

Application No: 10/00385/F	Ward: Bicester East	Date Valid: 11/03/2010
Applicant:	Lidl (UK) GmbH & Mr Brian Gardener, Mr Stephen McDonald, Wellington Parkway, Magna Park, Lutterworth, Leicestershire	
Site Address:	Land adj Former Publishing House, Telford Road, Bicester	

Proposal: Erection of discount foodstore (Class A1) including 75 no. car parking spaces, servicing area and landscaping

1. Site Description and Proposal

- 1.1 The site is located approximately 1 mile to the northeast of Bicester town centre to the southeast of the Launton Road. Access is along Telford Road which leads to the industrial estate. Launton Road retail park is just to the south of the site.
- 1.2 The red line of the site does not include the industrial building which occupies the northeast half of the site but utilises only a small level access dock to the southern corner of the vacant industrial unit and the parking area for 94 cars. The site area is 0.52ha (1.3 acres) and flat. The majority of the current landscaping is quite unremarkable with isolated planting beds confined to the boundaries. However, there are a number of trees affected by the scheme.
- 1.3 The character of this area is commercial in nature. Much of the built form is single or two storey buildings clad in a mixture of brickwork and metal which feature on both the Telford Road and Launton Road estates. The land opposite, on the west side of Launton Road is grassed open public spaces with residential dwellings beyond.
- 1.4 The proposed scheme is for a Class A1 retail foodstore of 1672 sqm gross (1286 sqm net tradable area) together with 75 No. car parking spaces, a new access and landscaping. The proposed occupier is Lidl who are joint applicants. A parallel application (10/00387/F) has been submitted for 4 trade counter units of B1 and B8 use and ancillary sales, on the part of the site occupied by the former Publishing House building.
- 1.5 The store is proposed to be sited to the north eastern side of the site against the existing industrial unit. Just to the south of the store would be a new access created directly off the Launton Road. The access route (for both customers and deliveries) would pass across the store frontage and car parking features on the remaining half of the site. Landscaping is proposed at the boundaries with 2m high fencing along the southern boundaries which are shared with the commercial areas.
- 1.6 The store is proposed to be sited sideways on to the Launton Road with a width of 29m facing onto the road and the length of the store is proposed to be approximately 54m. The mono-pitched roof graduates at a height from 4.5m to 7.5m on the store frontage where a canopy feature marks the entrance. The roof materials are proposed to be silver aluminium cladding, walls of white and grey

render and aluminium framed windows.

- 1.7 The store would be open from Monday to Saturday from 8am to 9pm and on Sundays and bank holidays from 10am to 4pm. The store would employ 10 full time staff and 20 part time (20 FTE in total).
- 1.8 The application is supported by evidence relating to retail impact, transport assessment, the building condition, ground contamination, arboriculture and Lidl case studies and waste management. There is also a design and access statement and the application is supported by a Section 106 undertaking document.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 16 April 2010. At the time of writing, one letter has been received from a local resident supporting the application because it provides an alternative foodstore provision at low prices and people will no longer have to travel long distances.
- 2.2 The applicant held an open day/consultation event at the Courtyard Youth Arts Centre on Wednesday 21 April and a list of comments was received as this report was going to print. The applicant reports that of the 85 responses, all are in support of the application. A presentation was also given to Bicester Town Council on 8 April.

3. Consultations

- 3.1 Bicester Town Council – **No objection.**
The application is welcomed with the provision of further competition and the accompanying job opportunities. However, the impact on traffic generation on the Launton Road needs further investigation to ensure it is managed effectively. The likely increase in traffic movements, once the proposed Evergreen 3 railway improvements are in place needs to be considered. It is requested that, in line with Bicester's eco-town status, the building is designed to be environmentally friendly, for example, by reducing its demand for utilities and sustainable, by reducing its carbon footprint.
- 3.2 Oxfordshire County Council (Highways) - **No objection**, subject to conditions and entering a section 106 agreement for a financial contribution towards Bicester ITS. They comment as follows:
The proposed access arrangements are appropriate and meet relevant highway safety standards. The relatively wide verge allows for appropriate visibility and sweeping junction radii. Turning movements associated with the proposal would not cause any significant delay to the network and in general vehicles travelling northward on Launton Road would be able to pass stationary vehicles turning right into the site.
The proposal will increase movements on the local highway network. The increase to the network will be less than the turning movements reported in the submitted transport assessment as the site would attract pass-by trips and may divert some trips from similar outlets. A financial contribution toward Bicester ITS, transport infrastructure and services, has been calculated on the basis of new trips to the

network ie a discount has been applied for pass-by and diverted trips.

