

Franklins Yard, St Johns Street Bicester

14/00403/F

Ward: Bicester Town

District Councillor: Cllr D
Pickford and Cllr D Edwards

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Morgan Sindall Plc. c/o agent

Application Description: Erection of a five storey building comprising community and town centre uses together with servicing and alterations to the vehicle access

Committee Referral: Major

Committee Date: 19th June 2014

1. Site Description, Background and Proposed Development

- 1.1 The site is located within Bicester town centre and forms one of the later phases of the redevelopment scheme. It lies between Manorsfield Road, St. John's Street and Sheep Street. The site is currently used as town centre car parking but includes some buildings at the rear of 81-85 Sheep Street which are already approved for demolition. The remaining piece of land adjacent to the site and next to No. 85 is currently subject of a planning application for its redevelopment for flats and retail units (14/00248/F refers). Vehicular access to the site is currently off Sheep Street between nos. 75 and 81.
- 1.2 Although within the town centre, the northern boundary of the site faces mostly residential properties typically 2-3 storeys in height and are a mix of bungalows, detached and attached properties and residential blocks. The River Bure lies to the west of the site beyond Manorsfield Road. Two storey housing at Hunts Close lie further west with more of a set back from the edge of Manorsfield Road with some intervening landscaping.
- 1.3 The full planning application proposes the erection of a five storey building comprising the Council's Bicester Link Point accommodation, Oxfordshire County Council library, two units for occupation within Class A1, A3, A4 and/or A5 retail or food and drink uses, Class A2/B1 financial and professional services/office accommodation, Class B1 offices, hotel and servicing. The footprint of the building occupies a sizable portion of the site as it fronts onto Manorsfield Road and the new Pioneer Square. The existing access is to be retained for the proposed service yard.
- 1.4 The whole site extends to 0.251ha and a small part of the northern section lies within the Bicester Conservation Area including the outbuildings at the rear of 81-85 Sheep Street, the land included within the service area for the new building and properties within Wesley Lane. The building situated immediately adjacent to the access at 75 Sheep Street is Grade II listed. The site is further constrained by being of medium interest archaeologically and potentially contaminated. The site is not within a flood risk area.

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 10th April 2014. At the time of writing 8 letters/emails have been received raising objections on the following grounds. Full details are available on public access:

- Poor design. The opportunity for a community building has been ruined by the addition of 2 extra storeys to accommodate a cheap hotel.
- Height of the building. 5 storeys is disproportionately tall compare to the local buildings and will permanently change the Bicester skyline.
- Poor design. The building is opposite a residential area but has tower block proportions more akin to a city centre
- Hotel rooms will overlook local residential properties invading privacy
- Poor design. The lack of flexibility of the building will mean that if the hotel fails who will reuse it.
- We do not need a hotel
- Inadequate publicity of these plans
- Size of the library is too small and does not take account of planned growth of the town
- There are no public toilets provided in the library and the nearest ones are too far away
- Public facilities like libraries should be on the ground floor
- Poor design. The size will make the area claustrophobic and shadowed and light will be shut out of Pioneer Square
- Lack of parking for hotel guests in an already packed town centre
- Solicitors office does not need to be on the ground floor
- Poor design. Out of keeping with this market town
- Agree with English Heritage comments. The scale, form, massing and appearance of the building would be harmful to the significance of the Conservation Area
- The scheme needs to be fundamentally re-designed as it doesn't even reflect what it's to be used for. The principal entrances should be onto Wesley Square. A hotel entrance would be more sensibly located on the south west corner by the set down area where its presence is more evident
- The building looks like a bolt on
- Submitted plans don't show relative scales of the building
- This is a prominent site in the town centre and deserves better than an amorphous blob of a building
- There is no sustainability justification so it's not possible to determine if it's in accordance with the NPPF
- The application is selling the people of Bicester short
- Additional traffic problems will result
- Increased illegal parking on Hunt Close
- Increased noise pollution
- Complaints about the light from the new car park are still outstanding
- Unwanted pressure to local business like Littlebury Hotel
- As a local business owner the loss of the car park will cause my business to suffer
- Parking facilities for the disabled are inadequate. Ground level parking is needed

- This is classic overdevelopment
- There is no greenery to soften the scheme
- Poor design – the building looks like 2 buildings cobbled together. It is simply ugly
- Already sufficient retail accommodation

3. Consultations

3.1 Bicester Town Council:

Object with regard to lack to parking. Sainsbury's car park did not take into consideration the need to supply parking for a 53 bedroom hotel and the additional cars will constrict parking for residents wishing to use the car park for shopping, cinema, pubs and restaurants. The cumulative effect of all the activities that will potentially take place will have a substantial effect on parking throughout the day.

Cherwell District Council Consultees

3.2 Planning Policy Officer: Comments awaited

3.3 Urban Design and Conservation:

This application is for the final part of the Town Centre development. The site is located in an important area of the town centre and forms the last part of a major town centre regeneration project. The development will form a gateway feature for many of those arriving at the Town Centre by car or foot and is also on the edge of the Bicester Conservation Area. Given the prominence of this site, it is critical that a high quality design solution is developed.

Initial design discussions on the site commenced in September 2012, as part of discussions on a number of Town Centre developments, to ensure that the design of each building was complementary and that their design enhanced the overall character of the area. At this meeting, the importance of having high quality solutions for each building was discussed, with a key priority being identified as establishing a positive relationship between the various buildings that will sit together on Wesley Square.

Early discussions were followed by a pre application meeting in December 2013 with the architects and Council Officers. A number of design issues were discussed at this meeting, largely focusing on the principles of the geometry, scale and massing in relation to the context. This was followed by formal written pre application advice.

The comments set out in this note broadly follow the advice given at a pre-application stage. However, while the pre application comments were largely focused on addressing the overall form, scale and massing of the building, these comments go into greater detail on materials, detail and fenestration. It has been understood from the discussions with the architects that the operational requirements being placed on the building greatly restrict changes to the buildings overall form. Therefore, while it is felt by the Design and Conservation Team that it would be best to address these issues, greater emphasis has been placed in

these comments on the small changes that could be made to the building detail, materials and fenestration to positively address the character of the building.

The Brief and Development Approach

- The brief is for a mixed use community building, with a library, offices and retail / restaurant space, a hotel.
- The uses outlined in the brief will bring a positive benefit to this area of the town centre and the community as a whole. In particular, the hotel and restaurant functions will bring greater activity and vitality to the town centre outside of office hours, helping to give a focus to the square and draw activity to the northwest edge of the town centre development.
- Many of the issues of building form are being driven by the various detailed operational briefs / requirements of the building and we hope some of these aspects can be positively and creatively be addressed through the design.

Layout Plan

The layout plan can be understood in two parts: the ground and first floor plan have a clear relationship to the geometry of the site; the second, third and fourth floor plans are based around a square tower form which sits on top of the lower levels.

