

JPPC ref: DB/5342

Maria Philpott
Planning Services
Cherwell District Council

8th December 2017

Dear Sirs

Bicester Heritage, Buckingham Road, Bicester

**Application to vary Conditions 9 and 13 of planning permission
16/01805/F**

We write in application to vary condition 9 of planning permission 16/01805/F at Bicester Heritage, in particular the condition insofar as it relates to Building 129, and condition 13 of the same permission which relates to the permitted use of Building 130.

Condition 9

The granted planning permission 16/01805/F allows for the use of the whole of Building 129 for D2 entertainment and leisure purposes. The use reflects that of the building at the time of the planning application as the main assembly and entertainment area on the Bicester Heritage site.

Since the submission of planning application 16/01805/F Bicester Heritage has experienced extraordinary demand for employment space, including showrooms and workshops. This application seeks to amend the condition to allow for the use of Building 129 for employment purposes, namely light industrial use and/or as a sui generis showroom to allow businesses to take occupation of the space for sales and car detailing (valet).

Building 129 stands to the eastern edge of a horse shoe arrangement of buildings which was the Motor Transport Yard of RAF Bicester. The other two sides of which are formed by Buildings 130 and 131 which are permitted for use as sui generis showrooms and industrial uses. This proposal is to align the use of the building with the remainder of the MT Yard and allow immediate occupation by complementary businesses.

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The proposed use is entirely in line with that allowed on the site for other buildings under earlier planning permissions and would complement businesses the business hub. The proposed showroom and light industrial uses would have a lesser impact on the surrounding area than the permitted D2 use, particularly with regard to traffic.

Condition 9 of 16/01805/F currently states:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the following buildings shall be used solely for the following purposes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), and the said uses must be limited to purposes associated with the operation of the site as a campus dedicated to motoring and aviation as permitted by Policy Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1.

*Building 109 - Class D2
Building 123 - Class B1
Building 129 - Class D2”*

We seek to amend the condition in order that the permitted use for Building 129 may read *“Class D2 and/or Class B1(c) and/or sui generis showroom”*.

Bicester Heritage do not seek to undermine the principle purpose of the condition, namely to limit the use of the buildings to preclude changes (such as to residential) which could have been possible under permitted development rights. They do however wish to make beneficial use of the building to contribute to the established cluster of business and enhance the existing business hub.

The variation also seeks to allow a combination of complementary uses. Building 129 while a single structure is split in to three distinct sections. The historic separation lends itself to three distinct units, it would therefore be beneficial if units in the building could be occupied by separate complementary uses. The proposed uses are already permitted in the MT Yard and the whole site remains under the singular management of Bicester Heritage, there is therefore no issue of incompatible neighbour uses.

The permitted D2 use is among the more intensive use classes in terms of traffic and activity, with the proposed showroom and industrial use at the lower end of the spectrum. As an indication of relative levels of activity the Council’s adopted car parking standards expect D2 developments to provide one space to be provided for every 22sqm of floorspace, industrial uses only need provide one space per 50sqm. The proposed variation of condition would serve to reduce activity associated with the site reducing impact on local amenity.

This application solely seeks to vary the permitted use of the building. No physical works are proposed to enable the additional uses, nor are they needed owing to the original vehicular function of the structure. Building 129 is a listed building therefore the Council retains control over any future physical changes internally and externally which will require listed building consent, the proposed variation will not therefore place at risk any aspect of the heritage asset.

Condition 13

We seek to amend condition 13 to remove ambiguity in the proposed condition in order that it may be effectively applied and Bicester Heritage may have security in their operations. The condition presently states:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), Building 130 shall be used solely as workshop/showroom (sui generis use comprising a mixed use of Class B1(c.) and B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification)) and the said uses must be limited to purposes associated with the operation of the site as a campus dedicated to motoring and aviation as permitted by Policy Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1.”

Bicester Heritage find it necessary to clarify the permitted showroom and employment use as prospective occupiers may be discouraged by the wording of the condition concerned that a singular use would not satisfy the condition.

The description of the permitted use as *“sui generis comprising a mixed use of Class B1(c) and B2”* is particularly challenging as it suggests only a mix of light and general industrial use is permitted in the building. This was not the intention of the application which sought an either/or use and included sui generis showroom, furthermore we understand the Council has no objection to the building being in solely in any of the proposed uses. In real terms it is highly unlikely a business would fit the very narrow definition the wording suggests leaving the building unlettable and failing to fulfil the purpose of the site allocation Bicester 8.

It would seem in the interests of all parties to revise the condition to clarify the permitted occupation of the unit by a business solely undertaking B2, or B1(c), or showroom activities, rather than a very particular mix. Such a change will encourage letting of the unit, with associated employment benefits, there would however be no difference in impacts to that approved under 16/01805/F. A clear unambiguous condition would also be beneficial to the Council in monitoring the planning permission.

To realise these benefits we request the condition be amended to the following wording:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order with or without modification), Building 130 shall be used solely for B2 and/or B1(c) and/or sui generis showroom use as defined under the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification)”.

Summary

In summary we seek to vary condition 9 of 16/01805/F to allow the beneficial occupation of Building 129 by occupiers complementary to the established business hub at Bicester Heritage. The uses proposed are entirely in line with those established at the site and permitted in adjoining buildings and would have a lesser impact than the D2 use already permitted.

We also seek to clarify the wording of condition 13 in order that Building 130 may be used as either a showroom, or industrial unit rather than solely in a particular mix of units. Such a use would not be detrimental to amenity or give rise to harmful impacts, it would however offer security in using the building for a singular use.

In view of the benefits of the variation and in the absence of any detrimental impacts we hope you are able support this application.

We welcome your early response and would be pleased to answer any questions.

Yours sincerely,



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