The submitted documents have considered parking accumulation at the site and an appropriate level of parking has been proposed which accords with local standards and would not add to on-street parking pressures.

Delivery vehicles are accommodated within the site. Vehicles would be loaded/unloaded within the site and would not cause any obstruction to the adjacent highway. Delivery vehicles would turn within the site, allowing for egress and ingress in a forward gear and avoiding the hazard and delays associated with manoeuvring in the highway.

The site lies to the periphery of the town, within an industrial area with, other retail outlets nearby and segregated from residential areas by Launton Road and areas of the aforementioned uses. Whilst walking distances to many residential areas are within recognised maximums, the nature of most routes would deter the majority of customers from walking. Local bus services are available but the frequency of buses and routes to and from bus stops would not necessarily encourage the use of public transport. The sustainability of the location could therefore be questioned but a pragmatic approach must be taken; there are alternatives to the car and the car is the mode of choice for journeys which involve food shopping and the inevitable need to lug a multitude of ready to burst carrier bags.

3.3 Thames Water – Waste and water comments: **No objection.**

3.4 Head of Building Control and Engineering Services – **No objection.**

3.5 Head of Planning Policy & Economic Development (Policy)

The advice given is inconclusive as to whether or not there is a policy objection to this application because further detailed information is required. There are policy concerns relating to the principle of the use of this out of centre site for retail uses given the advice in PPS4, and the recommendations of the Employment Land Review to limit further retail incursion in the area. Although PPS4 states that LPAs should adopt a positive and constructive approach towards planning applications for economic development, it continues to seek to focus growth and development of 'town centre uses' in town centres in order to promote their vitality and viability. This notwithstanding, specialist advice from GVA Grimley may indicate that the proposal accords with the sequential approach and the impact assessment set out in PPS4. Furthermore there may be characteristics specific to this proposal which represent special considerations in overcoming these concerns (specifically, the reference in para 8.8 of PPS4 Companion Guide relating to discount food retailers). In this case, and since the submitted retail assessment has been confined specifically to this sector, it may be appropriate to impose conditions to ensure these characteristics do not change (see also para 8.6).

3.6 Economic Development Officer – **Object**

The conclusions are that the proposal may provide a suitable site for the applicant's 'business model' and widen the range of retail outlets but does remove land which would otherwise be available to general and light industrial uses. If there is a shortage of retail land that is not being addressed by neighbourhood centres in the new housing developments, one could understand the need to accept this proposal. I remain, however, unconvinced and in light of the imminent eco-town development would expect such industrial sites to be more sought after if offered at reasonable rates.

