

Units 5 & 6 Bicester Village, Pingle Drive, Bicester

14/00451/F

Ward: Bicester Town

District Councillor: Cllrs D Pickford and
D Edwards

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Bicester Nominees Ltd & Bicester II Nominees Ltd c/o agent

Application Description: Erection of a part 2 storey and part three storey extension to provide B1 offices, together with enlargement and reconfiguration of Class A1 factory outlet retail floorspace

Committee Referral: Major

Committee Date: 19th June 2014

1. Site Description and Proposed Development

- 1.1 The site is centrally located on the north side of the mall overlooking the car park within the phase 1 area of the Bicester Village complex. It is occupied by 2 units: Unit 5 is two storey and forms the major part of the building with Value Retail management offices occupying the first floor level and the ground floor is currently occupied by retail use; Unit 6 comprises 2 small kiosks retail units, ATMs and a management area. The site also includes the service yard access and service area for that central block.
- 1.2 Planning permission is sought for a part 2 storey and part 3 storey extension. A first floor extension will be built partly over the existing single storey unit 6 to the same height of the neighbouring unit attached. The extension increases the depth of the unit creating a void beneath to enable continued access of van size service vehicles. The proposal will create an additional retail floorspace of 961 sqm and an additional 885 sqm of office, all for use by the Bicester Village operator, Value Retail.
- 1.3 The planning constraints at this site are confined to those of a physical nature and include potential contamination and that the area is in a flood zone 2.

2. Application Publicity

- 2.1 The application has been advertised by way of press and site notices. The final date for comment was the 24th April 2014. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Bicester Town Council: No objections

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer:
There is no known contamination at this site and so we have no comments with regard to land contamination at this location apart from making the applicant aware that the responsibility for the safe development and secure occupancy of the site rests with the developer/ applicant.

3.3 Recreation and Health:

A contribution is sought towards the installation of public art within the village site to aid legibility and distinctiveness. It is understood that Value Retail are to commission and install a new work from a professional artist. This should be a bespoke piece for the site. Commission to be approved by CDC Arts Development and to be in keeping with the overall design ambitions of the site.

Oxfordshire County Council Consultees

3.3 Highways Liaison Officer:

No objection. The proposal includes only a very small increase in retail (use class A1) floor area and as such any associated traffic impact would be negligible. Similarly the traffic impact of the proposed increased office space (use class B1) would be relatively small as it is to be ancillary to the activities and management of Bicester Village. I do not consider the proposals would have any significant adverse impact upon the capacity or safety of the local highway network.

Other Consultees

3.4 Environment Agency:

This application is deemed to have a low environmental risk and due to workload prioritisation the EA is unable to make an individual response to such applications.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Design Considerations

EMP1: Employment generating uses on land identified on the proposals map

ENV12: Contaminated Land

The site is allocated on the proposals map as a proposed site for employment generating development/retail warehousing/factory outlet shopping scheme (linked to unsaved policy S11 and saved policy EMP1)

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The following policy is relevant to this case:

SLE2: Securing Dynamic Town Centres

SLE3: Supporting Tourism Growth

Policy ESD16: The Character of the Built and Historic Environment

Proposals Map: Existing Retail Park

Bicester Masterplan Draft (August 2012) – Speciality Retail Quarter of the Town Centre Action Area.

5. Appraisal

- 5.1 The key issues for consideration in this application are:
- Relevant Planning History
 - Principle of the development
 - Impact on the town centre and appropriateness of the proposed use/s
 - Design and Visual Amenity
 - Highways

Relevant Planning History

- 5.2 In 1994, planning permission was granted for Phase One of the Bicester Village factory outlet shopping centre (see CHS.305/93). This included various conditions to control the use of the centre to protect the vitality and viability of Bicester town centre.
- 5.3 Planning permission was granted to vary condition 19 of CHS.305/93 to increase the A3 use from 595 sqm to 790 sqm (see 95/00536/F).
- 5.4 Planning permission was granted for Phase 2a of Bicester Village providing 7 additional shop units subject to conditions restricting the use to factory outlet shopping and that there should be no amalgamation of units (see 96/00620/F).
- 5.5 98/01201/OUT gave permission for additional units (Phase 2b).
- 5.6 99/02249/REM – reserve matters for the above 2 applications.
- 5.7 In 2001, planning permission was granted for Phase 2c extension of Bicester Village (see 01/00021/F), which involved 2 new restaurants and tourist facilities.
- 5.8 05/02131/F gave permission for Phase 3 for the retail area to the west and additional car parking.
- 5.9 A number of various applications have been determined relating to developments at a variety of units mainly relating to minor alterations or extensions before the approval of 12/00233/F which gave permission to vary the conditions to allow the Class A3 use of any approved building within Bicester Village to be increased to 2,950 sqm.

