

# Public Protection & Development Management

Andy Preston – Head of Public Protection & Development Management

# Cherwell

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Barwood Developments Ltd / Mondelez  
c/o Framptons  
Oriol House  
42 North Bar  
Banbury  
OX16 0TH

F 9 MAR 2015

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Bodicote  
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OX15 4AA

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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Please ask for **Bob Duxbury**  
Direct Dial **01295 221821**

Our ref **14/00296/PREAPP**  
Email **Planning@cherwell-dc.gov.uk**

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05.03.2015

Dear Sir/Madam

**Application Ref: 14/00296/PREAPP**

**Location: Land At Kraft Foods Southam Road Banbury**

**Proposal: Proposed retail store for Waitrose.**

Please find enclosed a detailed response relating to the above pre-application enquiry.

Yours faithfully

**Bob Duxbury**  
Planning Officer

**CHERWELL DISTRICT COUNCIL**

**Pre-Application Report**

<b>Pre-application Reference No:</b>	<b>14/00296/PREAPP</b>	
<b>Proposal:</b>	<b>Proposed retail store for Waitrose</b>	
<b>Site Address:</b>	<b>Land at Kraft Foods, Southam Road, Banbury</b>	
<b>Date Site Visited:</b>	<b>13.11.14 and 24.11.14</b>	
<b>Date &amp; Time of Meeting (if applicable):</b>	<b>15.12.14</b>	<b>Start:14.00</b>
		<b>Finish:15.30</b>
<b>Location of Meeting:</b>	<b>Bodicote House</b>	
<b>Attendees:</b>	<b>Bob Duxbury</b>	

**TECHNICAL ASSESSMENT**

**Internal Consultations Received:**

**1. Planning Policy**

**General Comments**

Local planning policy requires that retail development be directed towards Banbury town centre.

The pre-application site is considered to be in an out of centre location and there are other suitable sites in Banbury town centre and in edge of centre locations which could accommodate a food store.

The proposals would provide jobs in the area and the pre-application site, despite being in an out of centre location, is relatively close to the town centre.

A sequential test and impact assessment will be required for the application in accordance with the requirements in the NPPF

**Main Development Plan Policies**

The Adopted Local Plan (saved policies) aims to maintain a compact shopping area in Banbury and Policy S2 sets out that proposals for the extension and improvement of retail facilities will normally be permitted within the 'Town Centre Shopping Area'

subject to other policies in the Plan. Elsewhere in the town centre proposals for retail development will normally be resisted. The supporting text to the Policy states that retail uses mean uses included in classes A1, A2 or A3 uses.

Relevant policies regarding design and transport should also be considered for this application.

**NPPF**

Paragraph 19 of the NPPF states that *'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. LPA's should promote mixed use developments; and encourage multiple benefits from the use of land in urban and rural areas...*

Paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;

Paragraphs 24 to 27 of the NPPF set out a requirement for a sequential test and impact assessment.

Paragraph 27 states that 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

**NPPG**

The NPPG should be considered and guidance adhered to in relation to the required sequential test and impact assessment

**Non Statutory Local Plan 2011**

Whilst some policies within that Plan may remain material, other strategic policies have in effect been superseded by those of the Submission Local Plan (October 2014). Policy S1 is effectively superseded by Policy SLE2 in the Submission Local Plan

**Submission Local Plan 2011-2031 as Proposed to be Modified (October 2014)**

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. The examination hearings were suspended on 4 June 2014 for six months. This was to enable the Council to put forward proposed modifications to the Local Plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the District, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA). In August 2014 the Council published modifications to the submitted Plan for public consultation and submitted modifications to the Local Plan for examination in October 2014. Hearings took place in December 2014 and the Inspector's report is expected in the spring of 2015. There are outstanding objections to some policies which have yet to be resolved. There are hearing minor modifications (and others potentially to be added) proposed to the Local Plan (2006-2031) on the examination webpage on the Council's website for the Inspector to consider.

