

<b>Application No:</b> <b>09/01687/F</b>	<b>Ward:</b> <b>Bicester Town</b>	<b>Date Valid:</b> <b>24.11.09</b>
<b>Applicant:</b>	Town Centre Retail (Bicester) Ltd	
<b>Site Address:</b>	Bicester Town Centre Development, Manorsfield Road, Bicester	

**Proposal:** Foodstore, non-food retail, cinema, car park, servicing and other ancillary town centre uses (amendments relating to 07/00422/F approved 03.09.09)

## 1. Site Description and Proposal

- 1.1 This application relates to the majority of the site covered by the previous planning permission for this town centre development. It comprises the Bure Place car park, the Bure Place roadway and bus interchange, the Crown Walk car park and its northern service yard. It also includes parts of Evans Yard and Wesley Lane.
- 1.2 This application for full planning permission is an evolution of the previously approved scheme (07/00422/F). It is a revised scheme for the central part of the site. The surroundings in the form of the river diversion, associated highways, small retail units and alteration to Crown Walk, and the Franklins Yard part of the former site are not being considered as part of this application.
- 1.3 The applicants intend to undertake an initial phase one of the scheme (the 'enabling works') under the previously granted planning permission. This will include the diversion of the Town Brook to the opposite side of Manorsfield Road and necessary alterations to that road. This is intended to commence in February 2010. A small amount of demolition is necessary as part of this proposal (9-21 Wesley Lane; 5/7 Evans Yard; the Shopmobility unit, Pop-In Centre and rear of 22-25 Crown Walk). This demolition is covered by Conservation Area Consent previously approved (07/00428/CAC)
- 1.4 The current proposal is for amendments to the central two blocks of the approved scheme and proposes
  - 8,953 m<sup>2</sup> of A1 foodstore
  - 3,899 m<sup>2</sup> of other A1 non food retail
  - 2,2644 m<sup>2</sup> of cinema
  - 1,342 m<sup>2</sup> of other uses (service yard, plant, pop-in centre and shopmobility)
 The foodstore is 1,539m<sup>2</sup> larger than previously proposed (this mainly being provided in an enlarged mezzanine area). There is a corresponding reduction in non-food retail units (1,416m<sup>2</sup>)
   
The cinema is slightly larger than previously proposed but is now proposed to be relocated centrally in the site rather than at the Franklins Yard end of the site. It replaces the former civic building. This latter building is now proposed to be located on the Franklins Yard car park but is not part of this application.

- 1.5 The main foodstore (Sainsburys) will have a sales area of 4,842m<sup>2</sup> It will be provided on ground floor and a part mezzanine floor accessed by travelators, lifts and stairs. This level will provide mainly non-food comparison goods with a small café. This store would be served from the service yard located to the south of the unit, accessed directly from a new roundabout at the junction of Manorsfield Road and Hanover Gardens.
- 1.6 Six further A1 retail units will be provided along a new pedestrian street along Crown Walk to Wesley Lane. Each of these units has the opportunity for mezzanine trading/storage levels. They are of sufficient size to accommodate larger multiple retailers. The applicants seek a degree of flexibility to allow A3 (restaurant café uses to be accommodated in some of this floorspace. Servicing to these units is provided from a central service yard accessed of Manorsfield Road. Three retail kiosks are proposed alongside the proposed Shopmobility unit and Pop-In Centre on the Manorsfield Road frontage of this block alongside the new bus facilities.
- 1.7 The proposed cinema is also proposed in this central block. It is now proposed at ground floor level accessed from the new public square by the new foodstore. It is proposed that the cinema will have 7 screens ranging from 85 seat to 312 seats.
- 1.8 The proposed location of the shopmobility facility on the Manorsfield Road frontage allows direct access to the dedicated Dial-a-Ride bus bay and is also convenient with direct access via lifts to the two floors of car park above with dedicated parking spaces on the first level of parking above..
- 1.9 Existing public parking on the site (368 spaces) will be replaced by car parking over two floors above the facilities described above. They will be accessed via spiral ramps from Manorsfield Road. The parking over the two principle buildings are linked at each level. A total of 566 spaces are to be provided. Lift and stair access is provided to street level , together with travelator access from both levels to the foodstore.
- 1.10 The application is accompanied by a planning statement, a design and access statement; a public realm statement; phasing method statement; landscaping and visual impact information; drainage study; contamination and geotechnical statement; addendum transport assessment; energy efficiency statement; air quality report and FRA.

## **2. Application Publicity**

- 2.1 The application was publicised by means of site notices, newspaper advertisement and individual letters to all surrounding properties.
- 2.2 5 letters have been received on behalf of local businesses and from local residents. These are all available on the Council's website.
- 2.3 Firstly Nigel Moor (planning consultant acting for the proprietor of Broadribbs makes the following comments
  - Council is blurring and confused over its role as landowners/developer and

local planning authority

- Scheme has departed from 3 of the aims of the Supplementary Planning Guidance – comprehensive, self-financing and deliverable
- Does not deliver all required in and is contrary to Policy S14 of the Non Statutory Cherwell Local Plan
- Properties blighted by development brief/developer selection process, and now not included within proposal. Are there others who would be prepared to go ahead with the current scheme at a better price for the public purse?
- Lack of comprehensive scheme; this may lead to isolation of the northern end of Sheep Street, proposals for Phase 4 sketchy and not secured; may present servicing difficulties for Franklins Yard; will continue the blight and difficult trading conditions
- Traffic impact will be different and has not been fully assessed, predicting huge levels of congestion
- This scheme does not allow the previously proposed off street servicing and secure parking for the Sheep Street property and residents
- Additional parking to be provided will be insufficient to serve the new development and remainder of town
- New proposal dominated by superstore (70% of new retail floorspace). Will overwhelm the small retailers and provide little linkage or footfall for the remainder of the town. Severe impact on small independent traders
- Disruption to town centre during construction- adequacy of the car parking provision throughout build is questioned – no temporary deck to Claremont Car park to be provided
- No opportunity taken to employ the most sustainable building techniques and some renewable energy generation
- Brutal bulk and massing to Manorsfield Road
- Re-siting cinema and civic building does not create the desirable circular shopping routes envisaged in the SPD
- High Street is being impacted by internet shopping and diversification of food retailers into non-food products. The additional impact of this development will adversely impact upon already struggling traders
- Are six cinema screens necessary? A wider more diverse selection of shops should be encouraged

2.4 West Waddy ADP (planning consultants) acting for Taloncross Ltd (the owners of Wesley Lane) make the following representations and objections

- Seriously concerned that the current application does not relate to the whole site and has a significantly altered emphasis
- Does not provide all the services and facilities specified in the approved scheme
- Concerned about the timing of works in and south of Wesley Lane
- Movement of cinema means that the focus of 'Wesley Square' is lost
- Taloncross has planning permission for a redevelopment of part of Wesley Lane that would have been attached to the previously approved scheme
- Wesley Square will be a half-finished poorly-conceived space
- Change from definite proposal for cinema/A3 to civic building with vague use and no timetable is a massive change with significant implications for the future visibility of land remaining in control of Taloncross

2.5 A local resident suggest that considerable effort is needed to improve conditions for

cyclists in the town in the light of this application, proposed Market Square improvements and the Eco-Town designation. A review of the impact upon cyclists is urged with particular regard to the use of Sheep Street by cyclists; the use of Wesley Lane similarly; the provision of cycle lanes on Manorsfield Road; plus suggested changes further afield.