Principle of the development

- 5.10 One of the key principles of the NPPF is to contribute to the achievement of sustainable development. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In paragraph 14, for decision taking this means approving development proposals that accord with the development plan without delay. Also, development should be focussed in locations which are or can be made sustainable in terms of access to public transport, walking and cycling.
- 5.11 The Council's emerging Local Plan also echoes these requirements, incorporating the principles of sustainable development by focusing development in Cherwell's sustainable locations, making efficient and effective use of land thereby conserving and enhancing the countryside and landscape and the setting of its towns and villages.
- 5.12 The site occupies a central part of Bicester Village which is an established tourist and retail centre. It is part of the speciality retail quarter of the wider town centre indicated in the submission local plan. The development is principally intended to enhance the retail offer and provide more office space to serve Bicester Village so in that respect it is entirely suited to this location. It is considered, therefore, that in principle the

application is acceptable in principle and in the context of current and emerging policy.

Impact on town centre and appropriateness of proposed use/s

- 5.13 This site is within the original Phase 1 of Bicester Village. The proposal comprises an increase in A1 (retail) floorspace of 76sqm over the 3 floors and an increase of 885sqm of B1 (office) use. There is already an element of office accommodation for the Value Retail management offices within Bicester Village totalling 495 sqm. With regard to the increase in retail floorspace, as it is only slight, this would not, in my opinion, make any significant difference and would not have a detrimental impact on the vitality and viability of Bicester town centre. The office accommodation, being restricted to the occupancy of Bicester Village and ancillary to its principle function as a retail/tourist centre, would similarly not give cause for concern.

Design and Visual Amenity

- 5.14 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.15 Saved Policy C28 of the adopted Cherwell Local Plan exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling.
- 5.16 The whole development would mainly be visible from within the car park but more distant views can be gained from across Pingle Fields and the footpaths which cross it. However, the extent of the development is proposed to be confined within the established boundaries of Bicester Village and the building line which forms the frontage will not be breached. The design, scale and materials of the proposed building would be compatible with the neighbouring buildings on the car park frontage though flat roofed dormers are proposed instead of the pitched dormers, the latter of which feature strongly in this development. This design change is intentional and explained by the architect as being required because there would be long views of the building and putting pitches on these windows would mean that the ridges of the dormers would conflict with the roof line and would not sit comfortably within the roof slope profile. Where roof lines are deeper, pitches are possible and/or where long views are not so obvious.
- 5.17 Consideration has been given to the overall scale and the general theme is to ensure that the proposal appears part of the original building. Features such as the frontage gable, proposed fenestration pattern and use of external facing materials to match serve to ensure the overall acceptability of the scheme in terms of design and appearance. The existing ridge line of the roof will not be breached and the existing timber and slate canopy on the car park frontage will be extended.
- 5.18 Being a scheme that would be indistinguishable from the dominant architectural theme in place throughout Bicester Village, it is considered that the proposal would not have a detrimental impact on visual or residential amenity and complies with government guidance on requiring good design contained within the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

Highways

- 5.19 In consultation with the County Council, as highway authority, there are no concerns or objections to the limited increase in retail provision or the increase in office space which is intended for Value Retail only. Increased traffic movements are unlikely and there is sufficient on street parking to accommodate any additional need.
- 5.20 The existing cycle parking spaces adjacent to Unit 6 will be relocated to the eastern side of the service yard entrance and the service gates will be repositioned slightly further forward to improve the turning space within the service yard.

Engagement

- 5.21 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through approving an application which represents sustainable development, in accordance with the NPPF's objectives.

6. Recommendation

Approval, 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: 08/032/P-2901, 2902, 2904, 2906, 2907, 2908, 2909, 2910 and 2911, received 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. The materials to be used for the external walls and roof of the development hereby approved shall match in terms of colour, type and texture those used on the existing building/s.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance 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).

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 Government guidance contained within the National Planning Policy Framework.

5. That the retail units hereby approved shall not be used for the retailing of food 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 Government guidance contained within the National Planning Policy Framework.

6. None of the units hereby approved 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 Government guidance contained within the National Planning Policy Framework.

7. That the service yards shall be kept free of obstructions at all times and used only for the specified purpose.

Reason – In the interests of highway safety and to ensure a proper standard of development in accordance with Policy C28 of the adopted Cherwell Local Plan and Government advice contained within the National Planning Policy Framework.

8. Prior to the commencement of the development, full design details of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be retained as approved and used only for the specified purpose.

Reason - In the interests of highway safety and to ensure a proper standard of development in accordance with Policy C28 of the adopted Cherwell Local Plan and Government advice contained within the National Planning Policy Framework.

9. That prior to the commencement of the development, the provision of a suitable scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the development and thereafter retained in accordance with the approved details.

Reason – In the interests of public amenity and in accordance with Government guidance contained within the National Planning Policy Framework.

10. That office floorspace hereby approved shall only be used ancillary to the management of the Bicester Village retail outlet

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 Government guidance contained within the National Planning Policy Framework.

PLANNING NOTE:

1. Letter from EA

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management

Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.