

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**3 January 2013**

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# Agenda Item 18

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

3 January 2013

### WRITTEN UPDATES

Agenda Item 6

12/01193/F

Land SW of Bicester  
Village, adj A41, Bicester

#### Late representations

1. Members will be aware of the letter from Justin King of Sainsbury's addressed to Sue Smith which was copied to all Members objecting to the scheme and raising 2 significant points, as follows:

- a) The Council's own retail study shows that there is insufficient retail capacity in Bicester for any further out of centre development and that any additional retail provision should be focused on the town centre and then only once our development is established.
- b) "We will not commit to fitting out our new store until the outcome of these applications is known".

2. Objection received from Bicester Town Centre Enterprises. As stakeholders in the retail and office sectors in Bicester, a number of businessmen have formed a steering group with the intention of creating an organisation to promote and protect the various enterprises with businesses within the town centre.

Concerned about the future viability of the town centre and the protection of the existing businesses should the proposals be approved. CDC should protect and benefit the existing businesses in order to maintain a vibrant town centre in line with governmental guidelines.

Bicester retailers has struggled enormously in recent years and the town centre redevelopment scheme means that we need a period of stability for businesses to recover their vitality. The re-development scheme should not be undermined.

The proposals would undermine any recovery in the town and result in the closure of more shops. A number of nationals have said they will withdraw from Bicester. The developments aren't needed.

3. Objection received from a local resident. I have heard from the local press that Sainsbury's are concerned about the applications. The current store is cramped and not really fit for purpose and I can well understand Tesco's wish to build a new larger store and I support the expansion of Bicester Village and relocation of the current Tesco Store.

Whilst the traffic solution may be an improvement but I have concerns that the problem will just shift further down the A41 towards the M40. There was a lot of congestion on Boxing Day when Tesco was closed and this will get worse with the new Kingsmere development, hotel and public house. The proposals are on major routes used by HGVs. This traffic is likely to increase further clogging up this important town by-pass

The site has been allocated for business/employment for a new Business Park. A new road arrangement is required.

Sainsbury's suggestion for Bicester Village to relocate new the station car park is unworkable as the site's needed for railway improvements and the

station rebuild. Their threat to withdraw from the town centre is a red herring. Tesco should vacate the town centre and a unit that size should be a M&S, Debenhams or BhS. If Sainsbury's do vacate, it could be used by Asda or Morrisons.

Tesco should go to the site off the A4421 Charbridge Lane near Launton instead.

**4.** Letter from Tesco questioning whether the application is a departure from the development plan.

Policy EMP1 relates to employment generating development so isn't relevant to retail development. Policy EMP1 isn't relevant to this application.

The built up limits of the settlement aren't defined. The adopted Plan is out of date regarding the planned use of the site due to the extant permission for the business park.

The fact that the site isn't allocated does not mean it's a departure but that technically there may be an argument that the proposal should be considered against saved policies relating to development in the countryside ie. C7, C9, C28 and S25. The report needs to be more precise.

Members should be advised that Policy S25 relates to retail development in the countryside and rural settlements so it is incorrect to report that Tesco's is contrary to it. Para 5.24 is incorrect. Retail will only generally be resisted in order to protect its character and appearance.

If the application is referred as a departure we need it to be clear as to why and it should be reported that the local plan is significantly out of date and should be afforded only limited weight. Referral is a technicality rather than a matter of any significance.

**5.** Members will be aware of a 'Briefing Note' entitled 'The Future of Bicester Town Centre' which was sent by email yesterday. In summary it states the Sainsbury's and CDC have jointly invested in the town centre to deliver a new cinema, supermarket and other shops. This represents a major investment in the town centre and would attract many more people into the town providing significant spin off benefits for existing shops and services which is being threatened by these applications.

The impact will be significant because the sales space of Tesco is to increase by 173% selling many more items sold at town centre shops thereby reducing the footfall to the town centre. Bicester Village will have more retail floorspace than is currently available in the town centre. Only one of the 17 new units has been let so far. Demand for these and other vacant units in the town is likely to continue to be limited with the prospect of these proposals. This is supported by the retail studies commissioned by the District Council which state that there's not sufficient capacity in Bicester to support the proposals. Traffic will increase by 40% at Tesco and 30% at Bicester Village and the proposals have not demonstrated that these will address the traffic problems at there worst such as holiday periods.

If the planning applications are approved then the joint investment in the town centre will be in vain. The impact on Sainsbury's investment alone would render the scheme unviable if being assess today and we have stated

that we will not commit to fitting out our new store until the outcome of these applications is known. In addition to our own investment there's also likely to be a significant impact on CDC's investment of tax payers money, given the impact on tenant demand for the new units and the subsequent rental that could be achieved.