2.6 Two local residents have written expressing concern about disturbance during construction; impact upon trading patterns in the town, large scale development more appropriate out of town; impact upon quiet residential areas adjacent; proximity of roundabout and large scale buildings to nearby residential property

### **3. Consultations**

3.1 Bicester Town Council has no objections. Whilst welcoming the application they call for a taxi rank to be provided and asked for this to be a condition of approval. In respect of the car park they seek assurances that landscape measures will be undertaken to soften the edges of the car park

3.2 Ambrosden PC welcomes the proposal, and comments that it is long overdue.

3.3 Chesterton PC raise no objections

3.4 Launton PC has no observations to make

3.5 Wendlebury PC given a positive response with no objections

3.6 Oxfordshire County Council as strategic planning authority originally commented that  
“The proposal fits with the South East Plan strategy for Central Oxfordshire in that Bicester is identified as a main location for growth and the development is also consistent with policy TC2 which looks at the redevelopment of town centres that may have an important role in meeting local needs. However we have concerns about the delivery of the library and provision of transport infrastructure, neither of which form part of this particular application but which are both necessary parts of the overall redevelopment of the town centre. Demands for the library service will continue to grow as major housing developments in and around Bicester come on stream. If the district is minded to permit the application we would want to be assured that they are confident of a suitable alternative site being found which meets the library service’s requirements and that timely delivery can occur. The development, if permitted, would be contrary to the aims and terms of the S106 for the whole redevelopment if development commenced prior to land necessary for transport works being secured”

It therefore formally stated that from a strategic policy perspective

- a) it supports in principle development would deliver key town centre user to support growth in Bicester in line with policy CO1 of the South East Plan.
- b) it considers the phasing of the development comprises the delivery of comprehensive town centre development including provision of essential community infrastructure and therefore submits a holding objection to the development pending the searching of
  - i) a planning permission to serve an appropriate civic building and library

commensurate with the already permitted scheme to satisfy the objectives of policy S6 of the SE Plan

- ii) a planning obligation to secure provision of local highway improvements and transport infrastructure. Contribution to the ITS would also be required (for RTI equipment)
- c) If the Council is intend to approve the proposals the developers should be encouraged to achieve BREEAM "very good" standard and to ensure that the best energy and resource efficiency practises be incorporated in all aspects of the development.

The Council has more recently received a letter indicating that following written communication with the Council's Head of Economic Development and Estates which provides a commitment by this Council to delivering a second phase of the town centre development comprising district offices and a new library, and an indication of a willingness to work with OCC and other parties to achieve a much better outcome for Bicester, that the County Council formally withdraws its holding objection in respect of our requirement for a planning permission which secures an appropriate civic building. The holding objection in respect of securing the local highway improvements still stands but hopes that the outstanding issues can be resolved.

3.7 OCC highways initially commented that "A Transport Assessment (TA) was submitted, assessed and accepted by the Local Highway Authority for the previously approved development. However, with the proposed amendments for the submitted planning application it has been agreed that an Addendum to the approved Transport Assessment (ATA) would be acceptable for this application.

The submitted ATA assesses the likely affect/impact the revised proposal will have on the traffic flows to and from the site and sets out the proposed amendments for the parking and servicing arrangements for the development. The other aspects of the redevelopment covered within the approved TA remain unchanged and have not been repeated.

The trip movements likely to be generated by the proposed redevelopment (traffic movements) to and from the site have been calculated using the same methodology as the approved TA for 07/00422/F and have been compared to the approved scheme. Having assessed these figure the conclusion that the proposed amendments to the redevelopment are likely to result in approximately 9 fewer trips in the PM peak and Saturday peak to that of the permitted redevelopment overall appear reasonable.

It is noted that with the additional 40 parking spaces proposed the main entrance into the site (multi-storey car park) will have an increase in traffic movements. However in my opinion such an increase should be considered a minor one when 526 parking spaces have already been approved i.e. increase of only 7% in car parking spaces.

Although there is likely to be a minor reduction in the expected traffic movements attracted to the site from the proposed amended scheme; the secured highway and transport improvements fro the permitted application remain essential to accommodate the Bicester town centre redevelopment as do all the necessary

temporary arrangements including public transport services and infrastructure (temporary bus stops etc)

The alterations to the servicing arrangements for the retail units and cinema should reduce the potential for delivery vehicles and pedestrians coming into conflict and are deemed acceptable.

Taking into consideration the information provided within the ATA, the site already having received planning approval for a food store, cinema, car park etc and the required highway improvements being secured via an S106 Agreement; it would, in my opinion be inappropriate and unsustainable at appeal to recommend refusal to this application on highway safety grounds.

However, looking through the submitted Phasing Plan and Outline Method Statement the applicant is proposing to phase the town centre redevelopment with the essential transport works being split into two phases – Phases 1 and 3; with the construction of the cinema and food store being in Phase 2. In addition to this proposal the applicant is seeking to vary conditions 3,27 and 57 (recently submitted planning application 09/01686/F) attached to the permitted redevelopment to allow work on Phase 1 to commence prior to other measures being in place. Such proposals are unacceptable to the Local Highway Authority and are objected to for the following reasons:

1. If this application (Phase 2 in particular) were to be granted permission the delivery of key transport infrastructure would be divorced from the remainder of the site creating an unsustainable development i.e. one of the roundabouts on Manorsfield Road has been allocated to Phase 3, this roundabout is required to accommodate traffic movements to/from development, but more importantly it is key in enabling buses to turn round and use the new public transport facilities associated with the redevelopment.
2. Under the S106 Agreement (clause 10) associated with the permitted application the applicant and owners must secure an interest in the land for the whole of the site associated with 07/00422/F before work can commence on the redevelopment. This is required to ensure the entire transport infrastructure can be provided for the redevelopment.

It is my understanding that there are issues surrounding the control of the required land which is allocated for the redevelopment in proposed Phases 1 and 3. This raises concerns about the ability of centre redevelopment and is key to provide a healthy and thriving community with better public services.

Without the required transport infrastructure being provided in accordance with the planning conditions imposed for the permitted application 07/00422/F and the associated S106 Agreement the Local Highway Authority cannot support this proposal”

And hence they recommended refusal of the application.

