



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

**TO ACCOMPANY A FULL PLANNING
APPLICATION FOR:**

**PROPOSED DEVELOPMENT OF NEW
WAITROSE FOOD STORE AND
DEMOLITION OF EXISTING BUILDING
WITH CAR PARKING AND NEW ACCESS
ARRANGEMENTS ONTO SOUTHAM ROAD**

AT:

**LAND AT MONDELEZ INTERNATIONAL,
SOUTHAM ROAD, BANBURY**

ON BEHALF OF:

**BARWOOD CAPITAL AND MONDELEZ
INTERNATIONAL**

MAY 2015

REF: PF/9166

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared to accompany an application for full planning permission submitted on behalf of Barwood Capital and Mondelez International for development comprising: -

“Proposed development of new Waitrose food store with car parking and new access arrangements onto Southam Road, demolition of existing building.”

on surplus land at Mondelez International, Southam Road, Banbury. The location is shown on Drawing No. 1003.

1.2 The application site extends to 1.58 ha and is located immediately adjacent to the existing Mondelez factory on Southam Road. At present the site is a redundant parcel of land occupied by a dated prefabricated building. This building will be demolished prior to the development taking place.

1.3 The application submission comprises the following:

Documents:

- Planning Statement including Sequential Test
- Design and Access Statement
- Retail Impact Assessment
- Flood Risk Assessment
- Ecological Appraisal

- Transport Assessment
- Road Safety Audit Response and Decision Report
- Travel Plan
- Noise Impact Assessment
- Phase 1 Ground Condition (Geotechnical and Contamination) Assessment
- Air Quality Assessment
- Utilities Statement
- Arboricultural Impact Assessment
- Landscape Implementation and Maintenance Plan
- Foul Water Drainage Strategy
- Statement of Community Involvement

Plans:

- Site Location Plan Drawing No. 14334-1003 rev. A
- Site Plan Drawing No. 14334-6000 rev. F
- Ground Floor Plan Drawing No. 14334-1000 rev. B
- Elevations Drawing No. 14334-1002 rev. B
- Planting Plan (1 of 2) Drawing No. 5419/ASP4-1 rev. I
- Planting Plan (2 of 2) Drawing No. 5419/ASP4-2 rev. I
- Proposed Access and Swept Path Analysis Drawing No. 26004-2001-001 rev. E
- Proposed Surface Water Drainage Strategy Drawing No. 26004-2001-002 rev. C
- Proposed Access Levels Drawing No. 26004-2001-003 rev. D

- Proposed Foul Water Drainage Strategy Drawing No. 26004-2001-004 rev. C
- External Lighting Plan Drawing No. 14-0275/E/001 rev. I1

- 1.4 The proposals have been the subject of pre-application discussions with officers of Cherwell District Council. The pre-application response is attached at **APPENDIX 1**.
- 1.5 Waitrose will operate the new food store and has been an active partner in the pre-application process, which has included a comprehensive consultation exercise with Cherwell District Council officers, key stakeholders and local people (Nearly 85% of whom have indicated that they support this proposal).
- 1.6 A public consultation exhibition took place on 6 and 7 March 2015 at the Town Hall, Banbury. 307 people attended the exhibition over the two days with over 1,200 comment forms returned at the exhibition, via the specifically dedicated website (www.waitrosebanbury.co.uk) and by post. Full details of the exhibition and public responses are set out in the accompanying Statement of Community Involvement.
- 1.7 The proposals have been specifically designed for Waitrose. The proposal will transform a redundant area of the Mondelez factory allowing the capital released from the sale of the site for Mondelez to invest in its Banbury factory. This includes upgrading staff facilities and offices. The significance of the investment to Mondelez is described at paragraph 2.8 – 2.12 of this Statement.