- The building layout at the lower levels is broadly appropriate for the site; however we have concerns about the impact of the upper levels, which have a poor relationship with the rest of the building and its adjacent context.
- While overall the ground floor plan is acceptable; there is an issue about how this building sits with the Wesley Lane development. There is an overlap between these buildings with a tight space between them at the north east corner and studies are required to demonstrate that this is an acceptable solution.
- The east of the ground floor of the building has two retail / restaurant units that front onto the square alongside the entrance to the Hotel. There is no hotel reception at this level which would normally be expected.
- To the south of the square is the entrance and stairway to the first floor library, the ground floor CDC office and second floor offices. The layout of this area is logical and appropriate.
- The first floor plan has a similar layout to the ground floor, with the library sitting over the retail area. The library layout has a very deep plan and will have little natural light penetration.
- The second floor area contains offices that are accessed through the CDC / Community entrance. The north east area is a plant area. The layout of this area could be changed to relate more closely to the lower two levels to improve the massing and composition of the building.
- The third and fourth floor is dedicated to the hotel. The rooms are double banked with the internal rooms giving onto a small light well of approximately 6m in dimension. The sun diagrams submitted with the planning application illustrates that the courtyard to be darkness at noon on the longest day of the year, meaning that there will be little natural light in the hotel rooms or the library.
- The service yard and building will be visible from Sheep Street and care should be taken to ensure that the quality of this area is not undermined. The hotel laundry area should be located in this area, giving direct access to the service area and allowing for a more logical form of the A1 uses.
- A better layout could be found for the northeast boundary and it might be appropriate to extend the geometry of the building around to ensure that it runs

parallel with the boundary. As proposed, there is likely to be an awkward wedge left between this area and any future development to the east.

Building Geometry

As described above there are two parts to this building. The lower part, sits in a way which is appropriate with its adjacent context while the upper part almost feels although it is a different building. The upper geometry has an awkward juxtaposition with the lower floors and the neighbouring buildings. It is important to imagine how the building will read as you move around this area of Bicester, rather than purely from static view points.

In principle it is possible to successfully combine two different building forms and geometries. There are numerous examples where great buildings have been produced in this way – Holden's Arnos Grove Tube Station is an example of this, as is Gibbard's Library in Barkingside. However, for this to be successful exemplary design principles need to be applied, which balance the massing, form and geometry into a graceful structure. The building could benefit from further consideration of these elements.

- The form of the upper levels is a cube, with the corners of each side geometrically clipped inwards. The design of these corners complicates the composition, creating awkward views as you move around the building. Some changes to the internal layout could improve this geometry.
- The geometry of the upper levels is based on right angles and the northern edge of the building, which is the area of the site which is least visible from the public realm, appears to form the origin of the right angle geometry and determines much of the layout of the upper floors. This is especially problematic at the Wesley Square façade, where the geometry between the levels is a few degrees out – not close enough to be read on the same plane and not far enough apart to read as a purposeful shift. We would recommend that the setting out of the structure for the tower element is taken from the Wesley Square geometry.
- While it is relatively easy to set out the problems with the current proposals as presented, it is not simple to quickly suggest what the solution should be. It is clear that the two levels should have a clear relationship with one another and the adjacent buildings. While this could mean that they could share a similar geometry, there could be a purposeful change in shape and form to make a sculptural statement on this important landmark structure. The feature stairwell to the community facilities could also be used as a feature that unites the two elements of the building.

Scale and Massing

The proposed building, at five storeys, will be one of the largest in Bicester, significantly changing the townscape of this end of the town. It might be that, with the right design, the impact of the height on the area can be minimised, however, as shown we are concerned that the building could have a negative impact on the area. The building has the potential to provide an iconic landmark for Bicester Town Centre, and further design work should be undertaken to realise this opportunity.

- The composition of the upper and lower floors feels squat when viewed from a distance, in part due to the scale of the tower feature. This could be improved by increasing the scale of the lower section of the building by relating the geometry of the second floor offices to the lower section rather than the tower element. This would help improve the balance and scale. It is possible that

changes to the fenestration, will give the lower floors a more vertical emphasis that would help provide a better balance to the building.

- The upper floors have a very solid massing, which is reinforced by their geometry – again, improvements to the fenestration would help break down its scale.
- The stairs to the library and CDC offices provide a useful link between the two buildings and more could be made of this feature which could help mitigate the massing and geometric details. This could include making the stair into a link that provides circulation to the hotel.
- The site sections submitted with the planning application illustrates the relationship with existing buildings. The total height of the community building is over 20m and contrasts greatly with buildings on Sheep Street, Manorsfield Road and St Johns Street.

Building Form and Fenestration

As discussed in 2012, the relationship of this building with those adjacent and the overall town centre environment will be important. What are the subtle lines and relationships that can be drawn between the adjacent buildings and townscape structure? This could include the use of the same materials, carrying the lines and details of the fenestration through buildings and continuity of other features / details.

The previous comments that were made during pre-application discussions were largely focused on raising issues which would help improve the overall form and massing of the building and very little was said about the detailed form and fenestration. The comments set out below are focused on how improvements could be made to the detailed massing and fenestration of the building. For ease of communication, comments have been made for each façade. The comments below are specifically for the tower structure which is applicable for each façade.

- The tower structure is formed over three storeys and is set back from the ground and first floor plane, reading distinctly from the other elements. Notwithstanding the comments that have been made on the geometry and scale of the building it is felt that there is the potential for the structure to be positively improved.
- The fenestration, made up of frosted glass panels, horizontal cladding and rain screen cladding, is monotonous and its vertical orientation emphasises the height and scale of the building.
- There is little architectural detail which helps animate this section of the building; the same size windows are used throughout and there has been little attempt to break down the scale and massing or add interest through the fenestration.
- Further thought should be given to the way materials, windows and detailed massing can be used to activate these facades. With proper consideration significant improvements could be made to this element of the structure, which would help break down the scale and support a more finessed relationship with the lower levels and adjacent buildings.

South East Elevation – onto Wesley Square

This part of the building will provide part of the backdrop to the Wesley Square area. Extensive discussion were had in 2012 about the importance of having a coordinated response to the four buildings which sit upon this square and I am concerned that there is little in terms of consistency or design cues holds pulls these buildings together. As the last building proposed in the square it is important that it is designed in a way which complements and unifies the others through the coordination of eaves heights, set backs, materials and fenestration.

- The ground and first floor area has a direct relationship with the square. From longer views, the dominant feature will be the distinctive projecting first floor window, however the ground floor articulation will also be important and this should be reviewed to fit more appropriately. In particular, the ground floor windows should be constrained slightly, so they sit below the first floor feature window (at the moment they extend a little to the east).
- The composition of this façade needs to be considered in relation to the adjacent proposals for Wesley Lane. A strong geometric façade and window detailing is proposed for the adjacent site and having a strong projecting window detail could look awkward with the adjacent proposals, if this is not fully coordinated.
- The first floor feature window has been poorly coordinated with the internal layout and is obscured by two structural columns. This undermines its appearance from the outside and will limit the interior use of the space. I am sure that a structural engineer could come up with a better solution to this element.
- The drawings indicate signage above the library on the first floor. Clarification is required on the signage in order to determine whether it is appropriate or not. Given the composition of the building, this should be centred on the window.
- The entrance to the hotel should be stronger feature within the building. This is after all a major building function and it is important that it is clear to guests where the entrance is.

South East Elevation – opposite the car park

The first floor of this façade projects over the ground floor with a colonnade structure to give a distinct appearance. The tower structure is set back and has an inversed corner detail in this location.