However, this objection has also just been withdrawn subject to conditions and a legal agreement that only the enabling works element of the town centre redevelopment (phases 1A TO 1C) can go ahead and no further development is to

take place until the land known as the Judd land (or the gym) has been acquired, formally transferred and confirmed by CDC to be in their ownership.

- 3.8 OCC Fire and Rescue Service comment that further discussions will be necessary with regards to fire mains; fire service vehicle access and access route dimensions and will be picked up at Building Regulation stage.
- 3.9 OCC Developer Funding Officer has confirmed that other than highways no other funding contributions will be sought.
- 3.10 SEEDA comments that  
“The Regional Economic Strategy (RES) identifies Bicester as forming part of the Oxfordshire Diamond for Investment and Growth. Within the Diamonds there are concentrations of people, employment, leisure and transport that give the potential to be economic catalysts for the region. This application will redevelop the Bicester Town Centre by providing an improved retail and leisure offer which will help deliver the Diamond Concept. SEEDA therefore supports the application.

We note that the development will seek to achieve a BREEAM ‘Good’ assessment and the Energy Efficient Assessment (6.0) identifies that renewable/low carbon energy could be incorporated within later phases of the development or as part of decentralised energy initiatives ongoing around Bicester. SEEDA would encourage the developers to deliver a scheme that meets the highest environmental standards. This will complement the RES Objective that seeks to deliver Sustainable Prosperity and the proposed urban extension to Bicester that will be built to Eco-Town standards”

- 3.11 The Environment Agency remain pleased with the scheme to enhance Town Brook, and raise no objections subject to 4 conditions concerning compliance with the Flood Risk Analysis; SW drainage submission required; precise details of the Town Brook works and site contamination matters
- 3.12 Thames Water Ltd have commented upon surface water drainage; public sewers that cross the site; the use of petrol/oil interceptors; sewerage infrastructure and water supply, but raise no objections.
- 3.13 The Head of Urban and Rural Services notes that this application and the proposals for Market Square need to take full account of the need for accessible hackney carriage vehicle ranks. Cherwell District Council is seeking additional rank space following the delimitation of HCVs. Ranks need to be appropriately located so as to be directly accessible from the main areas of ‘evening economy’ as well as being close to retail/leisure properties for daytime use. Specifically they would seek the layby shown on Sheep Street to be designated as a taxi rank, and possibly an additional facility on Manorsfield Road.
- 3.14 The Head of Building Control and Engineering Services expresses concern about the replacement of the two bridges that link the Sainsburys building to the other retail building. The tunnel replacement will not be an inviting environment for the public, and facing east/west there is a strong possibility that it will act as a wind tunnel. He considers that the bridges were a better solution even if car parking space is lost.

3.15 The Council's Urban Designer comments

"The approved scheme was the product of many months of detailed negotiations. I understand it has been revised for commercial reasons. There are a number of changes to the master plan and the elevations. There are a number of areas which cause me concern from an urban design point of view and also in terms of the impact on the setting of the conservation area.

The matters include;

- The design of the car park ramps, including the width of the access opening, the level and height of the tops of the ramps and the visibility of the ramps from the north and from Bure Place.
- The height of central block with no set back of parking storeys and no vegetation screen
- Bridging the car park over the pedestrian route between Sainsburys store and the cinema, which creates an internal environment
- Sainsburys elevation to Manorsfield Road, including the altered elevational treatment and the loss of the masonry screening to the car park
- The indicative civic building footprint, which does not achieve the urban design objectives in this prominent location
- The loss of Wesley Square frontage development due to the relocation of the cinema and the loss of the new building on the south side of the square and also the circular shopping route
- Short to medium term views into the interior of the car park from the north, as these are no longer screened by development
- The siting of pedestrian crossings over Manorsfield Road need looking at again given the altered master plan
- Need for verified viewpoints as previously submitted
- Need to check whether the conservation area consents were linked to the originally approved proposal
- The relocation of the pedestrian egress from the car park onto Bure Place
- Lose of residential units
- The design of the WCs no longer accords with Secured By Design

I have itemised these, including suggestions as to the improvements that I am seeking, in a consultation response and on 8 January in a meeting with the applicants' agent, and I am awaiting a response

## 4. Relevant Planning Policies

4.1 The Government has recently published new guidance covering town centre uses – PPS4 “Planning for Sustainable Economic Growth” This replaces PPG4 and PPS6 (together with parts of PPG5, PPS7 and PPG13). This contains town centre policies which relate to retail development, leisure and entertainment facilities (including cinemas, restaurants and health and fitness centres) offices and arts, culture and tourism development. The new policies require all applications for economic development to be assessed. Impact considerations including carbon dioxide emissions; accessibility; high quality and inclusive design; economic and physical regeneration; and upon local employment. The policies still require a sequential assessment for applications not in a town centre or in accord with a development plan, and the application of car parking standards

- 4.2 Elements of the advice contained in the following national guidance is also relevant
  - PPS9 Biodiversity – re Town Brook
  - PPG13 Transport
  - PPG15 Planning and the Historic Environment –re Conservation Area and Listed Buildings
  - PPG16 Archaeology
  - PPS25 Development and Flood Risk
  -
- 4.3 South East Plan policies SP3, CC2, CC4, CC7, NRM4, TC2, S6, CO1 and CO2 are relevant
- 4.4 Adopted and saved Cherwell Local Plan S15 relates to redevelopment of Franklins Yard
- 4.5 Non-Statutory Cherwell Local Plan policy S14 states

“S14 LAND TO THE WEST OF SHEEP STREET AND EAST OF MANORSFIELD ROAD, AS DEFINED ON THE PROPOSALS MAP WILL BE SAFEGUARDED TO FACILITATE THE PROMOTION AND IMPLEMENTATION OF A COMPREHENSIVE MIXED-USE DEVELOPMENT THAT COMPRISSES USES FALLING INTO CLASS A1, A2, B1, D1 AND D2 OF THE TOWN AND COUNTRY PLANNING USE CLASSES ORDER 1987 (AS AMENDED) THAT WILL ENHANCE THE STATUS, VITALITY AND VIABILITY OF BICESTER TOWN CENTRE. DEVELOPMENT THAT PREJUDICES THE IMPLEMENTATION OF THIS POLICY, PARTICULARLY PIECemeAL DEVELOPMENT WITHIN THE AREA WILL NOT BE PERMITTED.

And is explained in more detail at pars 5.74-5.79

- 4.6 In November 2004 the Council adopted Supplementary Planning Guidance (SPG) on the redevelopment of this area

## 5. Appraisal

- 5.1 Members will obviously be aware that this application is a variation upon the proposal that was considered by South area Planning Committee in July 2007 and finally approved upon the completion of a legal agreement in September 2009. Before dealing with the key issues it is appropriate to briefly recount the background to the approved proposal. In 2003 the Council dealt with 3 applications for major out of town centre retailing with proposals to extend Tesco's on Oxford Road and proposals for superstores on the south side of Skimmingdish Lane, and adjacent to Caversfield. Those applications were the subject of an inquiry in 2004. The Secretary of State refused planning permission for all the proposals, and indicated that in his view it had not taken established there was not a sequentially preferable site available in the town centre. As a consequence of this clear direction the Council prepared and approved a supplementary planning guidance document for the area the subject of this application and went through a process to select a development partner. Following a further lengthy process of working with our selected partners, an application was subsequently submitted (07/00422/F).