2.0 THE SITE AND ITS CONTEXT

- 2.1 The site mostly consists of closely mown, amenity grassland area together with an obsolete building.
- 2.2 The application site is located approximately 800m to the north of Banbury Town Centre – Market Square (10 minutes walking from the Market Square). Banbury train station is approximately 2 km from the site and the M40 Junction 11 is 2.1 km from the site. Southam Road is one of the main arterial routes to the town centre from the north.
- 2.3 The site fronts onto Southam Road with the Mondelez factory to the north and west; the Southam Road Cemetery to the south; and to the east of Southam Road existing established retail units (B&Q, Halfords, Homebase, Wickes, Dunelm Mill, Topps Tiles, and Staples). The site is closely related to an established retail area situated opposite the site on the Southam Road. There are also a number of car showrooms along the eastern side of Southam Road. Approximately 800m to the north of the site lies Banbury Cross Retail Park, with retailers such as Currys / PC World, Argos, Next, Boots, Carpet Right, and Tesco Extra. It is considered that the character of the surrounding area is mixed with retail, car showrooms and a factory.
- 2.4 In the emerging Core Strategy, there is a proposal to extend the Town Centre Shopping Area (attached as **APPENDIX 2**). The site is some 550 metres from the proposed boundary.

- 2.5 Bus stops are located on Southam Road, the nearest bus stops (northbound and southbound) are located approximately 50m north from the site's northern boundary. Bus service B10 serves these bus stops providing hourly northbound and southbound Monday to Saturday connections between Hanwell Fields and Banbury Town Centre. Additionally, bus service 277 serves the bus stops to the south – approximately 100m from the site's southern boundary and provides two buses per day (Monday to Saturday) to Lighthorne Heath and Banbury Town Centre.
- 2.6 A public footpath lies adjacent to the southern boundary of the site and leads to the properties on Garden Close, off Nursery Drive and Ruscote Avenue.
- 2.7 At present there is no direct access from Southam Road to the application site. An access off Southam Road was originally approved in November 2001 (ref. 01/01152/F), renewed in May 2006 (ref. 06/00486/F) as part of a new access to the factory. In addition an access from Southam Road was included as part of the proposed B1, B2, B8 development granted in March 2009 (ref. 08/02046/OUT).

Mondelez International

- 2.8 An important element of the proposed scheme is the extent to which it will enable Mondelez International to rationalise production and provide a higher quality working environment for employees.

- 2.9 Mondelez International, formerly Kraft, has consolidated its core activities within existing site buildings, to improve the productivity of its operations and reduce costs and overheads. This rationalisation has released unoccupied space that serves no useful purposes for the future of Mondelez. Mondelez International seeks to re-use this area of redundant land to recirculate capital into existing retained buildings for the benefit of staff and operations. Correspondence from Mr Paul Sinclair, International Site Director, dated 1st April 2015, is attached as **APPENDIX 3**, which explains how the capital receipt from the disposal of this redundant parcel of land will be reinvested in the retained Banbury plant.
- 2.10 The proposed development will not change the core use of the Mondelez International site and the factory at Banbury remains a fundamental part of Mondelez International's manufacturing network. The merging of Douwe Egberts coffee maker, DE Master Blenders, with Mondelez has seen the formation of the world's second-largest coffee company. The merger will lead to Carte Noire, Kenco, Millicano and Tassimo brands combining with the Douwe Egberts coffee and Senseo coffee capsules. The Banbury plant is to perform a key role within this expanded manufacturing base.
- 2.11 Mondelez International is one of the largest employers in Banbury with 700 permanent employees anticipated by the end of 2015.

Planning History

- 2.12 In November 2001, planning permission was granted (ref. 01/01152/F) on the application site for two storey offices with car parking, new link to existing offices, new goods vehicle access, modifications to existing access and new gatehouse. The new gatehouse and new goods vehicle access was located in the vicinity of the proposed access to the Waitrose store. This permission was renewed in May 2006 (ref. 06/00486/F).
- 2.13 In March 2009, outline planning permission was granted (ref. 08/02046/OUT) for the demolition of the existing building; and the erection of 12 no. units with B1, B2 and B8 uses and new access from Southam Road. This access arrangement relates to a similar application boundary as the proposed Waitrose food store. The access proposed a right turn lane on Southam Road in a similar location to that proposed within this application.
- 2.14 In January 2011, full planning permission was refused (ref. 10/01347/F) for a 4-storey Premier Inn, part 2-storey, part 1-storey Beefeater restaurant, car parking and access from Southam Road. This relates to a similar application boundary as the proposed Waitrose food store.
- 2.15 In March 2012, an outline planning application (ref. 12/00329/OUT) was submitted for a proposed food store of 5,574sq.m gross floorspace and up to 7,432sq.m gross of non-food retail floorspace, petrol filling station, new vehicular access and associated highway works at Southam Road and associated car parking, hard and soft landscaping