Bicester Village should consider alternative ways to expand without adversely impacting on Bicester Town centre. We've provided these details to officers and they should be fully considered as part of the current planning policy process. Until these options have been fully considered and the Town centre re-development is open and established, these applications are premature and should be refused.

**6.** A personal statement has been received from Charles Shouler of Priory Court, Bicester who has been a County Councillor for Bicester South for 24 years and wishes to lodge support of the application. The statement is intended to compliment the formal submissions by the County Council.

I have witnessed the development of the amazingly successful Bicester Village from its beginning. Although Bicester Village provided additional jobs and promoted Bicester on a national scale, this success has not been without some problems mainly due to traffic congestion.

Firstly, the residents of the urban area of Bicester, due to the queuing of Bicester Village traffic on the routes in and out of Bicester, have had difficulties in leaving their drives to enter the main stream of traffic on their journey to work etc. and their return journey has similarly been delayed by queues accessing Bicester Village. The main congestion has occurred at weekends and Bank holidays and has repeatedly been referred to the Traffic Advisory Committee of which I am Chairman. The TAC, having no executive powers could only refer the issue to the County Council demanding improvements to the road network.

I also bring to your attention the problems that the residents of Chesterton and Wendlebury who have been inconvenienced by the rat-running of traffic trying to avoid the queues on the A41. Recent changes to the road layout at the Chesterton over bridge with the closure of the slip roads and the early opening of the perimeter road on the adjoining estate have already reduced most of this rat-running through the villages, but congestion on the A41 still remains with two lanes stationary back towards the M40 J9 on some occasions.

To be fair, some improvements were undertaken to the roundabout at the Middleton Stoney Road junction and the creation of a continuous lane on the A41 roundabout from Aylesbury towards Oxford, but any benefits were quickly overtaken by the continuous trading success at Bicester Village. Tesco Stores have apparently also been over-trading from some years.

The proposed road improvements in the Bicester Village application with two inbound lanes and two exit lanes with changes to the A41 roundabout signalised with a "Hamburger" type roundabout with a dedicated two lane road towards Aylesbury. These improvements costing £5m will all be funded by the Bicester Village application and represents a massive increase in traffic capacity at all junctions and as such is a once in a lifetime opportunity to resolve the congestion issues for the foreseeable future.

I urge you Councillors to pass both applications today bearing in mind the applications are interdependent.

7. Comments have been received via the applicants from the Bicester Chamber of Commerce

“Of our 50 to 60 members none have approached me formally, or informally for that matter, in my capacity within the chamber, or outside it, to suggest that the Chamber express concerns over the applications in regards to Tesco or Bicester Village.

Thus the Chamber has maintained a neutral position, but always supportive of investments that creates employment opportunity while securing a more sustainable economic future for the town.

Our position over several years has been that Bicester should be looked at "over all" and not in individual pockets and that remains the case.”

#### **Additional officer comment**

The application is considered a departure from the development plan (adopted Cherwell LP and the SEP 2009) because:

This is a major retail development on a strategic site in the open countryside which is not allocated for development.

SEP policy TC1 lists the network of strategic town centres (Bicester isn't one of them) This network of town centres will be a focus for those town centre uses set out in PPS6 (i.e. retail) Oxford is identified as the regional centre and one of significant change.

SEP Policy TC2 relates to new development and redevelopment in town centres Major retail developments, and other town centre uses of a large scale, should be located in these Centres for Significant Change.

SEP Policy TC3 No need has been identified for any further out of centre regional or sub regional shopping or large scale extensions to such existing centres.

Policy EMP1 – relates to employment generating development and Tesco can't have it both ways. Retail generates employment. This is not a site allocated for development in the local plan specifically for employment. The policy states Employment generating development will be permitted on the sites shown on the proposal map (this isn't one of them).

Policy S25 – as the site is in the countryside the situation is clearer on this than the Bicester Village application and how it relates to Tesco. All new proposals for retail development will generally be resisted.

The application is also recommended for referral to the Secretary of State because it exceeds the 5,000 sqm limit for retail development outside town centres in the T&CP Direction 2009.

## **Addendum to the report**

Insert Policies EMP1, S25, TR8, C7 and C9 of the adopted Cherwell Local Plan into the Summary of Reasons in the decision notice.

### **Agenda Item 7**

**12/01209/F**

**Tesco site, Pingle Drive, Bicester**

1. Members will be aware of the letter from Justin King of Sainsbury's addressed to Sue Smith which was copied to all Members objecting to the scheme and raising 2 significant points, as follows:

  - a) The Council's own retail study shows that there is insufficient retail capacity in Bicester for any further out of centre development and that any additional retail provision should be focused on the town centre and then only once our development is established.
  - b) "We will not commit to fitting out our new store until the outcome of these applications is known".
  