In 2002, 2005 and 2006 applications were received from others which dealt with partly of the overall site, and were refused for prematurity, lack of comprehensiveness, design, and failure to provide a flood risk assessment.

5.2 As noted above the area is covered by an SPG which was adopted in November 2004

"The aim of this guidance is to amplify and elaborate on the provisions of Policy S14 of the NSCLP. This sets out the site context and characteristics, site history, cultural context, urban design context and landscape context. It then goes on to outline the land use components of the development, townscape components and transport and traffic components.

These are as follows;

Land use components

- Foodstore with net sales area of at least 3,250 sqm. Ideally to the north of Crown Walk with first floor uses above.
- Other retail and A3 units
- Cinema with 5-7 screens ideally to the north of the site, close to parking and bus interchange. Should be accessed from a new square and Sheep Street. Could be 'wrapped' in other uses to help minimise bulk. Flexible use for auditoria will be encouraged.
- Library with ground floor entrance in a convenient location with servicing.
- Bus interchange. Could be located adjacent to Manorsfield Road provided there are acceptable pedestrian linkages. Bays for two 15m buses and four bays for 12m buses are required. Need for covered waiting area with seating, bins, telephones and information points and toilets.
- Car parking for a minimum of 480 cars. Very careful attention must be paid to the appearance of a decked car park and its frontage to Manorsfield Road. Measures to integrate the appearance into the streetscape must be taken.
- Shopmobility
- Pop in Centre
- Residential with at least one parking space per unit
- Public Space. Two locations, one to the northern end and one between the foodstore and Sheep Street. High quality urban design will be expected with appropriate street furniture.
- Servicing. Several Sheep Street premises enjoy rear servicing and this will have to be incorporated within the scheme. Service yards should be enclosed by walls, be capable of being gated and accommodate a full size delivery vehicle in a 360 degree turn in forward gear.

Townscape Components

- Linkages – improvements needed and pedestrian links from Sheep Street should be maximised. A direct link from Hunts Close should be included.
- Views, vistas and landmarks – The cinema will be an important landmark at the northern entrance to the town. The frontage to Manorsfield Road should reflect the streetscape of the historic core in its massing. Internal views should focus on public spaces
- Gateways and arrival points – new gateway to be provided by bus interchange close to a new urban space. Provision of an inviting, safe and legible car park accessed from Manorsfield Road. Clear pedestrian

exists and attractive and user friendly design. Upgraded pedestrian linkages, well lit with high quality surfacing and active frontages. Demolition of part of Wesley Lane will be considered but it will need to be demonstrated that the proposal protects and enhances the character and appearance of the conservation area

- Scale and massing – buildings comparable with three storey height. Decked cap park and circulation towers considered acceptable. Need to reflect visual interest and variety and contemporary interpretation of traditional development sought
- Local distinctiveness
- Corporate identity
- Public art incorporated at functional level such as surfaces, signage, street furniture etc. Exterior lighting.
- Landscape design – almost exclusively hard surfaced areas with street trees.
- Street furniture – contemporary, simple and robust design
- Daytime/evening activity – A3 uses to north of site

#### Transport and traffic components

- Access – from Manorsfield Road with ghost island right turn lane. Service access to rear of Sheep Street
- Bus interchange (see above) connected to Sheep Street. Separated from cars, taxis and delivery lorries.
- Servicing – could be reconfigured with agreement of landowners
- Private parking
- Taxi drop off lay by
- Car parking – 480 spaces. Pay and display preferable to prevent queuing on Manorsfield Road
- Cycle provision
- Off site highway improvements – Transport Assessment required, likely to need modifications at Manorsfield Road/St Johns junction and possibly at Queens Avenue/St Johns Street and London Road/Launton Road roundabout
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5.3 The site has planning permission for retail development, a cinema public, squares and walkways, a library, decked car parking and a new bus interchange, and is in a town centre location, and therefore our assessment of this proposal should concentrate on the changed elements. The key issues to be considered are

- The retail impact of the scheme
- The transport assessment
- Parking capacity of the scheme
- Design matters and public realm
- The comprehensiveness of the proposal
- Phasing matters including the adequacy of car parking
- Conservation area impact

More brief comments are also set out with regards to drainage, hydrology and flood risk, archaeology, contamination, energy efficiency, and ecology, the proposals for which and impacts of which are largely the same as previously and will need to be

dealt with by conditions to be attached to any consent.

5.4 Retail Impact

The applicants have prepared a retail statement to accompany the application. The table below sets out the variation from the approved scheme

Land Use	Approved	Proposed	Change
<b>External Gross Floor Areas (m<sup>2</sup>)</b>			
Foodstore	7,414	8,953	+1,539
'Block A' Retail Units	5,315	3,899	-1,416
Wesley Lane Retail Units	1,122	-	-1,122
Tesco – Crown Walk Retail Units	2,249	Unaffected	0
Extended Retail Units	406	Unaffected	0
Demolished Retail Units	-2,651	Unaffected	0
Demolished Leisure	-238	Unaffected	0
Cinema	2,264	2,264	+67
Restaurants & Cafes	1,505	-	-1,505
Office/Retail/Leisure Unit	327	-	-327
Civic Building etc	2,021	Assume same	0
<b>Total</b>	<b>19,667</b>	<b>16,903</b>	<b>-2,764</b>

Although the floorspace of the foodstore is set to increase by 1.539m<sup>2</sup> this is off-set by a decrease in comparison floor area of an almost equal amount. The foodstores' extra space is provided in a mezzanine and will mainly sell comparison goods.

5.5 At the time of dealing with the 2007 application, and at the submission of this scheme the main national guidance on retail matters was contained in PPS6, but in December 2009 the Government published PPS4 "Planning for Sustainable Growth" which replaces the previous guidance on retail development. Policy EC10 says that all planning applications for economic development should be assessed against the following impact considerations

"All planning applications for economic development should be assessed against the following impact considerations:

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
- b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives

e) the impact on local employment”

These matters are largely picked up within following sections of the report

5.6 Policy EC14 of the new PPS4 makes it plain that sequential assessments are still necessary and that there is still a focus on ensuring the economic well-being of town centres by concentrating new town centre development (retail, leisure entertainment facilities (including cinemas and restaurants), offices and arts, culture and tourism development) in town centres. This development complies with such advise, and specific impact assessment (as required for other type of sites) is not necessary.

