.

Impact on Heritage Assets

- 7.11 The proposed development would involve no external alterations and there would be no impact upon the setting of the designated Conservation Area as a result.

Accessibility, Highway Safety and Parking

- 7.12 The site itself does not benefit from designated off-street car parking, although it is positioned opposite a large public car park and in close proximity to bus stops serving the town centre. There are 10 cycle spaces available on site. The Highway Authority has raised no objection to the change of use, and it is considered that the development would not result in harm to highway safety, in accordance with Government guidance contained within the NPPF.

Effect on Neighbouring Amenity

- 7.13 Government guidance contained within the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the Cherwell Local Plan 2011-2031 states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. In addition, saved Policy C31 of the Cherwell Local Plan 1996 seeks compatible development in residential areas, and saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to resist development that would result in materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution.
- 7.14 When taking account of the current authorised use of the site for Class A1, A3, A4 or A5 purposes, it is considered that Class B1(a) has a lower potential to detrimentally affect the amenity enjoyed by the occupants of nearby residential properties. Class B1(a) uses are generally compatible with residential areas, and it is not considered that significant harm would be caused to living amenities, in accordance with the above Policies.

8. Conclusion

- 8.1 The principle of the proposed change of use in this edge of centre location is considered acceptable, and the development is not considered to cause harm to the visual amenities of the area, the setting of the designated Conservation Area, highway safety or neighbouring amenity, in accordance with Government guidance contained within the NPPF, Policies SLE1, SLE2, ESD 15 and Bicester 5 of the Cherwell Local Plan 2011-2031 and saved Policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

9. Recommendation

That the application is **approved**, subject to 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. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Supporting Planning Statement dated November 2016, Drawing Number 035/01, 035/02

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The premises shall be used only for purposes falling within Class B1(a) as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason – To enable the Council to review the position at the expiration of the stated period,

in order not to prejudice the consideration of future proposals for the land in accordance with Policies SLE2 and Bicester 5 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. At the expiration of five years from the date hereof the use specified in your application shall be discontinued and the unit shall revert back to Class A1, Class A3, Class A4 or Class A5 use as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 approved as part of 15/02230/F.

Reason – To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land in accordance with Policies SLE2 and Bicester 5 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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