

**Shopmobility  
Unit A4A  
Pioneer Square  
Bure Place  
Bicester  
OX26 6FA**

**17/02157/F**

**Applicant:** InHealth

**Proposal:** Change of use of Unit A4a Pioneer Square from A1 (retail) use to a D1 healthcare facility, with minor internal and external alterations

**Ward:** Bicester East

**Councillors:** Cllr Sean Gaul  
Cllr Richard Mould  
Cllr Tom Wallis

**Reason for Referral:** The premises is in the ownership of the Local Authority

**Expiry Date:** 20 December 2017      **Committee Date:** 14 December 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located on the eastern side of the Pioneer Square Shopping Centre which is located in central Bicester. The site is located within the Bicester Conservation Area. Although within the town centre, the unit has a frontage on to Bure Place, which is a pedestrian route within the town centre. Although the unit has a street frontage, the unit is not within the primary shopping area, which fronts on to Sheep Street. The Pioneer Square development forms part of the town centre redevelopment scheme.
- 1.2. There is a mixture of uses within the locale; with the neighbouring units providing D2 (gym) and A1 (retail) uses. Although the existing unit has a Class A1 use it has not been occupied since the opening of the development in July 2013.
- 1.3. The original floor space that made up Unit 4 is in the process of being subdivided into two separate entities which both incorporate mezzanine space. Unit A4A, the subject of this application, has a footprint of approximately 177 square metres.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The proposals relate to a mezzanine unit at Unit 4a, Pioneer Square. The site currently has a class A1 retail use, although the site has never been occupied. The proposed development is for the change of use of the unit to form a Class D1 unit.
- 2.2. The proposed unit will operate as a clinic for diagnostic procedures (endoscopies etc). The unit will have a ground floor reception and ancillary retail on the ground

floor as well as outpatient treatment areas and consultation rooms. Ancillary uses are also included on the first floor to create staff facilities, via a new stairway.

### **3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
07/00422/F	Demolition and comprehensive redevelopment to provide a mixed use town centre development of up to four storeys incorporating; supermarket and cafe, 2 no. new public squares, multi-screen cinema, civic building inc. public library, bus interchange, 25 no. retail units, extensions to 3 no. existing units, provision of restaurants and cafes, refurbishment of Crown Walk with change of use of unit from A1 retail to A3 cafe, 526 no. car parking spaces, 19 no. residential units, diversion of Town Brook, infrastructural alterations and associated landscaping (as amended by plan 2004/075/PO8 Rev B rec'd 08.05.07 with letter dated 04.05.07 and including supplementary transport information received 06.06.07).	Application Permitted
09/01687/F	Foodstore, non food retail, cinema, car park, servicing and other ancillary town centres uses (amendments relating to planning permission 07/00422/F)	Application Permitted

### **4. PRE-APPLICATION DISCUSSIONS**

4.1. No pre-application discussions have taken place with regard to this proposal.

### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, 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 comments was 23.11.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

### **6. RESPONSE TO CONSULTATION**

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Bicester Town Council:** “Welcome the application” and have no negative comments to make regarding the proposal

#### STATUTORY CONSULTEES

- 6.3. **OCC Highways** – No objections

#### NON-STATUTORY CONSULTEES

- 6.4. **N/A**

### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE2 - Securing Dynamic Town Centres
- SLE4 - Improved Transport Connections
- Bicester 5 - Strengthening Bicester Town Centre
- ESD15 - The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **8. APPRAISAL**

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the conservation area
- Other matters

#### Principle of development

- 8.2. The National Planning Policy Framework (NPPF) aims to create healthy communities and to ensure the vitality of town centres by ensuring a range of uses. The area currently has a number of different uses such as A4 (Pubs), A1 (retail) and D2 (gym –14/00890/F refers). Health centres are referred to within the appendix of the NPPF that identifies “main town centre uses”.

- 8.3. The application seeks permission for the change of use of the current Class A1 retail unit to become a screening health clinic (use Class D1). Although not a drop in doctors' surgery the unit is still classed in the D1 category, in that it provides a health related diagnostic service. Although the unit has always had an A1 use, it has been empty since the completion of the shopping development in July 2013.
- 8.4. Policy SLE2 of the CLP 2031 Part 1 requires main town centre uses to be directed towards the existing town centres of Banbury, Bicester and Kidlington. The application site is within the town centre and the proposed use is considered to be a main town centre use that would be appropriate for this area. The proposal is therefore considered to comply with Policy SLE2.
- 8.5. All proposals complying with SLE2 should also accord with Policy SLE4 of the CLP 2031 Part 1. Policy SLE4 aims to support sustainable locations for employment growth. The proposal is considered to be within the town centre and is well served by existing transport connections and sustainable transport options. This policy states "all development where reasonable to do so, should facilitate the use of public transport, walking and cycling", which this application is considered to do. The proposal is therefore considered to comply with Policy SLE4.
- 8.6. It is acknowledged that the town centre redevelopment's main aim was to energise the principal retail area. Given the fact that the unit has been empty since its construction the proposed change of use seen to comply with Local Development Plan Policy SLE2 as the change of use would lead to a mix of uses and creating a more dynamic town centre.
- 8.7. Policy Bicester 5 of the CLP 2031 Part 1 states that shopping leisure and other main town centre uses will be supported within Bicester town centre. It goes on to state that only A1 and A3 uses will be permitted on the ground floor in the primary shopping area. However, the proposed site falls outside of this defined area.
- 8.8. Policy Bicester 5 further states that proposals for town centre uses will be considered against SLE2 (see above), ESD10 (not relevant in this instance) and Policy ESD15.
- 8.9. Subject to compliance with Policy ESD 15, the principle of the development is therefore not in conflict with any of the aforementioned policies set out in the CLP 2031 Part 1.

#### Design, and impact on the character of the conservation area

- 8.10. Policy ESD15 of the CLP 2031 Part 1 states that '*new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*'
- 8.11. Whilst located within the Bicester Conservation Area, the only external changes that are proposed as part of the current submission relate to works associated with the repositioning of the front entrance and a new fire door in the rear elevation, which will require a modest reduction in the size of a waste bin cage which runs down the rear of a number of the business units. These changes will not unduly affect the character and appearance of the Bicester Conservation Area and therefore accord with Policy ESD15.

### Other matters

- 8.12. The Highways Liaison Officer is satisfied that there are no potential parking or highway safety issues associated with the development. However as not all activities within Class D1 would necessarily have a neutral impact on highway safety, it is considered prudent to restrict further changes within this use class.
- 8.13. Notwithstanding the proposed year round 8am - 8pm opening hours, given the units town centre location, there are no residential neighbour amenity concerns associated with the proposal. The development therefore accords with Policy ESD15 in respect of these matters.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. For the reasons set out in this report, Officers conclude that the proposal accords with Policies SLE2, SLE4, Bicester 5 and ESD15 of the CLP 2031 Part 1 and therefore recommend this proposal for approval subject to appropriate conditions.

## **10. RECOMMENDATION**

That permission is granted, 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 application forms following plans and documents: "16005/IR/MLa/14863631v2", "IL16005/01-002revA", "17/169/SK2", "17/169/SK4" & "17/169/SK6"

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. Unit A4A shall be used only for the purpose of a health clinic and for no other purpose whatsoever, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 1987 (as amended).

Reason: To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard highway safety in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Gavin Forrest

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