5.7 In 2006, as part of the evidence base for preparation of the LDF, the Council appointed consultants to undertake an assessment of future retail capacity in the district, together with an overview of town centre matters. It assessed the quantitative and qualitative need for new retail floorspace. In respect of Bicester the study addressed the capacity for new convenience and comparison retail floorspace, taking into account the potential for a major mixed use scheme on this site. This was obviously done before the Eco-town designation but nevertheless indicated that significant retail floorspace (both convenience and comparison) would be required. The consultants specifically noted with regard to a new foodstore in Bure Place that it was realistic to assume that a new Sainsbury store would draw trade from existing facilities (i.e. the out of town Tesco) but that if the proposal were of appropriate scale they did not believe that this impact would be harmful. This was taken into account in granting the permission for the 2007 proposal. This scheme does not propose a significant enlargement of the convenience floorspace. Bicester has a potential significant shortfall in comparison floorspace which will only partially be met by the current proposal. Whilst the concern of the local trader about increased trade diversion to the superstore is noted the increased number of shoppers in the town centre can also be seen as an opportunity for linked trips and therefore could benefit independent traders. The scheme, with greater comparison floorspace and a cinema as a draw is likely to enhance the attractiveness of the town centre

5.8 It is also necessary to consider whether an increase in floorspace of this order is likely to have an impact upon other centres. With regards to convenience shopping studies indicate that this is already mostly retained within the Bicester catchment, so there will be little diversion from outside the catchment to this store. For comparison shopping there is considerable leakage to Banbury, Oxford and Milton Keynes but in no one place is any diverted trade likely to be significant to that centre.

5.9 Transport assessment

A supplementary transport assessment has been submitted, which addresses the change in the scheme from that approved. At para 3.7 above the highway authority note that the assessment has been correctly undertaken and that the generation figures (a small reduction in PM and Saturday peak hours) is agreed. Hence they seek the replication of the off-site mitigation previously agreed through a Section

106 agreement. Their concerns about phasing are dealt with below.

5.10 The HDCMD is obviously aware of press reports of disquiet over the level of traffic congestion in south Bicester. This scheme is unlikely to affect that. In any event it should be emphasised that the current proposals will generate less movements over that already approved. Local reported concern about the installation of a mini-roundabout in Launton Road (at the junction with Victoria Road) is also noted. This is a requirement of the County Council to facilitate the provision of the additional car parking at the cattle market which will be provided early in the construction programme to ensure the adequate provision of car parking throughout the construction phase.

5.11 Parking

The permitted scheme has 526 car parking spaces (including disabled spaces (31) and parent & child spaces (11) replacing the 368 spaces currently on site. The revised scheme proposes 566 spaces (a net increase of 40) including 35 disabled spaces (6%) and 14 parent & child spaces (2.5%). Overall the town centre parking capacity will increase by 198 as a direct function of this development. Members are also reminded that the Council intends to implement a planning permission granted in August 2009 (09/00828/CDC) for the creation of a public car park as Phase two of the Cattle Market which will increase the number of spaces by a further 152. These spaces should be provided before the Bure Place.Crown Walk spaces are removed from use.

5.12 As this scheme has only limited impact upon Franklins Yard car park , it is intended to ensure that a minimum of 75 spaces are available in that location throughout the build period and beyond until the implementation of Phase 4 (the civic building). Given this provision, it is no longer the Council's intention to provide a deck over the Claremont car park as a temporary measure.

5.13 It is inappropriate to attempt to assess the intended provision against car parking standards, as the adopted County-wide standards only require operational car parking for town centre retail or cinema development. The County Council are content with the provision of car parking.

5.14 **Design Matters**

It will be noted that the Council's urban designer has a serious concerns over elements of the design. Negotiations have been held with the scheme's designers but their clients have declined to make any significant alterations .

5.15 Whilst the Head of Development Control and Major Developments notes and understands our design adviser's concerns it is necessary to balance these concerns against the significant advantages that the scheme will bring to the economic well being of the town and by providing much needed additional floorspace and employment at this time.

5.16 The scheme remains a high quality development providing alternative new public realm spaces, significant new buildings which will contribute to the attractiveness of

the town centre without detracting from its Conservation Area status, and an efficient new bus interchange facility, and still provides the opportunity to provide the civic building as a later phase

5.17 The overall site layout, whilst moving the cinema to the centre of the site, and replacing it with the formerly centrally located civic building, retains the same basic footprint positions. As a consequence the degree of permeability to Sheep Street, Market Square and Manorsfield Road remains as previously. This allows easy access from those points, and between them through the new centre, and also allows circular shopping patterns to develop, to the benefit of both the new scheme, but also to Sheep Street, Wesley Lane and Crown Walk, and Evans Yard traders

5.18 The Head of Development Control and Major Developments is satisfied that the car park access, the new internal rod and the bridged space between the cinema and Sainsburys will all be acceptable spaces which are satisfactory in their context. The elevation of the foodstore to Manorsfield Road is also considered to be acceptable. Overall the appearance to Manorsfield Road probably has more coherence as a single piece of design without the former civic building. That building will be able to take an appropriate high quality (and potentially different form) on the prominent Manorsfield Road/St Johns Street junction.

5.19 There is an issue of the relationship of the new northern square ("Wesley Square") relative to the undeveloped areas adjacent at Franklins Yard and Wesley Lane, and to the back of buildings on Sheep Street which are outside of the scope of this application or the ownership of the developers.

In particular I refer to (i) 7/8 Wesley Lane, which is due to be removed and is intended as the re-location site of the gym use on Franklins Yard. (ii) the rear of 71 Sheep St. where a poor single storey prefabricated building will become exposed to view (iii) the ex-servicemens club which will front onto the new roadway and (iv) Tesco's yard. The HDCMD is currently seeking confirmation of the applicants intention with regards to each of these sites. Confirmation is also sought of the timing of other buildings proposed along the new road to the south east of Tescos.

5.20 Comprehensiveness and Phasing

As mentioned previously the Council adopted a supplementary phasing guidance document for the land between Manorsfield Road and Sheep Street in late 2004. It sought to ensure that a comprehensive redevelopment of under-utilised land in the town centre was promoted to positively contribute to the vitality and viability of the central shopping area. The required elements have already been set out in Para 5.2 above.

5.21 The submitted scheme relates to Phase II of the overall scheme. Phase I commenced recently and utilises the planning permission already granted to undertake "enabling works". This involves works to move Town Brook to the western side of Manorsfield Road and undertake works to Manorsfield Road itself.