- The first floor projected picture windows provide continuity of fenestration to that found on Wesley Square. The detail of the windows would be improved by narrowing their profile, making them similar to those on the adjacent façade.
- There are a number of anomalies on the ground floor structure, which while visually are not a major distraction would be very simple to improve. The main door to the Class A unit is obscured by a column – We would recommend that the entrance is repositioned to be centred between the columns and potentially closer to Wesley Square where the footfall is higher.
- The stairwell and entrance to the community functions is a dominant feature on this façade, providing access to the library, CDC offices and other community facilities. This feature projects forward, giving it greater hierarchy in the building. The detail of this element has changed from those presented at the pre application discussions, where glass curtain walling provided a positive and welcoming feature. The detail of this element has now changed to a mix of stone, glass and render – reducing the simplicity of detail and elegance that this feature had. We would recommend that this element is reconsidered and the material palette significantly simplified. The entrance feature could be enhanced to improve the legibility of the scheme.
- In pre application discussions we mentioned that the form of the stairwell was an interesting feature that could be used to help bridge the lower two storeys with the tower; both through the use of building form and materials and we would recommend that this opportunity is looked at again in greater detail.
- There is a large area defined for signage on this structure which might or might not be appropriate depending on the detail.

West Elevation – onto Manorsfield Road

This is an important façade, the detail of which will define the character of this key gateway into the town centre. This façade has private offices on the ground and first floor level alongside the eastern edge of the entrance and stairwell to the community areas. It is on this façade that the geometric issues between the curved structure on the lower levels and the right angled geometry of the tower structure are most evident. Distant views from other areas of the Town will make this a particularly prominent feature in this area.

- The configuration of opening on the lower storeys is very repetitive and would benefit from greater relief. Potentially organising the window modules into groups of two, three or four, with space between would help improve the fenestration in this area.
- There is the potential to link the window detailing in this area to that on the southern façade where projecting windows are used to create continuity in the building detailing and greater interest in the façade.
- Greater legibility is required for the entrances into the office space. The entrance to the stairwell which leads to the first floor offices is especially poorly articulated. Locations such as this provide an opportunity to add variance to the façade.
- On the second floor the partition walling is poorly configured, falling into the centre of the window. This is a very odd detail whether viewed from the inside or outside of the building
- Reconsideration should be given to the access onto Manorsfield Road for the Community Link Point. The access point should be on the main road.
- The entrance to the community area of the building and stairwell requires greater consideration in this area and is less successful than on the south façade. The main function of this building is the library and other community functions, and as such it is important that this entrance is given visual priority. Small cues, such as stepping this feature forward would give it more prominence. Introducing a significantly larger area of glazed curtain walling would also help improve the design. The form is 'chunkier' in this area with its wide profile, varied upper levels and interface with the private office component. Greater elegance could potentially be given by increasing the height and coordinating this feature with the tower element (potentially making it an element which unifies the two parts of the building as previously discussed).
- When viewed from a distance across St Johns Street the composition of this part of the building is particularly tricky, with multiple levels of structure juxtaposed against one another – including the multiple levels of the stairwell against the Pioneer Square carpark and the tower structure. It should be straightforward to simplify the building form especially in relation to the upper parts of the stairwell structure.
- The louvres to the plant room are not attractive and will be very visible from the Conservation Area.

East Elevation – onto rear of Sheep Street

While close views of this façade will not be visible from the public realm, the upper levels of this façade will be clearly visible from the conservation area and the gap in frontage along Sheep Street.

- I am concerned about the fenestration for the offices along the north east edge of the building as it very close to the site boundary and would potentially restrict the future development potential in this area (see comments related to layout). If light penetration is an issue, due to the depth of the plan, it might be appropriate to consider roof lights on the first floor.

- The windows nearest Wesley Square are also likely to have an impact on adjacent development.
- The tower will be very visible from Sheep Street and it does not provide an attractive feature which enhances the view of this area. This side of the tower is very much designed as the back of the building, with limited fenestration and would benefit from further design input.

Building Detail and Materials

No comment was made on materials during pre application discussions as the plans gave no indication of the proposed materials proposed. Given the sites context, it is important that the use of building materials is carefully considered in relation to what has been used on adjacent buildings. Fronting onto Wesley Square the building should be coordinated with the Pioneer Square development and the two Wesley Lane development sites. It is important that the selection of materials should either exactly match or clearly contrast from what is specified here. To the north and east of the area, where the site interacts with historic buildings, there is greater variety in the built form and the materials used. This ranges from local brick, lime stone, modern brick and render – a palette which is in keeping with Bicester Town centre.

- The treatment of the lower two storeys is relatively low key and similar in many ways to the Pioneer Square development. Care should be taken to ensure that the same materials are used in this development.
- The tower is composed of frosted glass panels, wood effect concrete horizontal cladding rainscreen cladding and glazing. This palette has little relationship with other elements of the town centre or adjacent buildings and reinforces that this part of the building is very different to others.
- The community entrance / stairwell require further consideration. Earlier plans proposed significant glazed curtain walling which created visual interest and an open, welcoming feel to the building. The materials palette in this area has become more complicated and should be simplified.
- Further information is required on the 'decorative columns' located to the south of the building.
- We have strong concerns about the use of concrete 'timber' cladding.
- The Design and Conservation team have reviewed the initial materials presented and have suggested some changes. We are currently awaiting new samples. It is important that the bricks, render and stone must match those used at the Pioneer Square development.

Landscape and Public Realm

There is no information set out on the landscape and public realm. This is a critical element of the scheme, especially where it interfaces with Wesley Square, and further information is required on this element.

- In particular, the specification of trees should be discussed with the landscape team.
- The interface with the existing structure of Wesley Square needs to be appropriately detailed.

Conclusions

- Franklins Yard offers a fantastic opportunity to provide a new landmark building that welcomes you to Bicester and the new Town Centre development.
- It has been understood from the discussions with the architects that the operational requirements that are being placed on different elements of the building greatly restrict changes to the buildings overall form and structure.

- While it would be helpful to reconsider the massing of the building to establish a form and scale where the lower floors sit comfortably with the upper levels, there are a number of smaller changes that can be made to the detail design and fenestration which would improve the buildings character.
- We would recommend that the composition of the tower element is considered, with particular attention to breaking down the vertical emphasis that is given by the fenestration and composition of materials.
- On the ground and first floor there are some changes to the fenestration and materials which would help to improve the pedestrian experience of the scheme. This especially relates to the comments set out for the west elevation.
- The community entrance and stairwell offers the opportunity to unite the two elements of the building and there are a number of improvements that can be made to the form and detailing of this element.
- A thorough a review of the plans is required; there are a number of poorly considered locations columns, interior walls and doors which should be very simple to correct.

3.4 **Landscape Officer:**

This is a very prominent gateway site to Bicester being located at the end of the northern approach to the town. The current use of a temporary car park is not very attractive. The location is in need of a distinctive building in this location. The site has its main frontage onto Manorsfield Road which is a busy vehicular movement corridor. To the south of Manorsfield Road are domestic dwellings. The character of the two is very different. The character of the centre of Bicester is one of a mediaeval town with low buildings and a network of narrow lanes. The proposed building does not reflect this. The immediate character is one of a very varied group of buildings. This proposal is for a very homogenous building with very large elements of equal size.