and drainage infrastructure works. This application is considered to be withdrawn from the planning register.

3.0 PROPOSED DEVELOPMENT

- 3.1 In order to be confident that they can trade successfully in Banbury and generate sufficient return on investment in the medium to long term, Waitrose require to develop an unconstrained stand-alone store of 3,695sq.m (GEA) with dedicated at grade parking for 220 cars. The development is designed and laid out in a manner that allows suitable flexibility for Waitrose to accommodate a food store in this location.
- 3.2 Given the above requirements, the footprint proposed has been designed in accordance with their design criteria, with a gross internal area of 3,576 sq m and sales area of 2,697 sq m. The store will be accessed from two new accesses created on Southam Road; one access will serve the service yard on the south-west side of the store, the other will serve the customer car park. Full details of these arrangements are set out in the accompanying Transport Assessment and are shown on Drawing Nos. 26004-2001-001 rev. D and 26004-2001-003 rev. C.

The Waitrose Offer

- 3.3 Waitrose is part of the employee owned John Lewis Partnership (JLP), and operates more than 300 stores in England, Scotland, Wales and the Channel Islands. Waitrose's proposition is focussed on product quality and sustained investment in offering its customers good value.

- 3.4 The combination of Brand Price Match (matching Tesco’s prices on all branded lines, excluding promotions) hundreds of in-store promotions each week and its “essential Waitrose” range provides an attractive value package which continues to change consumers’ views on Waitrose’s price position.
- 3.5 The new store will provide the latest Waitrose concepts on meat, fish, and delicatessen counters as well as a coffee shop.
- 3.6 Waitrose is already represented in Witney, Oxford, Stratford-on-Avon, Daventry and Brackley, but has a long-standing ambition to open a food store in Banbury. This site offers the right location to deliver the required size and design of food store with the parking required to support the substantial investment in Banbury.
- 3.7 Indeed, for reasons explained in the accompanying Sequential Test Assessment, this site is the only site in Banbury where Waitrose is prepared to make the substantial investment in a new food store. The Sequential Test particularly addresses the suitability of the site at Spiceball to accommodate the Waitrose investment. For the reasons stated in the Sequential Test, Waitrose does not consider the Spiceball site to be acceptable. In short form, Waitrose would not invest in the Spiceball site even if, for whatever reason, planning permission could not be secured for the current proposal.
- 3.8 The proposed store will generate some 200 new jobs representing a mix of full time and part time opportunities. Wherever possible Waitrose aims to recruit local people and all new employees will become co-owners or ‘Partners’ in the John Lewis Partnership.

This entitles them to a say in how the business is run and to a number of employee benefits. These include leisure and learning subsidies and an annual bonus comprising a redistribution of profits proportionally to Partners as a percentage of salary.

3.9 With the exception of a small number of senior roles at the new shop (which would most likely be recruited internally) all the new jobs would be advertised locally and interviews conducted at a local venue. Waitrose is committed to working closely with Jobcentre Plus to help long term unemployed residents prepare for assessment centres and interviews.

3.10 Waitrose takes pride in becoming part of an area and the branch will become actively involved in the local community. Waitrose will donate £12,000 every year to local causes nominated by its customers through its “Community Matters” scheme. Waitrose branches donate more than £3.5m through Community Matters annually. Waitrose will also donate 250 staff working hours to local projects every year nominated by shoppers at the branch. Partners around the UK are paid to volunteer more than 75,000 working hours a year to community projects.