5.22 A further phase (III) will also utilise permissions already granted for further retail shops on the eastern side of the new pedestrian street between Crown Walk and Tesco's. The development agreement between the Council (as landowner) and the developers secures the timing of this phase

5.23 The submitted scheme has been criticised for not including the civic building. This is intended to provide new offices for the Council and a new library for OCC. It is understood that the County Council remain committed to a new library. The submitted scheme leaves the Franklins Yard land (owned substantially by this Council) outside of the development, but does not inhibit its development for the above uses. It is probable that this site can be laid out and developed in a way which will be more effective than the previously approved building which somewhat constrained the amount of space available. The Head of Development Control and Major Developments suggest that an opportunity exists to prove a high quality prominently positioned building (which may be able to contain residential development as well) which suits the needs of both Councils and would provide a fitting final phase. The proposal therefore allows the fulfilment of the SPG's suggested requirements

5.24 It will be noted that the County Council, as local highway authority, had concerns about the timing of the necessary highways infrastructure in particular the northern roundabout on Manorsfield Road. At the time of writing these matters are still being discussed, but a way forward has been identified.

5.25 **Impact on the Conservation Area**  
The Conservation Area boundary runs along the back boundaries of properties fronting Sheep Street, and therefore the majority of the site except for an area at Wesley Lane, lies outside of the Conservation Area. Appropriate Conservation Area consent for demolition of selected buildings in the Conservation Area was granted in 2007 and remains current, as does a listed building consent for some works to the rear of 27 Sheep Street (required as a part of Phase 3).

5.26 The Conservation Officer has sought some verified photographic viewpoints to enable an accurate assessment of the visibility of the tallest elements of the proposal from places within the Conservation Area. The previous proposal satisfied these concerns, but it is appropriate to re-check this with regard to the latest scheme. Subject to the above the Head of Development Control and Major Developments is satisfied that the scheme will not cause harm to, and will preserve, the character and appearance of the Conservation Area and will not cause harm to the setting of any listed building.

5.28 **Archaeology**  
The archaeological impact will be identical to the last scheme, and those interests will be protected by condition.

5.29 **Land Contamination**  
This issue is as dealt with by the previous application/permission and any permission will be conditioned appropriately

5.30 **Energy efficiency**  
PPS 4 requires all commercial development to which it relates to be the subject of an assessment to ascertain whether the proposal has been planned over the life of the development to limit carbon dioxide emissions and minimise vulnerability and

resilience to climate change. Its central siting, and the provision of a high quality bus interchange, and cycle provisions, seeks to achieve the transportation elements of sustainable development, and does so satisfactorily. The flood risk assessment has assured that the site is not subject to future flooding. The application is accompanied by an energy efficiency assessment which demonstrates the developers commitment to sustainability with the specification of high efficiency plant and equipment. Notwithstanding the comments of SEEDA this issue is considered to have been satisfactorily addressed.

### 5.31 **Taxi Provision**

One final issue raised by contributors is the matter of taxi ranks. As noted in para 3.13 the Head of Urban and Rural Services asks for consideration of taxi provision. The approved plans show a provision on Sheep Street (to the front of 71 Sheep Street, near the top end of Wesley Lane). The applicants intention is understood to be to retain that proposal.

## **6. Recommendation**

### **Approved subject to**

- (i) the applicants entering into a legal agreement to secure the same highway infrastructure as secured through the legal agreement related to 07/00422/F, and to ensure that no works commence, other than the 'enabling works' (as defined), until land has been acquired to enable the northern roundabout on Manorsfield Road to be constructed at an appropriate stage in the construction process and
- (ii) the following conditions

1. **SC 1.4A** That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

**Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

2. Notwithstanding the details shown on the approved plans all external walls and roofs of the buildings and all boundary/screen walls hereby permitted shall be constructed in accordance with a schedule of materials and finishes, including samples and sample panels of all materials and finishes, which shall have been submitted to or constructed on site and approved in writing by the LPA prior to the commencement of development. The development shall be carried out in accordance with the approved details.

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and**

**Policy C28 of the adopted Cherwell Local Plan.**

- 3 No development shall commence on site until a schedule of materials and finishes, including samples, to be used on all hard surfaces including pavements, pedestrian areas, crossing points and steps has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved schedule of materials and finishes.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
- 4 No commercial units shall be occupied until seats, benches, litter bins, bollards, planters and other street furniture have been installed/erected in accordance with details that have previously been submitted to and approved in writing by the LPA. All street furniture shall be retained in accordance with the approved details at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
- 5 No commercial unit shall be occupied until fingerpost and directional signage has been erected/provided within the site in accordance with a scheme which has previously been submitted to and approved in writing by the LPA. The signage shall be retained in accordance with the approved details at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
- 6 No commercial unit shall be occupied until boundary treatments within and around the site, including all gates around and within the site and all railings (including those around the decked car park) have been erected in accordance with details that have previously been submitted to and approved in writing by the LPA. The approved boundary treatments, gates and railings shall be retained in accordance with the approved details at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
- 7 No shop front advertising material shall be installed, constructed or displayed until full design details have been submitted to and approved in writing by the LPA. The shop front advertising shall be constructed, installed or displayed in

accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 8 The public information display panels to be erected on the ground floor of the foodstore facing Manorsfield Road as shown on the approved plans shall be erected in accordance with details which have first been submitted to and approved in writing by the LPA and shall be completed before the foodstore is first brought into use and retained in accordance with the approved details at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 9 The development of each building shall not commence until detailed construction drawings comprising all external elevations and accompanying floor plans at a scale of 1:100 and all external joinery details at a scale of 1:50 for each building have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved drawings and details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 10 Prior to their construction full structural details of any canopies or building overhangs of the existing or proposed highway shall be submitted to and approved in writing by the LPA. Prior to first occupation of the development any canopy or building overhang shall be completed in all respects in accordance with the approved details and maintained as such at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 11 No part of the development shall be occupied until external lighting (including security lighting and street lighting) has been erected/installed in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved scheme shall be operational before the first occupation of the development and shall be maintained as such at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and

**Policy C28 of the adopted Cherwell Local Plan.**

12 **No external lighting within the site shall exceed the following limitations at any time unless otherwise approved in writing by the LPA;**

- **5.0% Sky Glow ULR**
- **10 Ev (Lux) Light Trepass before 23.30hours or 2 Ev (Lux) after 23.30hrs**
- **10 I (kcd) before 23.30hrs or 1.0 I (kcd) after 23.30hrs**
- **10 L (cd/m<sup>2</sup>) Average**

**All as advised in the Institute of Lighting Engineers Guidance Notes for the Reduction of Obstructive Light 2005.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

13 **No development shall commence on the land east of Manorsfield Road, including any excavation in Area 4 as identified in the Archaeological Mitigation Strategy, as submitted with the previously approved scheme 07/00422/Funtil the applicant has secured the implementation of a staged programme of archaeological investigation in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the LPA.**

**Reason - To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in PPG16: Archaeology and Planning and Policy BE6 of the South East Plan 2009.**

14 **The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BT&P Hyder, dated February 2007, ref: GD04001-01 and the following mitigation measures detailed within the FRA:**

1. **The realigned section of the Town Brook shall be designed to contain the modelled 1 in 100 year flows (with a consideration of climate change) within its banks, as outlined in Section 3.48 of the FRA.**
2. **Surface water drainage system shall be designed to attenuate discharge rates in storm events up to and including the 1 in 100 year event with an allowance for climate change, so that the development reduces surface water flood risk, as outlined in Sections 4.7 and 4.20.**

**Reason:**

1. **To prevent flooding by ensuring that the realigned section of the Town**

Brook is of adequate capacity.