VP1. From St Johns Street. Buildings in St Johns Street close to the site vary from single to 2.5 storey. The proposed building is considerably taller particularly the central section. It doesn't seem to relate to the Pioneer Centre. And looks like an island as you approach from St Johns Street. This location is in need of a distinctive sense of arrival.

It would have been useful to have an elevation from this point

VP2. The proposed building forms a very solid massive block at the end of Bell lane. It completely blocks the vista and does not invite the pedestrian in to the space

VP3. Again the building forms a very large block which is out of scale with its surroundings.

VP4. The building appears as a very large solid mass. It doesn't draw the eye round the gentle curve in the road and is unsympathetic in size and scale. The landscape and Visual Statement repeatedly states that Bicester town centre is predominantly 2 and 3 storey. This development is 5 storey.

VP5. This viewpoint illustrates that while a building on the site would be beneficial in improving the street scene this particular one is out of scale and character with its surroundings.

To conclude, a development on this site will provide a beneficial improvement to the enclosure of the street scene. Active street frontages improve the function of the area. However Figure 4.0 acknowledges the bulk of the building will impact on the character of the open sky and that of the opposite side of Manorsfield Road. The development is partly within the conservation area. The materials don't appear to be sympathetic with this or relate to them as a modern interpretation. The glazed openings are very large in comparison to those of surrounding

buildings. The hotel floors look as though they have been dropped on top of the lower floors.

3.5 **Arboricultural Officer:**

It is disappointing to see insufficient or inadequate allocated space for green landscaping or tree planting to the western frontage of the development. The design allows for no contribution towards architectural landscaping or planting which could soften or even compliment the scale and form of the building; no vegetation stormwater management to mitigate or reduce anticipated seasonal rainfall; or general green infrastructure to provide any level of ecological benefits or to reduce any identified environmental issues such as the urban 'heat island' effect.

The proposed location of the entrance into the library (SSW corner) disregards the existing tree recently planted as part of the Pioneer Square development. The footprint of the entrance will require the removal of the tree planted within a specially designed engineered planting pit to allow for the complete healthy development of the tree into maturity without the usual problems of increasing ground disturbance to footpaths, curbing and pavement.

The design shows a token / insufficient planting scheme with two proposed trees adjacent the north service yard entrance and a single tree planted within a shrub bed to the west boundary of the site. It's also disappointing to see no planting proposed for the section of hard surface area adjacent to the 'Hotel Delivery Bay'.

To improve the situation I would recommend that:

- i) the existing tree located in the SSW corner is retained with the design for the library entrance amended accordingly.
- ii) there must be an increase in hard surface planting in the 'service yard entrance' from 2 No trees to 6 planted in parallel; increase tree planting in the shrub bed area to the west from one tree to three and;
- iii) provision is made for 4 No additional trees planted in linear fashion parallel to the 'Hotel Delivery Bay'. All trees planted in hard surface areas must be planted in specially designed 'structured cell, load bearing planting pits with sufficient volume of top soil to provide for the tree into maturity.

3.6 **Anti-Social Behaviour Manager:**

Prior approval conditions will be required to cover the issue of external lighting and any illuminated advertising or branding signage. Of equal importance will be noise emissions from air conditioning, ventilation and refrigeration systems that may form part of the main building services. To protect the amenity of the closest residential properties, likely to be those in St Johns Street it is anticipated that a noise level condition derived from British Standard BS 4142:1997 will be required with the rated level of sound from externally located plant and equipment not exceeding background when measured at the façade of those dwellings. Finally from my perspective consideration will have to be given to the location and design of any extract ventilation system installed to serve the A3 and hotel element(s) of the proposal with the design reflecting the need to protect not only the existing nearby dwellings but also the potential hotel occupants.

3.7 **Environmental Protection (Contaminated Land):**

The Desk Study Report (Project. No 26888-01) prepared by RSK on behalf of Cherwell District Council has been submitted with the application and reviewed and section 6.2 on page 19 of the above document advises that further intrusive ground investigation needs to be carried out on the site.

No development shall commence until a phased risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

As a Phase 1 investigation has been completed as mentioned above (Project. No 26888-01) then a Phase 2 investigation shall be undertaken as recommended in the report.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Oxfordshire County Council Consultees

- 3.8 Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. The overall view of the County Council is no objection subject to conditions, legal agreement and informatives.

The County Council welcomes the opportunity to comment on the application for the proposed development at Franklin's Yard. Pre-application discussions have previously taken place between the County Council, the developers and Cherwell District Council to discuss the relocation of Bicester library into a new development in the town centre and the County Council supports the opportunity to relocate and expand the library to meet the needs of the existing and future population of Bicester.

The County Council's objection to the drawings originally submitted, which showed encroachment of the proposed development on the highway, have now been resolved as a further plan has been submitted which overcomes the objection.

However, the Council is disappointed to note that several of the issues raised in our pre-application response have still not been adequately addressed in the application documentation. This includes:

- The access arrangements for the library
- The parking and servicing arrangements

Officers have raised a number of issues in response to this application. A summary of the key issues is below:

There is no analysis of Car Parking accumulation (and possibility of excess demand) in the Transport Assessment and particularly it has not been proven that there is sufficient car parking within the closest car park (Pioneer Square) to accommodate the additional requirement generated by this development;

- The applicant should supply a strategy for approval to explain how the available parking spaces will be managed in the future;
- Cycle parking (preferably covered) should be provided in a convenient and secure location (front entrance) at destination
- The applicant is required to provide evidence that the surface water drainage system on the adjacent site can cope with the additional surface water from this site.
- There are a number of detailed issues relating to the internal layout and form of the library which are yet to be clarified
- Library signage still needs to be clarified and agreed with the county council
- The scale of the building appears to be at risk of being out of keeping with its surroundings; if that is found to be the case following public consultation it does seem possible that the second floor layer of offices could be removed

3.9 Transport:

No objection subject to conditions and following confirmation that the proposed building footprint will no longer encroach onto land to be dedicated as public highway (as shown on amended Mayer Brown drawings LSHBICESTER.1/05 Rev B & TCRBICESTER2.2/04 Rev M) at Annex 3 to the County Council's report.

It is unclear if the proposed building footprint encroaches on land to be dedicated (if not already) as public highway, which is not acceptable. A scaled drawing shown the area of land to be dedicated as part of the town centre mitigation works and the proposed development's site area needs to be submitted for assessment. Additional information is required.

The submitted Addendum Transport Assessment (ATA) dated February 2014 for this application is specifically confined to assess the transport implications of the proposed building (update of the original February 2007 TA and the November 2009 ATA) as well as taking into consideration the site's history, parking requirements and the recent completed highway and mitigation works within the town centre. The 2014 ATA has also reviewed the pedestrian, cycle and public transport links available within the area.

The submitted ATA states that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network. Analysing and reviewing the information provided, in my opinion this is reasonable. It should be noted that Oxfordshire County Council is aware that the access junction on Manorsfield Road to Pioneer Square car park can suffer from congestion and are continuing to monitor this area.