- 3.7 Landscape Services Manager (Landscape Architect): **No objection** though this is subject to details and conditions. Revised landscape proposals are required to address the following:
As much of the existing boundary treatment as possible should be retained because:
1. the established trees, fastigate Hornbeams, already provide amenity and environmental benefits to what would otherwise be a rather bleak industrial estate: car park immediately to the SE, and it would take some time for new tree planting to achieve this.
 2. They have established themselves with sufficient height and spread and will provide instant mitigation to the development proposals. It is best to leave the established understory of the aforementioned trees to ensure that no damaging cultivations are done to the soil (but the shrubs will require some pruning). This is the case with the 2 no Hornbeams with the Prunus 'Otto Luyken' under planting on the SE boundary vehicle entrance and the Hornbeams with Pyracantha and Berberis darwini under planting on Telford Road side. All retained trees must be protected in accordance with BS 5837: 2005 Trees in relation to construction and all work methods around the root protection areas to be in accordance with this BS also. Refer to comments from the Arboricultural Officer below.
 3. A bird nest exists in a tree adjacent to the a vehicle entrance, proposed to be widened, on Telford Road, as the this is the bird nesting season, no works are to commence until it has been ascertained if the nest is 'live' as it is illegal to disturb nesting birds under the Wildlife and Countryside Act 1981.
 4. The landscape scheme must acknowledge the recent bat survey and include ornamental shrubs within the boundary foraging corridors that are attractive for food source for insects (bat food).
- 3.8 Landscape Services Manager (Arboricultural Officer): **No objection** though this will be subject to details and conditions.
The proposal requires the removal of a significant proportion of the existing trees on the site boundary whilst retaining a smaller percentage of tree coverage to the SW corner. A number of these trees (T2 & G7) are category B trees and designated for removal but should be retained and protected. They provide a high level of amenity value and are considered suitable for a TPO. They also provide a significant level of screening for the adjacent industrial units from Launton Rd as well as architecturally softening the side of the existing unoccupied unit and will also benefit the proposed structure when completed.
The remaining trees are predominantly identified as category C (though G13, G17 and T18). None of these are considered suitable for a TPO and along with the remaining Cat C trees should not be considered a constraint to the proposal.
- 3.9 Environmental Protection Officer: **No objection**, subject to condition(s).
This site has historically been occupied by a factory or industrial works. As such the full phased contaminated land conditions are recommended.

4. Relevant Planning Policies

- 4.1 Central Government Guidance in the form of:
PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport
PPS23: Planning and Pollution Control

- 4.2 South East Plan Policies: SP1, SP3, CC1, CC2, CC4, CC6, CC7, RE3, T4, T5, NRM5, W1, W2, BE1, BE3, S1, CO1 and CO2
- 4.3 Adopted Cherwell Local Plan 1996 Saved Policies: C28, C32, ENV1 and ENV12. The site is unallocated.
- 4.4 Non-Statutory Cherwell Local Plan 2011 Policies: S1, TR1, TR2, TR3, TR5, TR9, TR11, EN17, D1, D2, D3, D5 and D9. The site is unallocated.
- 4.5 Draft Core Strategy – February 2010. Whilst at this time little weight can be given to this document, in terms of it being a material consideration, it should be noted that the Council's broad strategy is to focus growth in and around Bicester
- 4.6 Employment Land Review (2006). The site is identified as part of the Telford Road Industrial Estate cluster.

5. Appraisal

- 5.1 The main issues for consideration are principle of the development; loss of employment land/premises; retail impact; effect on the visual amenities of the area including design, layout, scale and materials; parking provision and highway safety; impact on amenities of neighbouring properties; sustainability and Section 106 matters.
- 5.2 Principle of the development
The application seeks a retail use on an employment site which is outside the town centre. The Adopted and Non Statutory Cherwell Local Plans do not include policies specifically relating to the reuse or protection of the site for employment uses. Nor are there now policies regarding out of town retail foodstores as policy S11 has not been saved.
- 5.3 The South East Plan policy SP1 identifies Bicester within the Central Oxfordshire sub region, which is an area of focus for growth and regeneration. Policy SP3 promotes an urban focus for development in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. Local Planning Authorities (LPAs) are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.
- 5.4 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) sets out national planning policies for economic development and states that "local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably" (para EC10.1).
- 5.5 Planning applications for economic development should be assessed against the following (para EC10.2):
- Limiting carbon dioxide emissions, and minimising vulnerability and providing resilience to climate change
 - Accessibility by a choice of means of transport

- Whether the proposal secures a high quality and inclusive design
- Impact on economic and physical regeneration
- Impact on local employment.

5.6 The proposal represents a town centre use (retail) in an out of centre location. PPS4 requires a sequential assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. LPAs should ensure that:

- Sites are assessed for their availability, suitability and viability
- All 'in centre' options have been thoroughly assessed before less central sites are considered
- Where there are no town centre sites, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access
- In considering sites in or on the edge of existing centres, developers have demonstrated flexibility in terms of scale, format, car parking provision, and the scope for disaggregating specific parts of a development

5.7 An impact assessment should also be undertaken to assess impacts on existing centres including on town centre vitality and viability. The PPS4 Companion Guide highlights that where centres are particularly vulnerable it may be appropriate to take a cautious approach to potential impacts. If significant adverse effects are demonstrated under these two requirements, planning permission should be refused. Where no significant adverse impacts are identified, applications should be determined taking account of:

- The positive and negative impacts of the proposal and any other material considerations
- The likely cumulative effect of recent permissions, developments under construction and completed developments.