2. To prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site.

15 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the scheme.

16 The development hereby permitted shall not be commenced until such time as details of the scheme to realign the Town Brook has been submitted to, and approved in writing by, the local planning authority.

The scheme shall also include:

- details of all crossings of the brook.
- a full method statement including details of a contingency to be in place to safely accommodate flows in the absence of the Back Brook and details of the route of the diverted Town Brook downstream of the new bifurcation.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the development does not cause an increase in flood risk, whilst providing environmental enhancements.

17 No development approved by this planning permission shall begin (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme 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 site investigation results and the detailed risk assessment (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 (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 consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** The desk study associated with this application identified that contamination may be present at this site. Intrusive investigations have identified some contamination at this site. Any risk identified in the supplied contamination assessment or any further contamination assessment would need to be adequately resolved, this may include site remediation.

18 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority.

**Reason:** To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

19 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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

**Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

20 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:** Run off from areas such as chemical/oil storage, areas associated with waste activities, lorry and car parking areas could contaminate controlled waters. We would require details of the surface water drainage arrangements, outlining how any contamination risks will be mitigated.

21 Prior to the commencement of the development hereby permitted, a detailed scheme for foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

**Reason -** To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government advice in PPS25: Development and Flood Risk, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

22 No development shall commence on site (including demolition and enabling works) until a Construction Management Plan (CMP) providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the LPA. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received by the LPA on 21 May 2006 and shall include the mitigation measures outlined in the Environmental Statement as follows;

1. Paragraph 6.170 of chapter 6 - Landscape and Visual Context
2. Paragraph 6.1.2 of chapter 13 - Contamination and Geotechnical issues
3. Paragraph 12.2, 12.3, 12.4, 12.5, 12.6, 12.7 and 12.8 of chapter 16 - Transport Assessment
4. Paragraph 6.3 of chapter 17 - Noise and Vibration Assessment
5. Paragraph 6.3 of chapter 18 - Air Quality Assessment In addition, the CMP shall include details of;
6. The proposed pedestrian routes to be provided across the site to enable

access between Manorsfield Road and Sheep Street during construction.

7. The proposed phased arrangements for the parking of construction traffic and the storage of plant, machinery and building materials during construction. 8. The site protection measures (including hoardings) to be erected 9. Details of all temporary lighting to be in place during construction

**Reason - To mitigate the impacts of the development during the construction phase and to protect visual and residential amenity in accordance with Policy C31 of the adopted Cherwell Local Plan.**

**23** No development shall commence on the demolition of the building to the rear of 27 Sheep Street or the building of EY2A until a schedule and timetable of structural support for 27 Sheep Street (including details of proposals to make good any structural movement which may occur as a result of the adjacent development) has been submitted to and approved in writing by the LPA. The demolition and making good of the building to the rear of 27 Sheep Street and development of unit EY2A shall be carried out in accordance with the approved details at all times.

**Reason - To safeguard the preservation and retention of the existing historic building(s) to comply with Government advice in PPG15: Planning and the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.**

**24** No part of the development shall be occupied until cycle parking facilities (relevant to that part of the development to which it relates) have been provided within the site in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved facilities shall be retained in accordance with the approved details at all times thereafter.

**Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.**

**25** A Green Travel Plan for staff of the foodstore, the cinema and retail units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority within 3 months after the first occupation of the relevant building. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

**Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.**

**26** All public parking facilities shall achieve the Park Mark ® 'Safer Parking Award' before the first commercial unit is occupied.

**Reason -**To ensure the car parking facilities are properly managed and secured in the interests of public safety in accordance with Policy D5 of the NSCLP.

27 The vehicular access within the site from Wesley Lane (at its junction with Manorsfield Road to the new road indicated as Bure Place, and Bure Lane (to its junction with Manorsfield Road shall be closed to vehicular traffic other than for their use by service vehicles only, and use by service vehicles shall be restricted to outside the hours of 9am to 4pm daily. Access shall be controlled by the installation of rising bollards across the access points in accordance with British Standard PAS 68 and PAS 69 or other measures which have been previously submitted to and approved in writing by the LPA.

**Reason -** To provide adequate servicing whilst protecting public safety, amenity and highway safety and to ensure the bollards are adequate to prevent lorries entering the site when the bollards are raised, in accordance with Policies TR2 and TR5 of the CLP.

28 Following the completion of development the pedestrian accesses onto Sheep Street comprising Wesley Lane, Evans Yard and the access between Nos. 39 and 43 Sheep Street (three in total) and Manorsfield Road (two in total) and at the junction of Crown Walk and Wesley Walk shall remain open at all times and public access should not be prohibited by any gate, fence, wall or other means of enclosure.

**Reason -** To ensure public access and linkages are retained and to comply with Policy S14 of the NSCLP and the Council's SPG for this site.

29 Prior to first occupation of the development, the proposed service yards shall be constructed and surfaced in accordance with details which have previously been submitted to and approved in writing by LPA. The service yards shall be retained free from external storage of materials that restricts appropriate turning of large vehicles and shall remain unobstructed and available for use for servicing at all times.

**Reason -** In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.

30 That within SIX months of the completion of the Sainsburys superstore retail units C1-C4, EY1-EY4, WEB1 and ET1 together with kiosks 1-3 along the new street shown on the approved plans as Bure Place shall be constructed and completed in accordance with the details approved under planning permission ref no. 07/00422/F

**Reason –** To ensure the satisfactory appearance and character of the new development and to comply with Policy S14 of the NSCLP and the Councils SPG for the site.

31 That within six months of the completion of Block A the intended improvements works to the external appearance of the Ex-Servicemens Club and its forecourt shall be undertaken and completed in accordance with precise details to be submitted to and approved by the LPA

**Reason – To ensure the satisfactory appearance and character of the new development and to comply with Policy S14 of the NSCLP and the Councils SPG for the site.**

32 That prior to the first use of any retail unit or the Sainsbury unit hereby approved the intended walls to the new street known as Bure Place which are to screen the service road to Tesco (49-57 Sheep Street) and the rear of 72 Sheep Street shall be constructed in accordance with precise details to be submitted to and approved by the LPA

**Reason – To ensure the satisfactory appearance and character of the new development and to comply with Policy S14 of the NSCLP and the Councils SPG for the site.**

33 No development shall commence until there has been submitted to and approved in writing by the LPA a scheme for landscaping the site which shall include details of all proposed tree and shrub planting including species, number, sizes and positions, together with all grass seeded areas.