The original submitted site plan (drawing P-0003) shows no on-site parking for the development is to be provided (stated in TA addendum as well). While it is acknowledged the proposed site is located within the town centre and has access to a number of local facilities etc, no justification have been provided why/how this development will be car free. The County Council does have concerns with no on-site parking being provided as there is potential for associated vehicles parking on the surrounding residential streets.

Such issues have been reported to OCC from the Pioneer Square development of inconsiderate parking in neighbouring streets, and given the considerable

distance to the cattle market car park (for staff and early arrivals to hotel), streets without appropriate parking controls are likely to suffer. I would add that appears to be no evidence confirming that there is sufficient car parking capacity within the closest car park (Pioneer Square) to accommodate the proposed development. Further car parking information is required.

To address this concern a financial contribution of **£10,000** (@ April 2014 prices) is required towards a central Bicester parking strategy to investigate and promote on-street parking controls within the area. Such a contribution is to be secured via a s106 Agreement.

Safe and secure cycle parking does not appear to be provided for the proposed development (paragraph 7.13 to 7.15 of ATA). While the submitted Framework Travel Plan (page 22) states the future Travel Plan Co-ordinator will promote cycling and provide details of where cycle parking is located within the town – not providing on site cycle parking does not promote or encourage cyclists to this destination.

The principle of altering the existing car park entrance on Sheep Street as shown on drawing P-304 is acceptable. However, the works proposed will be subject to a s278 Agreement with OCC as the Local Highway Authority. The tracking plan that has been submitted as appendix E of the TA addendum is acceptable and is to be conditioned.

Due to the town centre location of the proposed development it is essential a Construction Traffic Management Plan is imposed as a prior to commencement of work planning condition (chapter 10 of addendum).

3.10 Drainage Officer

Drainage from this site is connecting to a neighbouring completed site but no supporting evidence has been supplied with this application. Full drainage details will need to be submitted and approved by the Lead Flood Authority prior to the development commencing on site. We have no evidence that the surface water drainage system on the adjacent site can cope with the additional surface water from this site. This information should be supplied with this application.

3.11 Property

No objection. The following comments have been made in relation to OCC's library interest regarding the drawings / plans submitted.

1. The staircase rationale: Why is a circular staircase now proposed; winders can be difficult for some to negotiate.
2. Confirmation of how the operation of the twin doors at first floor level will function i.e. Hold open / disabled access?
3. Inclusion of the internal arrangement of rooms within the library on the drawings should be shown
4. As noted before, confirmation of whether the library fit-out is suitable in terms of location and density of columns within the space is required.
5. Emphasis of the library within the shopping street through form as well as signage is preferred; it may well be that the designer has taken that into account but perhaps this can be checked

6. Assurance that the signage for the library is not dominated by reference to the district council is requested – it seems reasonable that there is state civic centre reference rather than reference to Cherwell DC?

7. The scale of the building does appear to be at risk of being out of keeping with its surroundings; if that is found to be the case following public consultation it does seem possible that the second floor layer of offices could be removed; particularly if there are no obvious candidates for occupation it is accepted that this may not, in practice, be the case.

3.12 Archaeology:

No objection. The site has been the subject of an archaeological evaluation and subsequent mitigation and no further archaeological investigations are required. There are therefore no archaeological constraints to this scheme.

3.13 Economy and Skills:

No comment - There is no documentation that outlines the economic impact of this development, including number of new jobs created at construction and end user stage. I therefore cannot comment on this application.

3.14 Local Member Views

Bicester Town Cllr Michael Waine - Generally happy with the layout, but very concerned that there should be adequate 'disabled parking' available within close proximity to the Library, especially given the current high level 'disabled' and old person use of the present Old Place Yard Library.

Other Consultees

3.15 Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Previous activities at this site may have resulted in contamination. This site is located on a secondary aquifer, with the Town Brook watercourse in close vicinity. These are controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that controlled water receptors are not impacted. This may include remedial works to resolve contamination issues. This in line with your adopted Local Plan 2006 Policy ENV7.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

3.16 English Heritage:

In summary, the revisions to the design have failed to address the concerns outlined in the pre-application advice. While we accept that there is a planning precedent for a four storey building (approved in 2007) a far higher quality building which carefully responds to its context in terms of both its massing and elevational treatments is needed.

Good design should emanate from an understanding of its context and respond appropriately to what is significant about that place. In this instance the immediate context for the proposed development is the adjacent Bicester Conservation Area. This is a significance as a good example of an Oxfordshire Market Town, with an intact medieval plan form and a predominance of buildings in the Oxfordshire vernacular with limestone walls and steeply pitched roofs. As with many market towns, the scale of the buildings reduces towards the edge of the historic settlement meaning that Sheep Street and North Street are characterised by 2 and 3 storey buildings. Views to the Conservation Area from St John's Street and Franklin's Yard are important as the tapestry of materials and variety of buildings can easily be appreciated. At the same time, views from Sheep Street down Wesley Lane illustrate the varying scales between building's on Sheep Street and the more intimately scaled buildings along Wesley Lane.

The assertive massing of the proposed building would not sensitively or positively respond to its historic context and lacks the subtle variations in bulk which characterises adjacent historic buildings. The juxtaposition of such an immense unbroken volume directly adjacent to small scale buildings in the Conservation Area would not create a harmonious juncture between the two. The unbroken massing of the building would also harm important views to and from the Conservation Area. Key views identified in the Landscape and Visual Impact Statement which include those from Sheep Street towards the service yard (vp2), from St Johns Street (vp1) and from Manorsfield Rd (vp5) clearly demonstrate how the sharply rising form of the proposed building would dominate and overwhelm views, detracting from an appreciation of the intimate and low scale buildings in the Conservation Area. The geometry of the proposed building is also very unsatisfactory. The cuboid form of the upper storeys does not relate to the shape of the site and would create an awkward juxtaposition between upper and lower parts of the building.

We recognise that some effort was made to create a greater amount of interest and relief across the elevations. However, in views towards the service yard from within the Conservation Area the elevation would appear bland and repetitive and the pattern of solid to void would emphasise the dominance of the proposed building. The elevational treatment of the south and south east elevations in particular lack coherence most noticeably between the upper and lower storeys and the result is of a cluttered and overpowering building which lacks finesse. The proposed street frontages lack the variety and interest that characterises the active frontages within the Conservation Area. The large areas of glass proposed within the intention of creating active frontages would probably be covered by curtains of blinds over time creating a bland ground floor and poor quality entrance to Bicester.

The proposals therefore fail to meet the requirements set out in para 56 of the NPPF for good design which should positively contribute to improving the quality of places and we note that para 64 requires that permission should be refused for

poor design that fails to take the opportunities available to improve the character and quality of an area. Furthermore, the proposals do not make a contribution to local character and distinctiveness and the desirability of sustaining or enhancing the significance of a heritage asset which (in this case is Bicester Conservation Area) as advocated by para 131 of the Framework, instead they would harm the significance of this asset.

Para 134 of the Framework requires any harm entailed by a proposed development to be balanced against public benefits. While we acknowledge that this proposal may bring enhanced public facilities, they are nonetheless already available in some form. We would therefore suggest the public benefits are minor and should be given very limited weight when making a decision.

While this may not be the right design for the location the principle of redeveloping this site is supported as a high quality building on this site could greatly enhance the townscape of Bicester. It should be possible to design a building of 3-4 storeys which would be far more sympathetic and of a far higher quality than that proposed which equals the quantum of development of this application, though to achieve this we would suggest that a completely new approach is required.

