

**Shopmobility
Unit A4
Pioneer Square
Bure Place
Bicester
OX26 6FA**

18/00995/F

Applicant: Portman Healthcare Limited

Proposal: Change Of Use From A1 To D1 (Non-Residential) Class for use as a dental practice

Ward: Bicester East

Councillors: Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Reason for Referral: Application site owned by Cherwell District Council

Expiry Date: 31 July 2018 **Committee Date:** 23 August 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as the application site is owned by Cherwell District Council.

Proposal

Planning permission is sought for the change of use of the Unit from A1 (Retail) to D1 (Non-Residential) for use as a Dental Practice.

Consultations

- Statutory consultees have raised no objections to the application.
- Bicester Town Council have raised no objections to the application.
- OCC Highways have raised no objections.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application are:

- Principle of development
- Design, and impact on the character of the area
- Other matters including Highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposals are acceptable, subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – GRANT PERMISSION SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

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 abuts 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 A4 is in the process of being subdivided into two separate entities which both incorporate mezzanine space. Unit A4B, the subject of this application, has a footprint of approximately 177 square metres. Unit A4A was given permission to be converted into healthcare facility at the end of last year.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposals relate to a mezzanine unit at Unit 4, 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.

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	Application Permitted

plan 2004/075/PO8 RevB rec'd 08.05.07 with letter dated 04.05.07 and including supplementary transport information received 06.06.07).

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 dated 03 September 2009)	Application Permitted
17/02157/F	Change of use of Unit 4a Pioneer Square from A1 (retail) use to a D1 healthcare facility, with minor internal and external alterations	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 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 03.07.2018, 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BICESTER TOWN COUNCIL: **No Objections** - Would welcome the dental practice but seek clarification that the property would be accessible to all members of the public.

STATUTORY CONSULTEES

- 6.1. LOCAL HIGHWAYS AUTHORITY: **No objections.**

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
- ENV1 - Development likely to cause detrimental levels of pollution

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 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). At the end of last year permission was given to convert the other half of Unit A4 into a health centre (17/02157/F refers).

8.3. The application seeks permission for the change of use from the current Class A1 retail use to a dental practice (use Class D1). 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. Although the application site is within the town centre, the proposed use does not meet the definition of a 'main town centre use' as set out in the NPPF.

8.5. It is however acknowledged that the town centre redevelopment's main aim was to energise the principal retail area. Given that the premises lie outside the primary shopping frontage and has been empty since its construction the proposed change of use is seen to accord with the principle of Policy SLE2 as the increase in footfall would unquestionably result in a more dynamic town centre.

8.6. 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.

- 8.7. 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, as already stated, the application 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 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. There are no changes proposed to the external appearance of the unit and so there would be no impact on the character and appearance of the area beyond the existing situation and therefore the proposals would accord with Policy ESD15 of the CLP 2031 and would be acceptable in this respect.
- 8.12. It is noted that there would be the addition of new vinyl signage to the frontage of the unit. The details of this would have to be approved under the future submission of an Advertisement Consent.

Other Matters

- 8.13. Notwithstanding the proposed 8am - 8pm (Mon-Fri) and 8.30am-17.30pm (Sat) opening hours, given the unit’s town centre location, there are no residential neighbour amenity concerns associated with the proposal. The development therefore accords with Policy ENV1 of the CLP 1996 in respect of this matter.
- 8.14. Oxfordshire County Council raised no objections to the proposals stating that it is unlikely that the development would have any impact upon highway safety at the site. However, it is considered that other possible uses within Use Class D1 could result in more significant potential impacts on highway safety than a Dental Practice, and as such a condition should be imposed restricting the use of the unit to solely a dental practice.

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

The exact conditions and the wording of those conditions are delegated to the Assistant Director for Planning Policy and Development, the conditions will cover:

1. Time Limit
2. Compliance with the Approved plans
3. Restriction on use of site as a Dental Practice only

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