3.11 The store will follow “The Waitrose Way” which is:

- i. Championing British – Waitrose believes in always bringing people home-grown food and produce at its very best, celebrating the British food season and working with the best local and regional suppliers;

- ii. Treading lightly – Waitrose believes in making the right choices for the environment by reducing packaging, waste, water and CO2 emissions, and sourcing food and raw materials responsibly. Product stewardship and maintaining the highest levels of agricultural and environmental management are Waitrose’s key focus. Waitrose looks closely at its operational impact on the environment and asks all its own-label suppliers to reduce their business footprint too;
- iii. Treating people fairly – Waitrose believes in treating its customers, Partners, farmers and suppliers fairly as well as supporting local charities and community groups through its Community Matters and Partner volunteering schemes; and
- iv. Living well – Waitrose believes that eating well should be enjoyable. Waitrose provides a wide range of imaginative and nutritious choices to inspire people to eat more healthily and Waitrose is ahead of targets for salt reduction.

4.0 RELEVANT PLANNING POLICY

i) Introduction

4.1 The starting point for the determination of any application is the provisions of the Development Plan. Section 38(6) states: -

“if regard is to be had to the development plan, for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the provision of the plan unless material considerations indicate otherwise”

4.2 The 1947 Act introduced for the first time the important statutory principles that, in the control of development, decision makers were to *“have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations”* (Section 14(1)). Section 38(6) of the 2004 prescribes the manner in which this important principle should be applied to retain a plan-led system, not a plan determined system.

4.3 A local planning authority is required to have regard to Section 70(2) of the Town and Country Planning Act 1990: -

“In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations.”

4.4 The development plan for the purposes of Section 38(6) of The Planning and Compulsory Purchase Act 2004 comprises the: -

- Cherwell District Local Plan (1996) saved policies.

ii) The Development Plan

Cherwell District Local Plan (1996) saved policies

4.5 The pre-application report stated ‘saved’ Policy S2 should be addressed. This ‘saved’ policy states:

Proposals for the extension and improvement of retail facilities in the areas marked "SC" on the proposals map will normally be permitted subject to the other policies in the plan. Elsewhere in the town centre proposals for retail development will normally be resisted.

In the supporting text to Policy S2 it states *outside the 'SC' areas retail development may be permitted if it is required to serve a specific local need.* Policy S2 is considered to be the dominant planning policy from the development plan as it specifically relates to retail development.

4.6 The following ‘saved’ policies are also considered to be relevant to this application:

- Policy TR1 – Transportation funding
- Policy C28 – Layout, design and external appearance of new development
- Policy ENV12 – Development on contaminated land

iii) Other Material Considerations

4.7 Other material considerations are set out within: -

National Planning Policy

- Planning Practice Guidance (2014)
- National Planning Policy Framework (March 2012)

Local Planning Policy

- Cherwell District Local Plan (2006-2031) – Submission January 2014
- Cherwell District Council Retail Study (October 2012)

National Planning Policy Framework (“The Framework”)

4.8 The Framework was published on 27th March 2012.

4.9 The Framework states that the underlying purpose of the planning system is to contribute to the achievement of sustainable development (para. 6). Paragraph 7 identifies three dimensions to sustainable development, namely: economic; social; and environmental. Paragraph 8 states: -

“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”

4.10 Paragraph 22 is a relevant consideration in the context of the proposals within the emerging Local Plan – addressed below – in the allocation of this site, and states:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.11 Paragraph 24 within the Section 1 ‘Ensuring the vitality of town centres’ states:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in

edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

4.12 Paragraph 26 states:

‘When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

4.13 Paragraph 27 states:

‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.’

