

<b>Application No:</b> 10/00387/F	<b>Ward:</b> Bicester East	<b>Date Valid:</b> 11/03/2010
<b>Applicant:</b>	Mr Brian Gardener c/o G L Hearn Property Consultants, 20 Soho Square, London, W1D 3QW	
<b>Site Address:</b>	Former Publishing House, Telford Road, Bicester	

**Proposal:** Demolition of the Former Publishing House and erection of a single storey building to provide 4 No. trade counter units (use class B1 and B8 with ancillary sales area), car parking for 24 No. vehicles, improved access and associated 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 which is 0.87ha (0.35 acres) includes the industrial building which occupies the northeast half of the site fronting onto Telford Road and some 18 no. car parking spaces on the northeast and southeast of the building. The site does not include the parking area to the rear. 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 industrial building (The Former Publishing House) is a steel framed building which is finished in cladding and stone chip concrete panels. The roof is pitched and clad with metal profiled sheets. There are 2 roller shutter loading doors with canopy protection that serves the warehouse. It provides offices, printing and binding production and warehousing (use classes B1 and B8) with a gross internal area of 2688 sq m.
- 1.4 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.
- 1.5 The proposed scheme is for a single storey building to provide 4 trade counter units of B1 and B8 use and ancillary sales, car parking for 24 No. vehicles, improved access and landscaping on the part of the site occupied by the former Publishing House. A parallel application (10/00385/F) has also been submitted for a Class A1 retail foodstore (1286 sqm net tradable area) together with 75 No. car parking spaces, a new access and landscaping on the car park which serves this industrial building. The occupier of that foodstore is proposed to be Lidl who are joint applicants of that application with Mr Gardener (sole applicant of this application).
- 1.6 The trade counter building is proposed to be located in the approximate position of

the existing building and have a footprint of 1678 sq m (being approximately 60m x 29m external). It will be a single storey steel portal frame with an overall height of approximately 9.7m. Although pitched, the roof will be hidden by a small parapet to the front elevation and each unit will have a glazed front entrance with glazed canopy and space for signage. The walls will be clad in white metal and the roof similar. The buildings are designed to allow flexible internal arrangements e.g. for future mezzanine floors.

- 1.7 Access is directly from Telford Road into the site at 2 points which are existing but will be widened. This will serve customers, staff and deliveries. The access to the site from the southeast will be blocked off. The car parking provision is for both staff and customers.
- 1.8 The application is supported by evidence consisting of a transport assessment, the building condition report, ground contamination report and arboriculture report. There is also a design and access statement.

## 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, no letters had been received

## 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.  
The proposal would reduce the potential trip generation of the site. Vehicular access would be taken to the front of the existing, and proposed, building with the access to the South becoming redundant. The two existing accesses, to the front, would be widened to ease turning movements. The front of the site would be laid out to provide off-street parking and manoeuvring areas.  
An appropriate level of parking would be provided, in accordance with local standards, and it is not expected the development would lead to any addition to on-street parking pressures. The manoeuvring areas provide simple turning provision for cars and vans; turning for larger vehicles is more complicated, however, the submitted plans demonstrate a pantechicon (11m x 2.5m) could be turned within the site in a reasonable manner.
- 3.3 Thames Water – Waste and water comments: **No objection.** Details of requirements are provided in the letter correspondence.

- 3.4 Head of Building Control and Engineering Services – **No objection**.
- 3.5 Head of Planning Policy & Economic Development (Policy) – **No objection**  
This proposal for employment generating development on a brownfield site can be supported in policy terms on the basis that the retail element is ancillary to the employment uses. There is no objection in principle subject to there being no demonstrable harm created (in the context of the criteria set out in paragraph EC10.2 of PPS4).
- 3.6 Economic Development Officer – **Object**  
The industrial estate is owned by individuals who have recognised that environmental improvements are required. The Council is currently working with land owners, businesses and Bicester Vision to rename and number the whole estate, and to remove inappropriate signage clutter. As such, the owner of Publishing House would be welcome to participate, and therefore expected to benefit from the enhancements to the area in marketing this property. This is a longer term solution to the problem but this proposal, which provides a 'quick fix' solution for these poorly managed premises would further reduce the available opportunities for general industrial uses in Bicester. At an appropriate price, this site (including these premises) would be attractive for businesses less likely to conflict with existing industrial estate occupiers.
- 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 relating to confirmation of a TPO.  
A number of existing trees around the boundary are considered to be suitable for