5.8 The Companion Guide to PPS4 (paragraph 8.8) suggests that discount food retailers have particular characteristics, and can compliment other types of local convenience retailing and provide a positive contribution in areas of social deprivation by providing accessible low costs convenience goods. It highlights such retailers as exemplifying how the case to support specific proposals can be predicated on a particular type of operation. It should be noted that there is no 'deep' discounter foodstore located in Bicester with the nearest Lidl's being in Oxford (Cowley Road), Witney and Aylesbury. Aldi are represented at Oxford (Botley Road), Banbury and Aylesbury and the nearest Netto is at Milton Keynes.

5.9 Sequential Approach

The site is located adjacent to a main road which is served by several bus routes and can be accessed by alternative means of transport other than the private car. Nevertheless, as required by government policy, the applicants have considered the potential alternative town centre and edge of centre sites and conclude that for various reasons there are no sequentially preferable sites that are available, suitable or viable for use. It is noted that the Lidl website actively seeks submissions of suitable sites for consideration and state a minimum requirement of 0.8 acres for stand alone stores though their report states a minimum of 1.5 acres. Taking each site that they identify in turn:

1. Bure Place – HDC&MD accept that with Sainsbury's presence, opportunities for

Lidl here are unlikely;

2. Claremont Car park – A 0.91ha (2.25 acre) site but it is recognised as not being available because of its ongoing need to meet the town centre parking requirements especially during the Bure Place works.
3. Corner of Victoria Rd and Linden Road – 0.39ha (0.9 acres) noted as being suitable for commercial activity but again it is not immediately available.
4. Crumps Butt – 0.4ha (1 acre) – recognised as been a complex site with several interests and unlikely to be available in the short term.
5. Cattle Market – 0.7ha (1.73 acres) Lidl classifies this site as being out of centre but it is only 350m from the primary shopping area. Government policy suggest edge of centres are generally classified as up to 300m away but links to the centre are good and it is suggested that this site would best be described as edge not out of centre. Although currently car parking and needed to accommodate the extra car park demands during development of Bure Place and used as overspill so there is relief elsewhere and close by, it may well be available in part after 2012. It is considered that this site may be suitable as it is not so constrained which would enable opportunities to mitigate neighbour impact issues and should be considered in more detail.
6. Other sites identified in the Options Paper 2007. These have been bracketed together under the assumption that because there is no specific mention for retail, they would be given over to urban extension/residential development. A further notable element arising from their review of these sites is that they are discounted on grounds that this would 'place a strain on the District's employment and residential land supply' as several currently represent either allocated or existing employment land. This is difficult to reconcile and is potentially significant given the current status of the application site. Also, notwithstanding the fact that the cattle market site could be considered further, the sequential test asks that consideration be given to central sites first and then move out gradually not to simply jump to out of town locations. Nevertheless, further consideration has been given to:
 7. Corner of Launton Road and Bessemer Close: HDC&MD accepts that this location should be for non-food retail unit provision. A recent planning application has received a resolution to approve for non-food uses (08/00709/F refers).
 8. National Grid Site, Launton Road: Located approximately half a mile from the centre of Bicester. This site has attracted the attention of Aldi who have publicly stated that they have an interest in the site but as yet no planning application has materialised. It seems to differ little in terms of its use to the site currently under consideration but is sequentially preferable to the Lidl site.

5.10 For the sequential test to be effective, retailers need to be flexible and this is a requirement of government policy. Lidl state that the benefits they offer can only be achieved as a consequence of their business model, critical components of which are the size and layout of the store. Lidl claim in their submission that this restricts their ability to be flexible yet claim also on their website that unit sizes can be flexible on design and scale between 8,000 and 19,000 sqft (743 and 1765sqm). It seems that because Lidl are seeking a 'neighbourhood' format they consider that they cannot be flexible, but this is not demonstrating the flexible approach required by Government advice.