National Planning Practice Guidance (NPPG)

4.14 This Guidance was issued in 2014 to supplement the Framework. The Section titled ‘How should the sequential test be used in decision-taking?’ Paragraph: 010 Reference ID: 2b-010-20140306 states [in part]:

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- *With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- *Is there scope for flexibility in the format and/or scale of the proposal?
It is not necessary to demonstrate that a potential town centre or edge of*

centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

- *If there are no suitable sequentially preferable locations, the sequential test is passed.*

4.15 The Section from the NPPG “How should viability be promoted?” (Paragraph: 012 Reference ID: 2b-012-20140306) states:

The sequential test seeks to deliver the Government’s “town centre first” policy. However as promoting new development in town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations.

4.16 Steve Quartermain, Chief Planner at the DCLG, in his letter to Chief Planning Officers dated January 2015 restated the ‘Town Centre First’ approach to retail development. In the letter Mr Quartermain stated:

‘Ministers wish to restate policy which makes clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the town centre as set out in the Framework, it should be refused. It is for local authorities to ensure that the sequential test and impact test have been

properly applied, and that the “town centre first” approach has been followed. This does not mean that out-of-centre development is necessarily inappropriate.

Ministers would highlight the planning guidance Ensuring the Vitality of Town Centres and specifically draw authorities’ attention to the section: “How should the sequential test be used in decision-taking?”. This sets out the considerations that local authorities should take into account when determining whether a proposal complies with the sequential test, including that due regard should be given to the requirement to demonstrate flexibility. This includes whether the suitability of more central sites to accommodate the proposal has been considered and the scope for flexibility in the format and/or scale of the proposal.’

Emerging Local Planning Policy

Cherwell District Local Plan (2006-2031) – Submission 2014

4.17 The Local Plan (October 2014) (SLP) was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. This plan does not have the status of a Development Plan but is a material planning consideration for decision-making. The examination reconvened and closed in December 2014. The Inspector’s Report is anticipated in March 2015. The Plan sets out the Council’s strategy for the District to 2031. The policies listed below are considered to be material to this case:

- Policy SLE1 – Employment Development

Protect existing employment land and buildings for employment (B class) uses and encourage new development to ensure the efficient use of land on these sites and in our towns, avoiding the need to use valuable countryside.
- Policy SLE 2 – Securing Dynamic Town Centres

Securing dynamic town centres as the focus for commercial, retail and cultural activity.
- Policy ESD 3 – Sustainable Construction

All new non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect.
- Policy ESD 1 – Mitigating and Adapting to Climate Change

Measures will be taken to mitigate the impact of development within the district on climate change.
- Policy ESD 4 – Decentralised Energy Systems

The use of decentralised energy systems, providing either heating – District Heating (DH) or heating and power – Combined Heat and Power (CHP) will be encouraged in all new developments.
- Policy ESD 5 – Renewable Energy

Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact

The full wording of the policies for the emerging Local Plan are set out at **APPENDIX 4**.

5.0 PLANNING CONSIDERATIONS

5.1 In considering the policies of the development plan, paragraph 215 of the Framework states that:

‘Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’

As stated, the dominant policy from the adopted Local Plan 1996 – as identified by the Planning Officer in his pre-application response – is Policy S2. Policy S2 conveys a presumption against retail development in the town centre other than in locations marked SC on the Proposals Map. The application site is not located in the Town Centre. As such the policy is ‘silent’ on proposals for retail development outside the town centre. Fundamentally Policy S2 is not consistent with the Framework as it fails to embrace the sequential test that is set out in paragraph 24. As Mr Quartermain has recently explained in re-stating the ‘town centre first’ approach to new retail development, this does not mean that out of centre development is necessarily inappropriate.

5.2 The inconsistency between the adopted development plan and the Framework in its approach to retail development is not surprising in that Policy S2 forms part of a development plan that is almost 20 years old since adoption. While Policy S2 has been

‘saved’ since 2007 the underlying intention from the Government was that policies would be replaced promptly and be brought up to date with current national planning policy. Presently the District Council has not adopted a replacement development plan – some 14 years after the expiry of the development strategy in the 1996 Local Plan (2001). It is acknowledged that the emerging Local Plan Policy SLE 2 embraces the sequential test.