protection and retention. There are 2 No. Hornbeams on the SE boundary suitable for a TPO along with another Hornbeam adjacent to the existing entrance on the northern corner and another Hornbeam on the NW boundary adjacent to the Launton Road. The remaining trees along the boundary of this section should not be considered as constraints 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 including retail impact; effect on policy; loss of industrial building/premises; effect on the character of the area including design, layout, scale and materials; parking provision and highway safety; impact on amenities of neighbouring properties and sustainability.
- 5.2 Principle of the development  
Trade counters are not well defined in legislation, circulars or guidance notes but the term generally relates to a small discrete area separated from the rest of the premises in which specialist purchases are made, usually by tradesmen, either from a small display or some form of catalogue or computerized system. Purchased goods are retrieved from the warehouse stock accessible only to staff behind the counter and goods are not kept within any display area. This application seeks consent to allow such trade counters within 4 No. B1/B8 units which would permit the operator of such a unit to sell directly to trade. By definition no retail sales should take place, save for an ancillary element which is a level of tolerance for

another use which differs from the primary use. The application supporting information states that there will be 'ancillary retail which will provide a range of goods accessible to the general public'.

- 5.3 Members should note that there is no firm definition in terms of percentages and floorspace requirements that can further inform the meanings of the terms "small discrete area" or "level of tolerance" or "ancillary". Unit 7 Telford Road gave permission for a "A Touch of Pine" to operate a retail use/area on not more than 25% of its total floor area (with the remainder being B8) which experience has shown is generous because this amount has proved to be sufficient to change the nature of the unit. This would demonstrate that the only effective means of ensuring that retail sales are kept ancillary is to limit the amount of display space.
- 5.4 Further, if a mezzanine is intended for an ancillary use such as storage, display, or staff facilities, it is unlikely, by itself, to prejudice town centre objectives. However as it may release floorspace elsewhere which can be used for retail purposes, this could act against town centre objectives where it is not within the primary shopping area.
- 5.5 Being a speculative application, there is limited evidence to demonstrate how the sales areas will be configured (to allow flexibility to future occupants). Advice from planning consultants GVA Grimley on the matter states that the use of conditions on a planning permission are an effective way to resolve the issue because to allow the units to trade in a retail capacity would be inappropriate in this out of centre location. GVA Grimley recommend that a condition to limit the publicly accessible floor area of the trade counter space to 42 sqm should be imposed. They note that without an understanding of the nature of goods to be sold from these trade counters it is difficult to estimate a maximum threshold for ancillary sales area. However, given the limited floorspace required to provide a sales desk, catalogue system and small display area this level recommended would be sufficient to accommodate the appropriate and genuine operations of a trade counter.
- 5.6 Effect on policy  
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 specific policies regarding trade counters.
- 5.7 The site is outside of the town centre and is not allocated for employment use within the Adopted or Non Statutory Cherwell Local Plans. The building was formerly in employment use although it is now vacant. The site is however identified in the Employment Land Review (2006) as part of the Telford Road Industrial Estate cluster. The ELR considers the cluster to be in 'good or very good' condition, and notes:
- The estate is well occupied and active although there were a number of vacant units available at the time of the survey
  - Comprises a mix of commercial uses ranging from small scale manufacturing and high tech firms to aggregates production
  - The southern end of the site has some retail elements and further incursion should be discouraged
  - Some premises appear to be in poor condition, road infrastructure is well maintained but the overall environment could do with some improvements.

- 5.8 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.
- 5.9 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).
- 5.10 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.
- 5.11 The proposal includes what is stated to be an ancillary sales area. PPS4 contains policies to focus the growth and development of the main ‘town centre uses’ (i.e. retail) in existing centres in order to promote the vitality and viability of town and other centres as important places for communities. However, PPS4 also states that “the town centre policies in this PPS apply to planning applications for the above uses [town centre uses] unless they are ancillary to other uses” (para EC14.2). As the retail element is ancillary, a sequential approach and impact assessment to demonstrate that there is no significantly adverse impact on the vitality and viability of the existing town centre is not required.
- 5.12 This proposal represents an appropriate employment use (B1/B8) on a site which is designed for such a purpose. In pure land use planning terms, the application is acceptable as there is no conflict. The loss of the building is unfortunate but if the employment demand is for trade counters then it is appropriate to consider this favourably and not stifle such opportunities. A judgment on whether or not there would be any demonstrable harm is made by assessing the application against the criteria outlined in paragraph 5.10 above.
- 5.13 In energy and sustainability terms regarding the building itself, being a modern building it will have enhanced eco credentials. It is proposed to be constructed to include in the roof structure photovoltaic and solar heating panels. Rooflights will exploit natural daylight and low energy lighting operated by proximity sensors will be included. Being on a main road served by several bus routes, the site is accessible by a choice of means of transport. The design of the building is detailed in paragraph 1.7 and considered acceptable and will serve to help support job and wealth creation.
- 5.14 Loss of Industrial Building  
The application is supported by evidence which demonstrates that the existing