We recommend that the applicants withdraw this application and completely reconsider the approach to design. If they are not willing to do this we recommend that the application is refused as contrary to paras 64 and 134 of the NPPF.

Since the receipt of these comments above, a meeting was held on 5th June between the applicants and English Heritage. At the time of writing there is no update but it is hoped that one will be available for the Committee meeting.

3.17 Police Liaison:

No objection to the proposals at this time. However, there are opportunities to design out crime and/or the fear of crime and to promote community safety (see observations below). To ensure that these opportunities are not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application; *No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.*

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards. Although achievement of an Award can sometimes be more of a challenge due to other planning considerations and/or site constraints, achievement of Part Two compliance is simply a matter of supplying and fitting the required features to accepted and

tested specifications. Therefore, a level of accreditation can be achieved by all development.

Crime Prevention Design Team.

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; Promoting Healthy Communities') where it is stated that development should create *'Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'*.
- DCLG's Planning Practice Guidance in relation to design, where it states *'Although design is only part of the planning process it can affect a range of economic, social and environmental objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: ...safe, connected and efficient streets, ... crime prevention, ...security measures, ...access and inclusion, ...cohesive & vibrant neighbourhoods.'* It also states that *'Planning should promote appropriate security measures. Taking proportionate security measures should be a central consideration to the planning and delivery of new developments...'*
- CDC's Local Plan Proposed Submission (August 2012) Policy ESD 16: The Character of the Built Environment states that new development should *'Be compatible with up to date urban design principles, including Secured by Design...'*
- And, CDC's Non-statutory Local Plan (2011), Urban Design and The Built Environment Objective D5 states that development proposals should *'Incorporate measures to minimise the potential for crime and anti-social behaviour ...'* If a condition is not attached the authority may not be adhering to DCLG's Planning Practice Guidance, where it states *'Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation.'*

Assuming approval is given, and to assist the authority and the applicants in providing as safe a development as possible, and to aid the latter in achieving SBD accreditation, I make the following observations:

- An access control strategy must be developed to ensure abuse of the mixed used nature of the buildings does not take place, and that conflicts between the uses/users are reduced to a minimum. The strategy should cover both the physical and operational security management of the system. I am particularly concerned about the public entrance to the Link Point, Library and the Offices above, and the Hotel entrance. The latter must be controlled from the reception area on the 3rd floor. Alternatively the reception should be moved to the ground floor.
- The covered approach to the Link Point eastern entrance doors should be lit to Police recommended standards and covered by CCTV (preferably linked to the town centre system).

- The pedestrian access gate to the service yard from Wesley Sq should be moved forward so that the recess is removed.
- The trees proposed outside the main entrance to the service yard should not create a climbing aid either by their proximity to the walls/gates, or by their size/habit in future (overhanging limbs etc).
- I would prefer the recessed entrances along the north west elevation to be reduced as much as possible, preferably forming a continuous front building line to Manorsfield Rd.
- I could not find the combined Design, Access, Planning Statement mentioned on the application form but was reassured by the content of the BREEAM Pre-assessment Report, which refers to achieving SBD accreditation. With this in mind I invite the applicants to contact me at their earliest convenience to start this process as there has been no contact to date regarding this project.

The comments above are made on behalf of Thames Valley Police and relate to CPTED only. You may receive additional comments from TVP with regard to the impact of the development upon policing and a request for the provision of infrastructure to mitigate against this impact.

Response to consultations from applicant's agent

- 3.18 The applicant has considered the consultation response from English Heritage dated 11th April in connection with planning application 14/00403/F and would be grateful for the following to be taken into account in the determination of the application.

'The applicant notes and respects English Heritage's view on the architectural merits of the proposed building and fully recognises that the definition of architectural quality is often a matter of taste and opinion. The applicant considers that the proposed building displays architectural quality of a high order appropriate for this prominent location at the northern entrance to the town centre, in compliance with the National Planning Policy Framework. The proposed building provides the landmark presence sought by Council policy for this location.

The applicant fully supports English Heritage's statement that good design should emanate from an understanding of its context and respond appropriately to what is significant about that place. The consultation response goes onto say that the immediate context for the proposed development is the adjacent Bicester Conservation Area and that the proposals do not sustain or enhance the significance of the conservation area.

However in considering the context of Franklins Yard, the applicant is of the view that the English Heritage consultation response is incomplete in that it does not include any reference to the large scale built form of the immediately adjacent Pioneer Square scheme, or to the approved redevelopment of almost the whole of both sides of Wesley Lane. This includes the completed new three storey building at the rear of 71 Sheep Street and the four storey building at the north western end of Wesley Lane, which almost touches the proposed Bicester Community Building.

In the applicant's view, the proposed architectural solution achieves an appropriate design balance which fully respects the contextual relationships of Franklins Yard with Pioneer Square and Wesley Lane, and with the mostly lower built form of the nearby parts of the conservation area and of the areas beyond Manorsfield Road and St John's Street to the west and north.

The applicant considers that the proposed development complies with the National Planning Policy Framework in that it will provide a building of high architectural quality and of landmark status which will significantly contribute to the character and distinctiveness of the locality, will enhance the significance of the Bicester Conservation Area and will provide public benefits. As such the applicant does not accept the English Heritage recommendation to withdraw the application.

Lastly notwithstanding their advice, the English Heritage consultation response recognises that it is open to the local planning authority to approve the application in its present form and by implication therefore acknowledges that there are alternative views on the merits of the application. The applicant wishes the application to be determined in its present form.'

3.19 Although Oxfordshire County Council (OCC) has raised no objection to the application, subject to conditions, legal agreement and informatives, several comments have been made. To assist the Planning Committee, the applicant's responses to the OCC comments are as follows:

1. **OCC Comment:** There is no analysis of car parking accumulation (and possibly excess demand) in the Transport Assessment and particularly it has not been proven that there is sufficient car parking within the closest car park (Pioneer Square) to accommodate the additional requirement generated by this development.

Response: OCC as Highway Authority has raised no objection to the planning application. The Transport Assessment submitted as part of the application addresses parking provision and requirements and concludes that no additional parking is required to service the proposed development. Table 7.1 of the Transport Assessment considers the level of parking that would be allowed based on Cherwell District Council standards and shows that in general only minimal operational parking would be allowed.

The proposed hotel is the only part of the proposed development that could justify additional parking. The applicant's highway consultants have used TRICs analysis to produce a predicted parking demand accumulation for the hotel which shows a maximum demand for 16 spaces. A survey of the Pioneer Square car park was undertaken in November 2013, which showed that there were more than 100 spare parking spaces at all the times surveyed. The Pioneer Square car park therefore has sufficient spare capacity to accommodate any increase in demand generated by the hotel during the daytime. Also, the short stay car parks in the town are open 24 hours and have an unrestricted duration of stay overnight.

Local residents have raised the issue of town centre visitors parking in nearby residential streets; the survey indicates that it is not the lack of available spaces in

the Pioneer Square car park which is a factor leading to the choice of this on-street parking.

2. **OCC Comment:** The applicant should supply a strategy for approval to explain how the available parking spaces will be managed in the future.