5.11 Impact Assessment

The submitted Retail Assessment discusses Lidl's differentiated business strategy

of offering discount prices by selling a narrow range of primarily 'own brand' food products bought in bulk across Europe, and operating a 'no frills' policy to avoid unnecessary expense on packaging, presentation, store fit out and operating costs. As a result, the retailer has limited competition with other convenience stores and instead performs a complementary role. The applicants' evaluation of the impact of Lidl stores on other town centres demonstrates that because of the size of Lidl stores and the company's deep discount business model, they are unlikely to have a detrimental impact on the vitality and viability of town centres and will in fact provide for increased customer choice. It concludes that the proposal will not lead to significant adverse impacts of the kind described in PPS4 and will help to meet the 'qualitative need' set out in the Companion Guide to PPS4, particularly relating to 'hard discount' products.

- 5.12 The Council has an existing Retail Study to assess retail demand and supply in the District, which is currently being updated to inform the Local Development Framework. In the meantime GVA Grimley have been asked to critically review the applicant's submission on the retail impact side which was received just at the time of writing this report. Their report has concluded that 'there would be no significant adverse impact arising from the proposals and as such there would be no reason to refuse the application on retail grounds'. Trade diversions are most significant from the Tesco at Pingle Drive which is an out of town store so will not affect the town centre. It is likely that a Lidl store would improve the range of goods available within the catchment and remove the requirement for people to travel elsewhere to do their shopping.
- 5.13 It is further noted that recently elements of retail have grown strongly and will continue to do so. Development of 5,000 new houses at NW Bicester will add to demand for retail and other services locally, as well as to the need for employment. The town centre regeneration works which have started will be providing a new supermarket and retail employment and strengthen the vitality and viability of Bicester town centre.
- 5.14 Loss of Industrial Land
The application is supported by evidence which demonstrates that the existing building is unsuitable and should be demolished. The HDC&MD does not wish to take issue with this. There is no doubt that the building has been neglected since November 2008 when the last occupier released their interest. Until that point the building was maintained and distinctly marketable being a prime location at the entrance to an established commercial park.
- 5.15 To release the site from its prime purpose of industrial premises, it is reasonable to seek evidence that it has been marketed for at least 2 years (preferably 5) at a reasonable price and with reputable local and countrywide agents. The applicants state that they have been undertaking this exercise. The property was viewed by CDC internally in 2008 with the agent of that time. The building was simply being used for the storage of pallets of books printed elsewhere. It had at that point just begun to suffer break-ins and by the nature of its unkempt appearance was at risk of arson. Nevertheless, at least one offer to purchase the freehold had evidently been received but was turned down. Boards were subsequently placed over the broken door but since this time there have been many window breakages and vegetation has grown to effectively screen/encourage the further deterioration of the building.