5.3 In view of the clear inconsistency between Policy S2 and the Framework this proposal is to be considered in accordance with the 2nd bullet point of Paragraph 14 of the Framework namely:

- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*
 - *Specific policies in this Framework indicate development should be restricted.*

5.4 There are no ‘specific policies’ in the Framework that tell against this proposal as a matter of principle. The site is an ‘accessible location’ in an out of centre location. A key planning consideration is whether there are ‘sequentially preferable’ sites to which this retail development could be accommodated.

Retail Planning Issues

5.5 The Sequential Test (see **Appendix 5**) assessed sites agreed with Cherwell District Council and included the following:

- Land at Banbury Canalside
- Land at Bolton Road
- Land at Spiceball
- Land at Calthorpe Street
- George Street Car Park
- Land at White Lion Walk and Church Walk
- Land at Lower Cherwell Street and Land at junction of Concord Avenue and Bridge Street

5.6 The LPA has stated that the Sequential Test is reasonably to be confined to Banbury – as it is Banbury, rather than other main settlements in the District, to which the investment is proposed by Waitrose. Put simply, the existence of a site in the town centre of Bicester, or edge of Bicester, for example, would not be relevant because Waitrose wishes to invest in Banbury at this time, not Bicester. . The conclusions of the Sequential Test are that there are no suitable sites in the town centre or edge of centre of Banbury that provide Waitrose with a commercially viable or acceptable opportunity for a new food store. In the Supreme Court Judgement of Tesco Stores Ltd v Dundee City Council (2012) Lord Hope stated (at paragraph 38) that the sequential test criteria “are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.” The Supreme Court

concluded that the approach to be taken by decision-makers is whether an alternative site is suitable for the proposed development, not (emphasis added) whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. The meaning of ‘suitable’ for these purposes is clear from the Supreme Court’s decision. If a site is not suitable for the commercial requirements of the developer or retailer in question then it is not a suitable site for the purposes of the sequential test. And, importantly, “suitability” should not be construed to mean suitability for meeting identified deficiencies in retail provision in the area.

5.7 The Spiceball site has a resolution to grant planning permission including a retail food store in an edge of centre location. This site in planning policy terms is sequentially preferable to the application site. Waitrose has given serious consideration to this site and, for the reasons stated in correspondence, Spiceball is not acceptable to Waitrose (correspondence attached as **Appendix 2** of the Sequential Test (see **Appendix 5** of the Planning Statement)). Put shortly, Waitrose does not consider the Spiceball site offers a commercially viable and acceptable opportunity for a Waitrose shop of the size, type and format required in this catchment, and no other site in the urban area is suitable or available to Waitrose. Applying the *Dundee* decision, it is clear that the Spiceball site is therefore not a “suitable” location for Waitrose. In the context of considering an out of centre proposal (para 24 of the Framework) preference should be given to accessible sites that are well connected to the Town Centre. The site at Mondelez is accessible and well connected to Banbury town centre (refer to Transport Assessment; Travel Plan; Design and Access Statement).

- 5.8 Paragraph 26 of the Framework requires a Retail Impact Assessment (RIA), this is the subject of a separate document. The RIA concludes that the existing convenience shopping provision in Banbury is focused outside the town centre and it is reasonably assumed that the majority of trade for the proposed new food store will be derived from these existing out-of-centre stores. Although a modest degree of diversion is forecast from the town centre, it is considered that this diversion will not give rise to impacts that could be construed as having a ‘significant adverse impact’ on the factors identified at paragraph 26 of the Framework.
- 5.9 In conclusion, this proposal satisfies the Sequential Test and will not have a significant adverse impact on Banbury town centre. The circumstances identified at paragraph 27 of the Framework do not arise in the context of this proposal, and so the NPPF does not direct refusal. On the contrary, the proposal is consistent and accords with emerging Policy SLE 2 and, applying paragraph 14 of the NPPF, should be approved.

Employment Planning Policies

- 5.10 The adopted development plan is absent of any policy that seeks to protect existing employment land from redevelopment. In these circumstances it is necessary to consider the provisions of more up to date planning policy that is relevant to employment land. Para 22 of the Framework states that ‘planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose’.