building is unsuitable and should be demolished which HDC&MD would not wish to take issue with. 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 That said, the simple facts remain that the building for employment generating uses is vacant and needs to be brought back into use for the same purpose. Notwithstanding the points raised by the economic development officer about the building not being put to its best use, the final conclusion made is that if the building needs to be demolished it should not be released from an industrial/employment generating use. This application represents an opportunity for it to remain B1/B8.
- 5.16 Design, scale, layout, materials and appearance  
The building is proposed at a not dissimilar scale to the existing building in terms of footprint and height which in turn is characteristic of the surrounding buildings. It is orientated so that the entrances face onto the public domain fronting onto Telford Road and will not compromise any future layout of the land to the rear currently used as car parking. The choice of materials is modern and contemporary which, whilst contrasting with the rest of the estate would not be detrimental.
- 5.17 Conceptually the landscaping proposals are acceptable in principle and it is only matters of detail that require further consideration and can be adequately addressed by condition and will not prejudice the outcome of this application.
- 5.18 Parking provision and highway safety  
Vehicular access would be taken to the front of the existing, and proposed, building with the access to the South becoming redundant. The two existing accesses, to the front, would be widened to ease turning movements. The front of the site would be laid out to provide off-street parking and manoeuvring areas for customers, staff and deliveries. The comments from the County as Highway Authority are noted and with no technical objection to the scheme, there is no harm in this regard, subject to the proposed conditions.
- 5.19 Impact on amenities of neighbouring properties  
The immediate surrounding properties are industrial/employment and retail uses and will not be affected by this proposal given its 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.
- 5.20 Conclusion  
The Government's over arching objective is sustainable economic growth and an application which seeks to foster such growth by providing employment generating opportunities should be welcomed. HDC&MD considers that this site is prime industrial/employment land which is a valuable resource and should remain in employment generating use.
- 5.21 In recommending approval for the scheme it should be made clear that the trade counter itself is an ancillary element of the principle use which will remain B1/B8. Each trade counter will form a small section of the B1/B8 unit from which a percentage of retail can be tolerated and allowed as an ancillary element. The

recommended condition to limit the publicly accessible floor area of the trade counter space to 42 sqm represents approximately 11% of the total for each unit and will in turn be effective in ensuring that any retail element of the units is not exploited such that it would harm the vitality and viability of Bicester town centre.

## **6. Recommendation**

**Approval, subject to the following conditions:**

- 1. 1.4A (RC2) Full Permission: Duration Limit (3 years)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development, shall be carried out strictly in accordance with the drawings and documents detailed on the schedule 09.001.B1 by Seymour Harris Architecture. Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**
- 3. 3.0A (RC10A) Submit Landscaping Scheme**
- 4. 3.1A (RC10A) Carry Out Landscaping Scheme and Replacements**
- 5. 3.2AA (RC10A) Retained tree. From the date of this decision notice.**
- 6. 3.3AA (RC72A) (a to q) Scheme to be submitted to protect retained trees.**
- 7. That the 4 No. trade counter units hereby approved shall be retained as 4 separate units and shall not be amalgamated or split and notwithstanding the provisions of Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting the order with or without modification) no internal alterations, including the provision of mezzanine floorspace, shall be carried out without the prior express planning consent of the Local Planning Authority.**

**Reason - To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with PPG13: Transport and Policies T4 and T5 of the South East Plan.**

- 8. The units hereby permitted shall be used for purposes within classes B1 or B8 of the Town & Country Planning (Use Classes) Order 1987, or any amendment thereto, and any retail sales of items direct to the public shall be ancillary to the main use. As such customers shall not access any area of the building other than that marked on a floorplan which is to be submitted to and approved by the Local Planning Authority prior to the occupation of each unit. That area shall not exceed 42 sqm for each unit or 168 sq m for the whole building.**

**Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to maintain its character and ensure that the units are not used inappropriately for retail purposes which would conflict with Government Advice in PPS4 Planning for Sustainable Economic Growth, Policy**



**B1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 9. That before the development is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with the submitted plans and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. (RC13BB)**
- 10. That before the development is first occupied, the redundant vehicular access to the south east of the site shall be closed and the footway and kerb reinstated to an appropriate height. (RC13B)**
- 11. 4.22AA (RC13CC)**

**Planning Note:**

- 1. With regard to condition 10, all works in the highway must be in accordance with the Local Highway Authority (LHA) specifications. Please contact the LHA on 08453 10 11 11 to obtain the appropriate permission.**
- 2. This permission shall not imply or be deemed to imply approval for any advertisement material shown on the plans accompanying the application for which separate consent would need to be obtained from Cherwell District Council.**
- 3. Thames Water has been consulted in respect of the application and a copy of their letter of reply is enclosed for your information.**
- 4. X1 Biodiversity/protected species**
- 5. ZZ Land contamination**

**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 pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the neighbouring amenities or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPG13: Transport, Policies SP1, SP3, CC1, CC2, CC4, CC6, CC7, RE3, T4, T5, NRM5, W1, W2, BE1, BE3, S1, CO1 and CO2 of the South East Plan 2009 and Policies C28, C32 and ENV1. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.**

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