- 5.16 The existing building would lend itself to occupation by a single business, or by smaller businesses, in a variety of uses that would complement the District's Economic Development Strategy. The building has some flexibility with high eaves access to the warehouse and open plan office layout on two floors, with prime road frontage and easy access to the strategic road network. The site as a whole has great flexibility, especially with the car park allowing related development. The Cherwell Investment Partnership has received enquiries directly from businesses seeking such a building with its associated car parking at a realistic price for general industrial use.
- 5.17 The current economic and property recession has undoubtedly reduced demand for commercial property in the short term. However, this is unlikely to continue, especially with the eco-town designation of Bicester and the growing interest in the town as a location for eco-technologies and spin-outs from Oxford. The District's Economic Development Strategy seeks to "maintain the capacity to create new space when it is required... and make best use of existing sites" (pg 23). It would appear that best use has not been made of this site in the recent past and even if the building should be demolished this should not suggest that the land should be released from an industrial/employment generating use.
- 5.18 Putting the building to one side (as it is not within the red line site) this site remains of particular importance to the 'gateway' to Bicester's established industrial estates. Although it is underused and its current neglected state reflects badly upon other businesses, this is not a reason to necessarily change its use. The car park area remains a prominent site in itself and is clearly capable of re-use for employment generating purposes and its loss has broader implications than loss of employment land. The site is already serviced by infrastructure and located in an existing commercial area. It, therefore, represents more in terms of economic development than purely abstract land supply.
- 5.19 To conclude this issue, it is the opinion of HDC&MD that losing the car park to this significant building would diminish its flexibility and potential re-use. If the trade counter application (10/00387/F) was not implemented, for whatever reason, development of this site would have a huge detrimental effect on the marketability of the former Publishing House building as it would have no car parking associated with it. Its future as effective employment generating premises would be severely threatened thereby compromising government policy to foster economic growth. If the trade counter application was implemented, the site still holds a considerable prominence and is clearly capable of re-use for employment generating purposes.
- 5.20 Design, scale, layout, materials and appearance
The store is proposed to be single storey with a metal decked mono pitched roof at a height not dissimilar to the surrounding buildings. It is orientated so that the entrances face onto the public domain fronting onto Launton Road whilst the delivery loading dock is set back adjoining the other commercial industrial unit along Telford Road. Being a modern retail facility which needs to be welcoming to customers the design will set it apart from the other industrial units but is acceptable in this context.
- 5.21 Further, the store itself is designed to minimize energy loss and incorporates energy efficient features including solar heating, natural lighting and ventilation. A

“Sustainability and Energy” Statement is to be submitted by the applicant detailing the developments ‘green’ credentials but at the time of writing this had not been received. Nevertheless, the HDC&MD is confident that these aspects will be adequately addressed and considers that this is not a contentious issue.

5.22 Parking provision and highway safety

The layout has provision for access directly off Telford Road. This arrangement and the carparking shown meets County standards and the application has not met with an objection from the County. HDC&MD is satisfied that matters of parking and highway safety are adequately addressed.

5.23 Impact on amenities of neighbouring properties

The immediate surrounding properties are industrial/employment and there are other retail uses nearby and these uses will not be affected by this proposal given their commercial nature. The nearest residential properties are some distance to the northwest separated by a main road and amenity land so will remain protected from any potential acknowledged harmful impacts.

5.24 S106 Agreement

A development of this nature would require an agreement on requirements from the County Highways and a contribution to public art both of which the applicant has undertaken to enter an agreement on so there is no issue in this regard.

5.25 Conclusion

The Government’s over arching objective is sustainable economic growth and to help achieve this the objectives for planning include, inter alia, promoting the vitality and viability of town and other centres. New development of main town centre uses should be focused in existing centres. This application represents an out of centre food retail store which immediately conflicts with that principle aim. Further, the land is prime industrial/employment land which is a valuable resource and should remain in employment generating use.

5.26 The Council has been actively promoting an overall strategy and vision for Bicester, a strong element of which is now being progressed as the town centre redevelopment scheme. This application pre-empts the Council’s retail study for the LDF so the sequential approach and the impact test required by PPS4 are key considerations when assessing this proposal. It is considered that there are sequentially preferable sites including edge/adjacent of centre and sites out of centre but closer than this site which should be pursued, but it is not considered that this proposal would harm the vitality and viability of Bicester Town Centre. To this end, the reasons for refusal are confined to the remaining issue relating to the loss of this employment site.

6. Recommendation

Refusal, on the following grounds:

- 1. In the opinion of the Local Planning Authority there are other sequentially preferable sites for the development proposed (defined as a town centre use in PPS4) which would not require the applicant to significantly or unreasonably alter their format or utilise an important employment site. The use of this site for retail would fail to make the most efficient and effective use of the land which has a**

reasonable prospect of re-use for employment generating development. The proposal is, therefore considered to be contrary Policy SP3 of the South East Plan 2009 and government advice contained in PPS4.

- 2. If the trade counter application (10/00387/F) were not implemented the existing former Publishing House building would have a chronic shortfall of car parking to the detriment of its future re-use for employment generating purposes thereby restricting the potential for Bicester to accommodate new business development in an established industrial area. In undermining the future employment use of the wider site, the proposal is considered to be contrary Policy SP3 of the South East Plan 2009 and government advice contained in PPS4.**

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