Paragraph B.46 of the Submission Local Plan states that the provision of jobs will be a material consideration for determining planning applications.

Paragraph B.48 states that the Council is determined to secure dynamic town

centres as the focus for retail development. Paragraph B.53 explains that new retail development will continue to be focussed in our town centres and all new development will be required to be built to high design and building standards.

Policy SLE2 (Securing Dynamic Town Centres) requires that retail development be directed towards Banbury town centre.

The Council will require a sequential test and an impact assessment in accordance with requirements in the NPPF. The policy requires that proposals not in town centres will be in edge of centre locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.

The policy states that when considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

Policy ESD1: (Mitigating and Adapting to Climate Change) seeks to distribute growth to the most sustainable locations and deliver development that seeks to reduce the need to travel and which encourages sustainable travel options.

Policy Banbury 1 – Banbury Canalside sets out how town centre uses will be provided in the northern part of the site (see Policy Banbury 7) but that this should not include any significant convenience retail. The Statement of Common Ground between Turley and Cherwell District Council (on the Council's website) proposes changes to the policy as follows:

- First bullet point of policy to read: 'Land area - maximum of 15,000 m2 which is a mix of main town centre uses.
- Second bullet point deleted and replaced with: 'Class A1 retail floor space to be small scale-scale and focussed in the north of the site'.

Inset map Banbury 7 shows the town centre boundaries at Banbury. Policy Banbury 7 states that main town centre uses will be supported in Banbury town centre and identifies an 'area of search' for an extension to the town centre which will be explored in Local Plan Part 2.

Paragraphs C.152 and C.155 explain how land at Calthorpe Street provides the opportunity to develop a mixed use scheme including providing for retail needs.

Policy Banbury 8 sets out how land at Bolton Road will be redeveloped for town centre uses including small scale A1 and A3 uses, ancillary residential development and car parking. Paragraph C.158 explains how there is an option for food retailing to be provided on the site.

Policy Banbury 9 sets out how land at Spiceball will be developed for town centre uses including A1 and A3 uses, and car parking. The Statement of Common ground between Turleys and Cherwell District Council (on the Council's website) proposes changes to the policy as follows:

- The second bullet point should omit the word 'small' after the word 'including' so that it reads 'Use Classes – Retail (including A1, A3), hotel (C3), leisure (D2), car parking.

### **Other material policy considerations**

The Council has granted planning permission for a foodstore (5,500 sq metres) and other uses (subject to a legal agreement) on land at Spiceball covered by Policy Banbury 9. Cherwell District Council owns most of the site and along with the owners of Castle Quay shopping centre will facilitate re-development of the site.

The Council has produced draft Supplementary Planning Documents (SPD's) for the Banbury Canalside area and Bolton Road area for public consultation. The latter shows how a foodstore could be accommodated on the site, however the draft SPD was produced before the Submission Local Plan.

CBRE on behalf of the Council have produced a Retail Study (2012) to inform the Local Plan.

### **Overall Policy Observations**

The Local Plan (saved policies) is not out of date in terms of its aim to maintain a compact shopping area in Banbury and therefore in this regard the proposals would be inconsistent with this aim.

The proposals would provide jobs in the area, however the pre-application site is outside the town centre in an out of centre location and therefore proposals are inconsistent with the NPPF, the NPPG and the policy approach in the Submission Local Plan. There are a number of sites in the town centre and in edge of centre locations that are considered suitable for a foodstore.

The following sites should be considered for the sequential test:

- Land at Banbury Canalside (Policy Banbury 1)
- Land at Bolton Road (Policy Banbury 8)
- Land at Spiceball (Policy Banbury 9)
- Land at Calthorpe Street (Paragraph C.152)

It is not considered that a sequential test assessment should extend beyond Banbury. An impact assessment would also be required, meeting the requirements of paragraph 26 of the NPPF and the NPPG.

The pre-application site, despite being in an out of centre location, is relatively close to the town centre.

