

<b>Application No:</b> 12/00233/F	<b>Ward: Bicester Town</b>	<b>Date Valid:</b> 21.02.2012
<b>Applicant:</b>	Bicester Nominees Ltd and Bicester II Nominees Ltd	
<b>Site Address:</b>	Bicester Village, Pingle Drive, Bicester	

**Proposal:** Variation of Condition 10 of 05/02131/F to allow the Class A3 use of any approved building within Bicester Village to be increased from 2,500 sqm to 2,950 sqm

## 1. Site Description and Proposal

- 1.1 Bicester Village is a well established shopping location situated south of Bicester town centre just off the A41. It has developed over a number of phases, the final phase (3) being that which was approved under 05/02131/F for retail development, decked car parking and associated works. That consent has been fully implemented.
- 1.2 The application seeks consent for a variation of Condition 10 of 05/02131/F which states:  
*Any Class A3 café/restaurant use of the approved buildings shall not at any time cause the overall gross floor space for such uses within the existing and proposed factory outlet shopping centre as a whole to exceed the already consented maximum area for such uses of 2,157 sqm.*
- Reason: To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and viability of the town centre contrary to Policy TC2 of the Oxfordshire Structure Plan 2016.*
- 1.3 Planning permission was granted under 09/01284/F for an increase of that limit to 2,500 sq m as it was felt that the 343 sqm difference (which equates to about one extra unit) would have little impact on Bicester town centre given the nature of the centre as a tourist destination as well as a shopping destination.
- 1.4 This application now seeks another increase to that A3 allowance to 2,900 sqm, which is a difference of a further 793 sqm from the original 2005 consent, though only a further 450sqm from the current consented position.

## 2. Application Publicity

- 2.1 The application has been advertised by site notice. The final date for comment was 30 March 2012. To date there have been no responses received representing third party interests.

## 3. Consultations

- 3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:

- 3.2 Bicester Town Council: Comments awaited
- 3.3 OCC Highways: No objection
- 3.4 Head of Strategic Planning and the Economy (Planning Policy): No objection as no additional floorspace is proposed and the A3 uses are ancillary to the main retail operation of Bicester Village (representing only 14% of the total floorspace). The new National Planning Policy Framework (NPPF) sets out a strong emphasis on supporting sustainable economic growth. It also seeks to protect the vitality and viability of town centres, but it is not considered in this instance that the proposal to allow increased A3 uses at Bicester Village would have a significantly adverse impact on Bicester town centre.

## 4. Policy Considerations

- 4.1 National Planning Policy Framework – March 2012
- 4.2 South East Plan 2009
- Cross Cutting – Policies CC1 & CC6– Sustainable Development & Sustainable Communities & Character of the Environment
  - Transport – Policies T1 & T4 – Management, Investment and Parking
  - Town Centres – TC2 – New Development and Redevelopment in Town Centres
- 4.3 Adopted Cherwell Local Plan 1996 saved policies  
No relevant policies
- 4.4 Cherwell Local Development Framework (LDF) Draft Core Strategy 2010  
The draft document went through the first round of public consultation in the Spring of 2010. The second draft is due out for public consultation. The current plan indicates the strategy that the Council is putting forward and contains a series of key objectives and a number of policies highlighting a focus of growth in and around  
SD1 – Mitigating and Adapting to Climate Change

## 5. Appraisal

- 5.1 The main issues to consider in the determination of this application are as follows:-
- Retail impact
  - Highway safety and parking
- 5.2 Retail impact  
Of principle concern to officers is that the concept of the development of Bicester Village as an outlet shopping centre should be safeguarded and that Bicester Town Centre will be protected in terms of its vitality and viability. The restrictive conditions on the Bicester Village planning permission/s seek to ensure that 'normal' A1 retail sales are prevented so that the Village will not compete directly with the town centre and so uses are restricted to factory outlet retail. To this end, it is reasonable to also restrict the A3 'restaurant and café' units as these make up a considerable part of the whole offer that is provided in the town centre. It follows, therefore, that the applicant should demonstrate that any increased A3 offer at Bicester Village will not harm the vitality and viability of the town centre and nor should it change the character of the Village from a factory outlet centre.