2. Objection received from Bicester Town Centre Enterprises. As stakeholders in the retail and office sectors in Bicester, a number of businessmen have formed a steering group with the intention of creating an organisation to promote and protect the various enterprises with businesses within the town centre.

Concerned about the future viability of the town centre and the protection of the existing businesses should the proposals be approved. CDC should protect and benefit the existing businesses in order to maintain a vibrant town centre in line with governmental guidelines.

Bicester retailers has struggled enormously in recent years and the town centre redevelopment scheme means that we need a period of stability for businesses to recover their vitality. The re-development scheme should not be undermined.

The proposals would undermine any recovery in the town and result in the closure of more shops. A number of nationals have said they will withdraw from Bicester. The developments aren't needed.
  
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Whilst the traffic solution may be an improvement but I have concerns that the problem will just shift further down the A41 towards the M40. There was a lot of congestion on Boxing Day when Tesco was closed and this will get worse with the new Kingsmere development, hotel and public house. The proposals are on major routes used by HGVs. This traffic is likely to increase further clogging up this important town by-pass

The site has been allocated for business/employment for a new Business Park. A new road arrangement is required.

Sainsbury's suggestion for Bicester Village to relocate new the station car park is unworkable as the site's needed for railway improvements and the station rebuild. Their threat to withdraw from the town centre is a red herring. Tesco should vacate the town centre and a unit that size should be a M&S, Debenhams or BhS. If Sainsbury's do vacate, it could be used by

Asda or Morrisons.

Tesco should go to the site off the A4421 Charbridge Lane near Launton instead.

4. Letter received from applicant's agent stating that, despite the recommendation, the application should not be considered as a departure without significant reasoning. The SE Plan is due to be abolished and relies on dated 2004/5 retail evidence. The proposals aren't contrary to any specific provisions of the policies TC1,2 and 3 and the Council accepts that subject to wider policy tests, including considerations of impact which have been fully addressed, its not contrary to the SEP.

Policy S25 relates to countryside and rural settlements so not relevant to the site. There's no policy restricting the expansion of Bicester Village in the Bicester section of the plan. Subject to impact and other relevant wider policy considerations, which have been fully addressed by the applicant and are accepted by the Council, on this basis there is no departure from the Development Plan.

The application proposals do not represent a departure, provided they are acceptable against other general policy considerations. The applicant understands that the Council is keen to ensure that any decision taken by Members is not subject to challenge and as such has no objection to the referral of the application to the Secretary of State, for the sake of completeness or in the event that he make take a different view, provided that factual position as outlined is accepted by the Council and is made clear to the SofS.

It is also important and highly material to highlight that the Local Plan is not up to date and is silent on the issue of the expansion of Bicester Village on this established retail site, which has been occupied by Tesco for many years. This is demonstrated by the express support in the emerging local plan for the expansion of Bicester Village. As such, as the report acknowledges, para 14 of the NPPF establishes a clear presumption in favour of development, unless the adverse impacts of doing so would 'significantly and demonstrably outweigh the benefits'.

The Council's independent advisors, CBRE, consider the proposals satisfy the impact and sequential tests set out in the NPPF. Specifically, they have advised that the trading impact of providing improved choice and competition on existing traders in the Bicester Town Centre will be minimal. In contrast, they also concur without view that the proposals will generate very significant benefits, including providing the only effective means of resolving the longstanding highways issues in the area, delivering jobs and new investment in the site and wider area, and reinforcing the Districts lading tourist attraction.

5. Members will be aware of a 'Briefing Note' entitled 'The Future of Bicester Town Centre' which was sent by email yesterday. In summary it states the Sainsbury's and CDC have jointly invested in the town centre to deliver a new cinema, supermarket and other shops. This represents a major investment in the town centre and would attract many more people into the town providing significant spin off benefits for existing shops and services which is being threatened by these applications.

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**6.** Email received from the applicant's agent clarifying the re-alignment of the footpath. A revised plan has been submitted which has been accepted as part of the plans for approval but this element needs updating in the report (i.e. paras 3.11 and 5.54) The revised footpath route can be used as a footpath and cycleway and these are shown on the submitted drawing which is an example of what can be achieved in terms of connectivity with the town centre.

**7.** A personal statement has been received from Charles Shouler of Priory Court, Bicester who has been a County Councillor for Bicester South for 24 years and wishes to lodge support of the application. The statement is intended to compliment the formal submissions by the County Council.

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