5.11 The ‘Key Policies Map for Banbury’ contained within the emerging Cherwell Local Plan identifies the entirety of the Mondelez International site as an ‘Existing Strategic Employment Site’. Para B.36 of the emerging Local Plan states:

‘The Council, will as a general principle, continue to protect existing employment land and buildings for employment (B class) use.’

5.12 The text of Policy SLE1 ‘Employment Development’ states:

‘In cases where planning permission is required, existing employment sites should be retained for employment use unless the following criteria are met:

- *The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.*
- *The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another use is not economically viable.*
- *The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for development.*

The applicant does not seek to demonstrate that any of these criteria are satisfied. Rather the extent of tension with the criteria attached to emerging Policy SLE1, and the underlying intent of paragraph 22 of the Framework should be placed into the planning

balance that is required by the approach set out in the second bullet point of paragraph 14 of the Framework.

5.13 Countervailing considerations in favour of the development are twofold. Firstly the proposed investment by Waitrose will result in the provision of some 200 new jobs within the new food store, with provision for staff training, and an emphasis upon local recruitment. Secondly, the capital receipt from allowing this investment will be re-invested by Mondelez in enhancing existing staff facilities and the workplace environment at the Banbury plant. The loss of land from the existing Mondelez plant does not harm the industrial processes undertaken on the retained land. Rather the proposed development will enhance the production facility. Mondelez has made a major commitment to Banbury plant for coffee production, and is probably the largest employer in the town.

5.14 In the context of the earlier grant of planning permission for Class B1, B2 and B8 development (Ref: 08/02406/OUT) on the application site, the proposed employment by Waitrose may well provide jobs in excess of employment levels that might be achieved from intensive automated processes within industrial units.

Transport planning policies

5.15 In the context of paragraph 32 of the Framework a Transport Assessment (TA) is included with the planning application. Paragraph 32 states:

‘All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.’*

5.16 The proposal includes provision for secure cycle parking, good accessibility for residents with the Ruscote Avenue to Southam Road footpath and the footpath on Southam Road. There is a significant residential area within walking distance and cycling distance, as evident from the maps attached as **APPENDIX 6 and 7**.

5.17 The site is well accessed by bus service B10 and 277 providing Monday to Saturday services, with bus stops only 50m from the new store.

5.18 The Road Safety Audit has concluded that a safe and suitable access is to be provided to the site with the provision for parking by disabled persons.

5.19 The TA establishes that the cumulative residual impact of this development will not be ‘severe’.

Design Considerations

- 5.20 Paragraph 56 states that *good design is a key aspect of sustainable development, is indivisible from good planning*. The design approach is of high quality, reflecting the marketing requirements of Waitrose with the intention to create an attractive and contemporary development that will create a sense of place for Waitrose and customers alike.
- 5.21 In line with emerging Policy ESD 3 – Sustainable Construction a BREEAM ‘Very Good’ rating is being targeted for the new store.
- 5.22 The proposal does involve some felling of the trees that front Southam Road. The tree loss is explained within the accompanying ‘Arboricultural Impact Report’. As explained in the DAS, the re-instatement of landscaping, tree and shrub planting will provide a very attractive frontage to Southam Road. The removal of the security railings will particularly enhance the street scene as explained in the DAS. The impact of tree removal from the frontage of Southam Road has been considered in earlier planning applications. The Officer’s Report for the proposed Premier Inn and Beefeater restaurant on this site (ref. 10/01347/F) stated at paragraph 5.34:

‘In general, the proposal will not result in the loss of any trees of particular significance. The only slight concern was the potential impact on a particular group of trees and the appearance of the group after the removal of two trees

from that group. However, the trees concerned were scheduled to be removed under the previous consent for B1, B2 and B8 development. As the situation has not changed significantly since the previous approval there are no justifiable reasons to now prevent those particular trees from being removed.'