Response: The management of the Pioneer Square car park is carried out on behalf of Sainsbury's and as such is not within the control of the applicant.

3. **OCC Comment:** Cycle parking (preferably covered) should be provided in a convenient and secure location (front entrance) at destination.

Response: The November 2013 survey of the Pioneer Square car park shows a maximum observed cycle parking demand of 30 spaces. The car park has 25 cycle stands which provide parking for 50 cycles, resulting in spare cycle parking capacity for 20 cycles throughout the day. However, these spaces are not located 'at destination' as stated by OCC. There is scope to provide spaces within the application site, which the applicant will address at implementation stage in the event planning permission is granted.

4. **OCC Comment:** The applicant is required to provide evidence that the surface water drainage system on the adjacent site can cope with the additional surface water from this site.

Response: One of the planning conditions recommended by OCC is that a full drainage design for the development be submitted to and approved in writing by the Local Planning Authority.

5. **OCC Comment:** There are a number of detailed issues relating to the internal layout and form of the library which are yet to be clarified.

Response: The library layout has been developed with OCC and OCC's design consultant and will be progressed in the event planning permission is granted. At the request of OCC, the access to the library has been revised to show a rectangular staircase to replace the helical arrangement originally proposed. OCC considers that a rectangular staircase is the more user friendly choice.

6. **OCC Comment:** Library signage still needs to be clarified and agreed with OCC.

Response: Signage shown on the application drawings is indicative at this stage. Signage will be subject to future consideration by the relevant parties and subject to consent under the advertisement regulations as appropriate.

7. **OCC Comment:** The scale of the building appears to be at risk of being out of keeping with its surroundings; if that is found to be the case following public consultation it does seem possible that the second floor layer of offices could be removed.

Response: The applicant considers that the scale of the proposed building is appropriate for this prominent location at the northern entrance to the town centre and will provide the landmark presence sought by Cherwell District Council planning policy.

The TRICs analysis for the hotel and the November 2013 Pioneer Square car park survey has been submitted and available on public access.

- 3.20 Finally, the applicant agrees to a financial contribution of £10,000 (at April 2014 prices) required by the County Highway Authority towards a central Bicester parking strategy to investigate and promote on-street parking controls within the area, to be secured via a Sec 106 legal agreement.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies) (ACLP)

S12: Town centre boundary
S15: Franklin's Yard suitable for comprehensive development
C28: Layout, design and external appearance of new development
C30: Design of new residential development
C32: Provision of facilities for disabled people
TR1: Transportation funding
ENV1: Pollution Control
ENV7: Water Quality
ENV12: Contaminated Land
Proposals Map: Site suitable for retail and business development or other development appropriate to a Town Centre

4.2 Other Material Considerations - Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Cherwell Local Plan – Submission January 2014

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014 for Examination to take place in June 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

SLE2: Securing Dynamic Town Centres
BSC5: Area Renewal
ESD3: Sustainable Construction
ESD7: Sustainable Drainage Systems
ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
ESD13: Local Landscape Protection & Enhancement
ESD16 The Character of the Built & Historic Environment
Policy Bicester 5: Strengthening Bicester Town Centre
Policy Bicester 6: Bure Place Town Centre Redevelopment Phase 2
Proposals Map: Bicester 6 Bure Place Redevelopment (adjacent to the town centre)

Bicester Masterplan – Draft August 2012

The site lies within the Retail Quarter

Bicester Landscape Sensitivity and Capacity Assessment – September 2013

Bicester 6. This document concludes by saying that there are few specific enhancement opportunities identified but the key opportunity for this area, being within the Conservation Area, is likely to continue to be relevant to ensure the alley ways and links between the commercial development and Sheep Street and Market Square are maintained. There are opportunities to ensure that these linkages provide a high quality area of public realm connecting the modern and historic areas of the town and providing a gateway into the Conservation Area.

Bicester Conservation Area Appraisal – August 2011

5. Appraisal

5.1 This application has been subject of pre-application advice which summarised that officer support could be given to this proposal in principle by only on the strict provision that the final design is acceptable. The key issues for consideration in this application are:

- Planning History
- Policy principles
- Design
- Heritage Assets
- Neighbour Amenity
- Highway Safety
- Other matters
- Planning balance

Planning History

- 5.2 07/00422/F – Application approved on 3.09.09 for the town centre development with conditions and a legal agreement. This was an EIA development.
- 5.3 09/01686/F – Application approved on 29.01.10 for the variation of conditions 2, 3, 27 & 56 of 07/00422/F with conditions and a legal agreement. This application related to enabling works to alter the position of Town Brook.
- 5.4 11/01178/F – Application approved on 26.10.11 for the variation of condition 34 of 07/00422/F with conditions. This application related to service vehicle access times.
- 5.5 13/00138/F – Application approved on 29.05.13 to vary condition 36 of 11/01178/F to extend the use of Units A1 and A2 from A1 retail to include all A1 to A5 retail uses. Further conditions were attached.

The Policy Principles

- 5.6 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.
- 5.7 Another of the core planning principles of the NPPF is to encourage the effective use of brownfield land by reusing land that has been previously developed, whilst actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
- 5.8 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. Policy Bicester 6 identifies this site as being within the town centre and specifically identifies it as the anticipated Phase 2 of the Bicester Town Centre Redevelopment Scheme. Reference is made to ensuring that any future proposal should be considered against Policy ESD16 which contains a substantial list of requirements with regard to ensuring that the character of the built and historic environment is enhanced/complemented.
- 5.9 The adopted Cherwell Local Plan Policy S15 seeks to permit the comprehensive development of this area for retail and financial and professional services appropriate to a town centre whilst ensuring that parking and servicing requirements are met.
- 5.10 It is considered that this proposal would comply with adopted and emerging policy and government guidance and is therefore acceptable in principle. Further consideration now needs to be given to the identified issues listed above to ensure its overall acceptability at a detailed level.

Design

- 5.11 Policy C28 seeks to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that it should be compatible with the appearance, character, layout, scale and density of existing buildings in the vicinity. Finish materials should be sympathetic to the character of the urban context and in sensitive areas, such as Conservation Areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 5.12 The NPPF advises ;

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.13 The issue of design is considered to be of particular importance in the scheme and comments have been received in this regard from English Heritage, the Council's Design and Conservation Team Leader as well as several members of the public, and are reported in the consultation responses above. When the pre-application advice was submitted officers sought to influence the design because the development will become a landmark building. The applicant has justified the design in the submitted documents and commented on the views expressed.
- 5.14 In forming an opinion on the design, the NPPF advises *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.* The design approach taken by the applicant is clearly at odds with the Urban Design and Conservation Team's view and the view expressed by English Heritage.
- 5.15 The design of the scheme has responded to the historic street pattern and the new route that has been formed with Pioneer Square and therefore provides for good connectivity for pedestrians. The design concerns focus on the massing of the building and the integration of the scheme, particularly with the historic town centre buildings adjacent which are of a very different scale and form.
- 5.16 The proposed building, with its large footprint is different from the buildings located in the historic core presenting a challenge for the designers in attempting to stitch it into the historic fabric of the town. The design advisers consider that the proposed building is not successful in terms of its detailing which it is considered *"lacks the subtle variations in bulk which characterises adjacent historic buildings"* and the difficulty in handling the upper floors with their different form from the lower floors.
- 5.17 This proposal in many ways illustrates the difficulty in integrating new development into historic town centres, yet is recognised by all the importance of keeping town centres attractive and viable places for which new uses are key. It is disappointing that the design concerns remain and this is an important consideration in the determination of the application.