## **2. Design and Conservation Team Leader**

- The strong landscaped boundary with Southam Rd seems to have been thinned out on the layout plan. As the proposed building presents a blank side elevation to much of the Southam Rd frontage, this landscaping should be retained and enhanced. Thinning should only occur in the vicinity of the main access and at the north-east corner of the building where curtain-wall glazing is proposed and a pedestrian access to the store from the street;
- The main vehicular access should include a pedestrian footpath alongside the road and through the car park to the front door;
- The large car park would benefit from some trees and landscaping to help break up the space and complement the green edge to Southam Road;
- Covered cycle parking should be provided near to the store entrance for staff and customer use;

- The building appears of a standard supermarket design but includes high levels of glazing to the front elevation and I have no specific comments to make on the overall form and appearance;
- There are no details of any design or engineering innovations being employed and the developer should be strongly encouraged to achieve BREEAM Excellent (or equivalent/better) and/or to explore opportunities for green roofs, solar panels etc. Ref is made to the 'BREEAM outstanding' Waitrose supermarket at Bracknell completed in 2011 and to the long list of design/engineering innovations employed on this store that are equally relevant to Banbury.

### 3. Environmental Protection Officer –Re contaminated land

No comments received

## External Consultations Received:

### 1. Oxfordshire County Council

I attach as an appendix the single response I have received from OCC giving comments on transport, and ecology issues

### 2. Thames Water

Comment as follows

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk).

Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

#### Supplementary Comments

Thames Water have assessed and responded to the pre-application based on the information provided to date. Should the development proposal change, Thames Water would need to re-assess the application and review the comments accordingly.

### **3.Environment Agency**

Letter dated 5.12.14 attached

**EIA Screening Opinion Required? NO**

#### **Committee or Delegated Matter?**

A full or outline application would be determined by Planning Committee.

**Relevant Planning History:** None determined on this site

**Policy:**

**You should be aware of the following matters/issues/designations :**

- The site adjoins a public footpath running on the southern edge of Peoples Park
- You may need to consider the effect on protected species when developing your proposals. Further information may need to accompany your application including a phase 1 survey to identify habitats present and features likely to be used by protected species and any further detailed survey reports for any individual protected species should these be necessary. In order to assist you in this you should refer to the Standing Advice prepared by Natural England (link below). This 'standing advice' will help in assessing if there is a reasonable likelihood of protected species being present and if so the relevant survey and mitigation requirements. This advice will be a material consideration in the determination of your application.  
<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/advice.aspx>

**PROFESSIONAL ASSESSMENT BY CASE OFFICER**

It is considered that the main issues relating to your proposal are:

- Policy
- Highway safety and adequacy of car parking
- Flooding issues
- Trees
- Design and layout

**Policy**

The Local Plan (saved policies) is not out of date in terms of its aim to maintain a compact shopping area in Banbury and therefore in this regard the proposals would be inconsistent with this aim.

The proposals would provide jobs in the area, however the pre-application site is outside the town centre in an out of centre location and therefore proposals are inconsistent with the NPPF, the NPPG and the policy approach in the Submission Local Plan. There are a number of sites in the town centre and in edge of centre locations that are considered suitable for a foodstore.

The following sites should be considered for the sequential test:

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- Land at Spiceball (Policy Banbury 9)
- Land at Calthorpe Street (Paragraph C.152)



- George St. car park

It is not considered that a sequential test assessment should extend beyond Banbury. An impact assessment would also be required, meeting the requirements of paragraph 26 of the NPPF and the NPPG.

### **Highway matters**

The main issues are set out in the OCC response attached – see key issues set out on page 3 of their document. It would appear from these comments that there is no basic objection to an access on Southam Road at the point proposed, albeit that in our meeting I did raise the matter of junction spacing.