5.3 The applicants were asked to undertake a health check and assessment of what they considered might be the level of impact on the town centre. They note that the original restriction at 2,157 sqm has been in place since the Phase 2 scheme was approved in 2001 and so does not reflect the extra provision of floorspace permitted under the phase 3, 2005 consent. The following information is extracted from the recent cases:

5.4 2001 – Total floorspace – 16,250 sq m (14,093 sqm A1 and 2,157 sqm A3)  
This represents 87% A1 and 13% A3

2005 – Total floorspace – 20,626 sqm (18,469 sqm A1 and 2,157 sqm A3)  
This represents 90% A1 and 10% A3

Current (since 2009) – Total floorspace – 20,626 sqm (18,126sqm A1 and 2,500 sqm A3)  
This represents 88% A1 and 12% A3

Proposal – Total floorspace – 20,626 sqm (17,676 sqm A1 and 2,950 sqm A3)  
This represents 87% A1 and 14% A3

We can see that the proposal will take us to a not dissimilar position in terms of proportionate representation of the A1/A3 split from the Phase 2 approval some 10 years ago. Together with the increase in visitor numbers at Bicester Village from roughly 3.5million in 2006 to 5.5 million in 2011 the increased level of demand referred to by the applicant is not unsurprising.

5.5 Looking at the town centre, since 2005, the number of A3 units has increased from 10 to 17. The increase in quantitative and qualitative offer would suggest that the A3 provision at Bicester Village has had no impact and the proposal and will not cause harm to the vitality and viability of Bicester town centre. With the increase in visitor numbers it is anticipated that the A3 offer needs to be increased to keep up with the demand and this ought not to affect the town centre. Given the choice available in the town centre it is unlikely that people will leave the town centre to take advantage of the improved offer at the Village.

5.6 Highway Safety and Parking  
The County Council as Highway Authority has advised that there are unlikely to be any highway safety implications due to the site's existing use. As the development does not involve any increase in floorspace per se, this advice is accepted.

5.7 Conclusion  
The proposal to increase the A3 offer will still represent only 14% of the total floorspace. As it remains an ancillary function of the Village it is considered that there would be no harmful impact on the town centre which continues to gain strength in its A3 offer and the town centre redevelopment scheme is progressing. Further, there would be no highway safety implications. For these reasons the application is recommended for approval with the following conditions which are carried over from the original 2005 consent because this represents a new stand alone permission and the conditions will ensure the vitality of Bicester Town Centre.

## **6. Recommendation**

**Approval**, subject to:

1. SC1.4A Full Permission: Duration Limit (3 years) (RC2)
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: Location/site plan submitted with the application.  
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. That any Class A3 café/restaurant use of the buildings approved under planning permission 05/02131/F shall not at any time cause the overall gross floorspace for such uses within the existing and proposed factory outlet shopping centre as a whole to exceed the already consented maximum area for such uses of 2,950 sq metres.  
Reason – To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and viability of the town centre contrary to Policy TC2 of the South East Plan 2009 and Government advice on ensuring the vitality of town centres contained within the National Planning Policy Framework.
4. That the retail units shall only be used for the purpose of providing a factory outlet shopping centre only and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for Class A3 use (as restricted by condition 3 of this decision notice).  
Reason - To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and viability of the town centre contrary to Policy TC2 of the South East Plan 2009 and Government advice on ensuring the vitality of town centres contained within the National Planning Policy Framework.
5. That the development shall not be used for the retailing of food (except where allowed in condition 3 of this decision notice) and other convenience goods including newspapers, magazines, confectionery and as a newsagents and chemists with both pharmacy and health products.  
Reason - To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and viability of the town centre contrary to Policy TC2 of the South East Plan 2009 and Government advice on ensuring the vitality of town centres contained within the National Planning Policy Framework.
6. No individual retail unit within the Village shall have a gross area of in excess of 450 sqm unless otherwise first approved in writing by the Local Planning Authority.  
Reason - To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and viability of the town centre contrary to Policy TC2 of the South East Plan 2009 and Government advice on ensuring the vitality of town centres contained within the National Planning Policy Framework.
7. No mezzanine trading areas shall be installed in any retail unit unless otherwise first approved in writing by the Local Planning Authority.  
Reason - To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and viability of the town centre contrary to Policy TC2 of the South East Plan 2009 and Government advice on ensuring the vitality of town centres contained within the National Planning Policy Framework.
8. None of the units shall be used for retailers who predominantly sell any of the following category of goods: Furniture hardware, garden products, dispensed optical goods, books, CDs, DVDs, videos, electrical goods, computers and software, mobile phones, toys, pets and pet accessories, arts and craft products.  
Reason - To ensure that the factory outlet centre remains as such and does not trade as a normal A1 Centre which would be inappropriate and may detract from the vitality and

viability of the town centre contrary to Policy TC2 of the South East Plan 2009 and Government advice on ensuring the vitality of town centres contained within the National Planning Policy Framework.

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as it has no undue detriment to the vitality and viability of Bicester Town Centre or matters of highway safety. As such the proposal is in accordance with Policies TC2, T1 and T4 of the South East Plan and Government advice contained within the National Planning Policy Framework. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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