Heritage Assets

- 5.18 The NPPF states that the significance of the heritage assets should be preserved, sustained and enhanced and that new development should make a positive contribution to local character and distinctiveness. Saved Policy C28 of the adopted Cherwell Local Plan notes that in Conservation Areas developments are required to be of a high standard and they should use local building materials. Policy ESD 16 of the Submission Cherwell Local Plan states that where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design will be essential.

5.19 The policy basis does not seek to prevent development but rather that it should be so designed as to sustain and enhance the significance of heritage assets, in this case, the Conservation Area and the setting of the list building. The comments from English Heritage are noted and have been addressed by the applicant's agent in their response in para 3.18. Again the focus is on architectural merit and some balanced approach which recognises that it is not just the Conservation Area in proximity but also Pioneer Square scheme offers some immediate context. The Wesley Lane area is going to change to some significant extent and this too needs to be acknowledged.

5.20 The NPPF advises:

In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

5.21 In this case there is no loss of buildings or features of value within the conservation area but concerns with regard to the setting. Para 134 of the NPPF advises; “ *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*”

5.22 There is therefore a need to balance the impact on the heritage asset with public benefits of the scheme and this is considered below in the section Planning Balance.

Neighbour Amenity

5.23 Principally as a result of the scale of the proposal, the nearest residential properties for example at Dunkins Close have been considered in terms of the potential over domination that may be experienced as a result of the height of the building. An assessment of the level of overshadowing has been provided and given the juxtapositions of the proposed building and neighbouring properties with some intervening landscaped areas it is considered that the development will not give rise to any significant issues. Similarly the distance, at 25m is sufficient to not lead to overdomination or loss of privacy.

5.24 Similarly the nearest properties opposite St John's Street are at a distance of 16m to the nearest pinch point of the 3 storey element (29m to the higher storeys) will not cause any significant harm in terms of loss of light, overshadowing or loss of privacy and will not appear so disproportionate given the presence of the 3 storey properties.

5.25 With regard to matters of noise and light pollution, given the context of the proposed building in terms of the existing town centre uses adjacent, it is anticipated that the proposed building will not give rise to more than a limited

additional impact on residential amenities. It is considered that these issues can be dealt with by condition.

Highway Safety

- 5.26 It can be noted that the Highway Authority has no objection to the proposal subject to the recommended amendments being made and required standards being met, a list of recommended planning conditions, informatives and legal agreements can be finalised. The applicant's agent has agreed to the sum required to address the car parking concerns to produce a central Bicester parking strategy to investigate and promote on-street parking controls within the area.

Other matters

- 5.27 Public Art has been considered in the form of another crow being attached to the building or possibly alighting on a small plinth/platform built into the structure; as well as a freestanding carved piece. Consideration has also been given to extending the commission into letter carving and working with a composer so that Pioneer square would have its own music piece. It is considered that this issue can be dealt with by a condition should consent be granted.
- 5.28 It is noted that relatively recently the area around Manorsfield Road flooded and so whilst the site is not noted as a constraint as being an area of flood risk, this matter has been considered by the Environment Agency and the necessary conditions have been suggested to ensure risk of flooding and contamination are minimised.

Planning Balance

- 5.29 The NPPF (para 14) is quite clear that there is a presumption in favour of sustainable development and that for decision taking this means the development proposals that accord with the development plan should be approved without delay. It has already been determined that the application accords with the development plan in terms of the uses proposed that will enhance the town centre.
- 5.30 The impact on the conservation area is largely an issue with the design of the building where significant concerns have been raised. The NPPF recognises where there is less than significant harm, as is the case here, the harm has to be weighed against the public benefit. This building in particular will have public benefit as it is designed to serve the community through providing local authority functions and library, although it also includes commercial uses.
- 5.31 The NPPF advises that poor design should be resisted. The argument for improving the design of the scheme is quite weighty particularly given its high level of prominence in the street scene and that the development will become a landmark building. The question arises as to whether or not the design is so harmful as to warrant refusal when balanced against all the other issues. Consideration of the benefits of the proposal need also to be recognised and given weight accordingly in the policy context.
- 5.32 The economic benefits include the contribution the building will make to the economy maximising the use of the land in the right place and at the right time.

The social role of the scheme is evident with the provision of a local service that reflects the community's needs. Finally, the environmental role is secured with developing a brown field site and promoting ecological interests where possible. All these aspects serve to demonstrate the sustainability of the scheme.

- 5.33 The proposal complies with policy principles at both a national and local level with regard to the proposed reuse of a site within the town centre and will assist in maintaining the vitality of the town centre. All other detailed matters can be addressed by condition. On this basis it is considered that the planning balance tips in favour of the proposal with the consequential conclusion being reached that there will be no significant harm caused to the identified heritage assets in this town centre context as a consequence of the design being promoted by the applicant.

Engagement

- 5.34 With regard to the duty set out in paragraphs 186 and 187 of the Framework, negotiations have continued throughout the course of 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:

- a) the completion of the S106 legal agreement by 10th June unless otherwise agreed in writing;
- b) the following conditions:

1. SC1.4 (Time)
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: Drawing nos. P-001, 002,003A, 100A,101A, 102A, 103A, 104A, 105A, 200A, 201A, 300, 301A, 302A, 303A, 304A received with the application and the amended Mayer Brown drawings LSHBICESTER.1/05 Rev B & TCRBICESTER2.2/04 Rev M.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy

Framework.

4. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- (1) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

9. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance

contained in the National Planning Policy Framework.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

11. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to the first use or occupation of the development hereby permitted, cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local

Planning Authority. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, full design and operational details of the method of the air conditioning, extract ventilation and refrigeration systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the systems shall be installed, brought into use and retained and maintained in accordance with the approved details.

Reason - To ensure and retain the satisfactory appearance of the completed development, in order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. 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.

17. No external lights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. No development shall commence until details of the measures to be incorporated into the development to demonstrate how “Secured by Design” (SBD) accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority, unless agreed otherwise. The development shall be carried out in accordance with the approved details, and shall not be occupied until confirmation has been sent in writing to the Local Planning Authority the SBD accreditation has been received, unless agreed otherwise.

Reason – To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Legal agreement
2. Archaeology
3. Construction Sites
4. The Environment Agency has reviewed the submitted RSK Preliminary Geo-environmental Assessment, Feb 2014 and there appears to be a degree of uncertainty as to the previous usage of the site and all buildings present. Previous investigations on this site and in the general area have encountered some contamination. The Town Brook River is in very close vicinity of this site, this could potentially be impacted by any contamination that may be present. As such we would recommend (as per the recommendation in the RSK Preliminary Geo-environmental Assessment) that as a precaution some intrusive investigation is undertaken. Given that our primary concern would be with groundwater, which is at a shallow depth, we would request that some appropriately targeted groundwater sampling is undertaken.
5. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by Oxfordshire County Council Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Also no changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

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.