### **Flooding**

Given the site size an FRA will be required

### **Trees**

A tree survey will be necessary, identifying those trees to be felled, those to have works undertaken upon them, and the condition of those to be retained

### **Design and layout**

I thank you for supplying the images of the store on 19 February 2015. These show a store of a design and in materials which appears from a preliminary inspection to be acceptable. You should also bear in mind the comments previously relaid to you and set out above from our Design and Conservation Team Leader

You should also include in your submission the following additional plans/information:

- Proposed materials – make, type, colour etc
- Proposed boundary treatments
- Flood risk assessment
- Transport assessment
- Design and access statement
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Please also see the Council's Local Validation checklist

The fee for a full application will be charged at a rate of £385 per 75 sq.metres (or part thereof)

**Date of Report: 5.3.15**

**Case Officer: Bob Duxbury**

## **DISCLAIMER**

The above advice represents the professional views of Council Officers and although

given in good faith, it cannot prejudice any decision with the Council, as Local Planning Authority, may make at either Planning Committee or delegated officer level.



**OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE  
FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Cherwell

**Application no:** 14/00296/PREAPP

**Proposal:** Proposed retail store for Waitrose

**Location:** Land at Kraft Foods Southam Road, Banbury

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**This report sets out Oxfordshire County Council's view on the proposal.**

**Annexes to the report contain officer advice and the comments of local members.**

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**Officer's Name:** Lisa Michelson

**Officer's Title:** Locality Manager

**Date:** 08 December 2014

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**ANNEX 1**  
**OFFICER ADVICE**

## **RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Cherwell

**Application no:** 14/00296/PREAPP

**Proposal:** Proposed retail store for Waitrose

**Location:** Land at Kraft Foods Southam Road, Banbury

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### **Transport**

#### **Key issues**

- Given the size of the food retail unit a planning application would need to be accompanied by a supporting Transport Assessment prepared in accordance with Department for Transport Guidance.
- A full travel plan will be required to be prepared in accordance with OCC guidelines.
- The red line areas on the two plans supplied do not match, and this would need to be rectified for a planning application.
- The access road to the service area is outside the red line area and right of way would need to be demonstrated.
- Parking provision at the site would need to be demonstrated as adequate but not excessive.
- Plans showing car park and service yard accesses would need to be submitted, to include demonstration of suitable visibility splays on the A361 Southam Road.
- Swept path analysis showing an articulated vehicle manoeuvring in the service yard will be required.
- There is minimal public transport in this corridor and the development will be required to provide an interim bus service until funding from a nearby residential development is forthcoming.
- No drainage information is supplied in the pre-application documents.

#### **Legal Agreement required to secure**

Section 106 contribution to the Banbury Area Transport Strategy.

Section 106 contribution to provide a bus service from opening day until the service to be funded by a nearby proposed residential development is delivered.

Section 106 contribution to provide 2 bus stop pole/flag./information cases and two shelters at an indicative cost of £12,000

Section 106 contribution of £1,240 to cover the cost of travel plan monitoring.

Section 278 arrangement to provide a safe walking route across the A423 in the vicinity of the bus stops.

#### **Conditions**

Should a planning application be forthcoming, the following conditions are likely to be applied.

D4 – Access

D12 – Road Construction, Surface and Layout

D15 – Parking and Manoeuvring Areas Retained

D16 – Details of Turning for Service Vehicles

Prior to the commencement of the development a construction traffic management plan should be submitted Oxfordshire County Council for review and approval.

Prior to the commencement of the development a final drainage design plan and full drainage calculations should be submitted to and approved by Oxfordshire County Council.

Prior to the occupation of the development a full travel plan will need to be developed and implemented for this site. This should be submitted to the Travel Plan Team at Oxfordshire County Council for approval before occupation.

### **Informatives**

Department for Transport (DfT) guidance on transport assessment has recently been changed. The Transport Assessment for this proposal will need to be prepared in accordance with **Travel plans, transport assessments and statements in decision-taking** as set out on the DfT website.

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

The surface water drainage for the development will need to be full Suds.