5.23 In conclusion, it is acknowledged that the local street scene character will change as a result of this proposed development. It is considered that a very high quality frontage to Southam Road will be achieved by the design of the Waitrose store, and the quality of landscaping as proposed in detail with this application.

6.0 CONCLUSIONS AND PLANNING BALANCE

6.1 Paragraph 7 of the Framework sets out the three dimensions of sustainable development, namely the economic role, the social role and the environmental role.

Economic Role

6.2 It is acknowledged that this proposal for retail development on this area of employment land has a tension with the underlying purpose of paragraph 22 of the Framework, and the provisions of emerging local plan policy SLE 1 which conveys a presumption in favour of retention of employment land for Class B uses, unless the applicant is able to demonstrate that one of the criteria for allowing a redevelopment away from a Class B use is applicable.

6.3 As stated, the proposed investment by Waitrose is not to a land use that does not provide continuing employment opportunities. Some 200 new jobs are to be created in the new food store. The capital receipt from the development is to be re-invested by Mondelez into the into staff facilities at the retained Mondelez plant. It is considered that conflict with the Framework, paragraph 22 and emerging local plan policy is not of particular significance.

Social Role

6.4 It is considered that this proposal will create a high quality built environment with accessible retail services, which extend the choice of retail stores within Banbury. The community engagement exercise which has been undertaken, has revealed overwhelming support for investment by Waitrose in Banbury. And the co-owned nature of the John Lewis Partnership introduces a unique and socially-beneficial business model to the local area, to the benefit of new employees and the wider community.

Environmental Role

6.5 It is acknowledged that the removal of some of the existing trees from the Southam Road frontage will result in some limited environmental harm. The Arboricultural Survey has established that none of the existing trees are of high arboricultural value, but it is accepted that the trees have some amenity value to the street scene. The removal of these frontage trees has previously been supported by the LPA in granting planning permission for industrial development on this area of land. The impact arising from the loss of some of the trees should be considered in the context of the provision of the landscape strategy for new planting along this frontage.

The Planning Balance

6.6 The benefits of the proposal include:

- i. The securing of Waitrose investment in a high quality food store in Banbury – for which there is no sequentially preferable site that is suitable and available.
- ii. The store will compete with existing main food shopping facilities which are predominantly situated out of centre. It will provide a qualitative improvement in food shopping provision in Banbury and there will be no harmful impact on any existing town centre.
- iii. The new Waitrose store reasonably may attract some shoppers from within the hinterland of Banbury, who otherwise shop elsewhere – to undertake combined trip making between the proposed food store and the town centre. The accessibility of the proposal to the town centre will enhance this potential opportunity.
- iv. The Waitrose store will create some 200 jobs for local people when operational, together with job opportunities during the construction process. It is Waitrose’s policy to recruit as locally as possible and the company will work with the Jobcentre Plus to provide opportunities for the long term unemployed.
- v. The provision of job training opportunities, with an emphasis upon local recruitment within the retained plant at Banbury

- vi. The re-investment of the capital proceeds of sale by Mondelez in enhancing staff facilities and the working environment within the retained plant.
 - vii. The proposal will provide a very high quality development on the west side of Southam Road, with high quality landscaping undertaken to the road frontage and strong public transport linkages, through existing established bus services which serve the site.
 - viii. Enjoy notable support from the local community with nearly 85% of feedback supporting the plans to bring Waitrose to Banbury.
- 6.7 It is considered that the impacts arising from this development, including some loss of employment land from a Class B use class; the extent to which trade diversion may occur from the town centre, and the loss of some of the trees along the frontage of Southam Road do not amount to ‘adverse impacts’ that ‘would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.’ (The Framework, paragraph 14). As such, planning permission should be granted.

APPENDIX 1

Pre-Application Response

APPENDIX 2

Proposed Town Centre Extension

APPENDIX 3

Mondelez Correspondence

APPENDIX 4

Extracts of emerging planning policy

APPENDIX 5

Sequential Test

APPENDIX 6

Walking Plan



APPENDIX 7

Cycling Plan