**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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

34 That all planting, seeding or turfing comprised in the approved details of landscaping in respect of Condition 33 above shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

**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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

35 No part of the development shall be occupied until details of the means of refuse storage and disposal/collection and recycling provision (arising from the development hereby approved) for that part of the development have been

submitted to and approved in writing by the LPA. Details shall include receptacles for refuse, siting of such receptacles and arrangements for their removal. The approved scheme shall be put in place before first occupation of the units to which the approved provisions relate and the refuse/recycling storage, collection and disposal shall be carried out in accordance with the agreed strategy at all times thereafter.

Reason - In order that proper arrangements are made for the disposal of waste, as well as to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/smoke/litter in accordance with Policy ENV1 of the adopted Cherwell Local Plan.

36 The development shall be undertaken in general accordance with the energy efficiency statement proposed by Synergy and submitted with the application (as subsequently amended)

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government advice contained in the draft PPS 'Climate Change'.

37 The proposed foodstore and civic building shall be constructed to at least a BREEAM 'good standard'.

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government advice contained in the draft PPS 'Climate Change'.

38 All unfixed external seating and tables shall be removed outside of the trading hours of the premises with which they are associated.

Reason - To limit the potential for anti social behaviour and crime and disorder and to protect residential amenity in accordance with Policy D5 of the NSCLP.

39 No external seating or tables shall be provided within the site unless and until details of the extent and nature of the demarcation of the seating areas has been submitted to and approved in writing by the LPA. The areas shall be defined and operated in accordance with the approved details at all times they are in use.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

40 Prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced within the site in accordance with

details to be first submitted to and approved in writing by the LPA.

**Reason - To secure the provision of essential community infrastructure on site in accordance with Policy CC7 of the South East Plan.**

41 No development shall commence until details of the proposed temporary bus interchange facilities to be provided during construction, including details of bus stands, signage and shelters, have been submitted to and approved in writing by the LPA. The approved temporary arrangements shall be put in place and be available for use before the use of the existing bus station ceases and the temporary bus interchange facilities shall be retained until such time as the permanent bus interchange facilities hereby approved are completed and available for use unless otherwise approved in writing by the LPA.

**Reason - To secure appropriate public transport infrastructure during the course of development and to accord with Policies T1 and T2 of the South East Plan and TR4 of the adopted Cherwell Local Plan.**

42 No externally mounted plant or equipment (except within the service yard of Building A) shall be installed or erected unless details have first been submitted to and approved in writing by the LPA.

**Reason - In the interests of visual and residential amenity and to comply with Policies C28 and ENV1 of the Cherwell Local Plan.**

43 Notwithstanding the details shown on the submitted plans, details of the type, location, design, screening and acoustic performance of all internal and external plant and machinery (including coolers, air conditioning plant and plant or ventilation) to be provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and operation. The development shall be carried out and thereafter be permanently retained, maintained and operated in accordance with the approved details.

**Reason - To ensure the satisfactory appearance of the completed development in the interests of amenity and to ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy ENV1 of the CLP.**

44 That prior to the first use of the Sainsburys superstore or any other retail unit a taxi rank shall be provided within the highway on Sheep Street in a position and at a size to be agreed with LPA prior to the works being undertaken.

**Reason - To ensure that there is adequate permission for the uses of taxis as an alternative to the private meter car in accordance with Policy TR1 and TR4 and TR10 of the NSCLP**

## Planning Notes

- 1 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 2 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, "Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
- 3 There are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
- 4 Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.
- 5 The applicants attention is drawn to the advice from the Environment Agency contained in their letter date 18.1.10
- 6 It is the responsibility of the developer to ensure that the proposed development will not have a detrimental effect on any protected species on the development site.
- 7 All British birds, their nests and eggs are protected in law. It is an offence to take, kill or injure any wild bird or to take, damage or destroy any nest (whilst in use or being built) or egg of any wild bird under Part 1 of the Wildlife \_ Countryside Act 1981 (as amended).
- 8 Natural England welcomes any developments which consider opportunities to enhance biodiversity, including the installation of nest boxes for birds and the provision of green roofs and walls into the design. The Town and Country Planning Association (TCPA) booklet: Biodiversity by Design - A guide for Sustainable Communities provides some very useful guidance in this respect. The TCPA are contactable at:- Town and Country Planning Association, 17 Carlton House Terrace, London SW1Y 5AS, Tel:- 020 7930 8903, Web address - [WWW.tcpa.org.uk](http://WWW.tcpa.org.uk)
- 9 The abandonment and filling of the existing River Bure channel and the

creation of the new diverted channel will technically need consent under the Land Drainage Acts from both Cherwell District Council and the Environment Agency.

- 10 The developers are encouraged to use energy efficient lighting throughout the scheme.
- 11 All glazing in the public realm should be laminated glass (minimum thickness of 6.4mm in residential and office premises and 11.3mm for shop windows and other major expanses of glass) in the interests of public protection and in accordance with the recommendations of the National Counter Terrorism Security Office.
- 12 The applicant is advised to contact Oxfordshire County Council's area office in Kidlington prior to commencement to establish appropriate stopping up orders, highway condition survey and temporary site signage and Health and Safety arrangements.
- 13 An over sailing licence may be required for cantilevered bus shelters along Manorsfield Road. The applicant should contact Oxfordshire County Council (Highways) for further advice.
- 14 The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
- 15 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 16 The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The Planning Department must be immediately advised of any proposed variation from the approved documents and the prior approval of this Council obtained before any works are carried out on the site. This may require the submission of a further application. Failure to comply with this advice may render those responsible liable to enforcement proceedings

which may involve alterations and/or demolition of any unauthorised building or structures and may also subsequently lead to prosecution.

- 17 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 18 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 19 For the purposes of satisfying the requirements of Condition 56, fire hydrants should be provided and retained (including access for fire-fighting) to the standard detailed in Approved Document B(2006) of the Building Regulations.
- 20 The applicants are advised of the need to obtain planning permission and advertisement consent (where necessary) for the shop fronts, other than for the proposed food store and main retail block A1-A6, details of which are shown on the approved plans.

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal constitutes redevelopment of a previously developed site within the town centre in a location which is accessible to a range of people by a range of modes of transport other than the private car. Development of this site for a mixed use development of appropriate town centre uses, incorporating retail and leisure, accords with the principles of sustainable development as set out in Government

guidance contained within PPS1, PPS4, PPG13 and other advice and accords with Policies SP3, CC2, CC4, CC7, NRM4, TC2 and CO1 and CO2 of the South East Plan and Policies TR1, TR2, TR4, TR5, R12, C20, C22 and C28 of the adopted Cherwell Local Plan. In addition, the proposed development complies with Policy S14 of the Non-Statutory Cherwell Local Plan 2011 and the Council's adopted Supplementary Planning Guidance. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions and a section 106 agreement, as set out above.

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