### **Detailed Comments**

#### **Transport Assessment**

New DfT guidance on transport assessments states that “Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis” and sets out a number of considerations that should be taken into account.

Given the size of the food retail unit a planning application would need to be accompanied by a supporting Transport Assessment (TA). The TA will need to be prepared in accordance with the new guidance. Site specific items that will need to be addressed in the TA include, but are not necessarily limited to:

- Trip generation;
- Examination of the traffic impact at the roundabout junction of the A361 Southam Road / A422 Hennef Way / Rustcote Avenue, and the signalised junction of the A361 Southam / B4100 Warwick Road as a minimum;
- Demonstration of the adequacy of the quantum and layout of parking provisions;
- Details of the adequacy of the proposed service yard including, swept path analysis of an articulated vehicle manoeuvring within the yard;
- Details of right of access to service yard access;
- Details of pedestrian and cycle provisions;
- Details of the proposed site accesses to include visibility on to the A361 Southam Road.

**Travel Plan**

Similarly, a full travel plan is likely to be required to be prepared in accordance with OCC guidelines. The plan should be submitted in framework form with the planning application and be finalised and implemented on occupation of the development.

**Public Transport**

There is only minimal public transport available along the Southam Road, consisting of infrequent interurban services to Southam and Leamington Spa. Bus services 66 and 277 currently operate along the Southam Road eight times per day.

A new bus service is proposed to a residential area on the north side of Banbury. It is proposed that this service will operate every 30 minutes, which would provide a credible level of service to this proposed store. However, funding arrangements for the service are not fully resolved, and in particular will not be delivered until certain trigger points are reached. Therefore Waitrose will be requested to provide funding for a similar level of service along Southam Road until the residential contribution is delivered. New bus stops will be required in the vicinity of the store, together with a safe walking route.

**Officer's Name:** Chris Nichols

**Officer's Title:** Transport Development Control

**Date:** 05 December 2014

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**RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL****District:** Cherwell**Application no:** 14/00296/PREAPP**Proposal:** Proposed retail store for Waitrose**Location:** Land at Kraft Foods Southam Road, Banbury

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**Ecology****Key issues:**

The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

**Officer's Name:** Tamsin Atley**Officer's Title:** Ecologist Planner**Date:** 05 December 2014

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Planning & Development Services  
Cherwell District Council  
Bodicote House White Post Road  
Bodicote  
Banbury  
OX15 4AA

**Our ref:** WA/2014/119302/01-L01  
**Your ref:** 14/00296/PREAPP  
**Date:** 05 December 2014

Dear Sir/Madam

**PROPOSED RETAIL STORE FOR WAITROSE.  
LAND AT KRAFT FOODS SOUTHAM ROAD BANBURY**

Thank you for your enquiry, which we received on 18 November 2014. Our comments below are a 'preliminary opinion' for the proposed development. Please note we have not reviewed any documents or plans in detail.

**The Site**

We have identified, based on the information you have provided and our available records, the following main constraints for this site:

- Contaminated Land

**Planning application requirements**

In light of the constraints we have identified above, we would expect the following information to be provided, as a minimum, at the planning application stage. This is not an exhaustive list and any technical reports should be completed by a competent person.

**Contaminated Land**

There may have been contamination associated with this site. We would expect at the very least a desk stop study which looked at this in further detail. The results of the this investigation might lead to further intrusive investigation and remediation as necessary.

**Environment Agency Position**

The above constraints and advice have informed the following position.

- The development raises some environmental concerns / issues and you (or the applicant) will need to undertake further work to show how these issues can be satisfactorily addressed to ensure no adverse environmental impacts.

Our advice has been based on the information you have provided in your email/letter, dated 18 November 2014 and our available records. This letter does not prejudice any recommendation that may be made by the Environment Agency or any decision that may be made by the Local Planning Authority at the formal planning application stage.

### **Further Advice**

Further to the issues that may need to be addressed, we are keen to work with you (the applicant) to maximise the potential of the site and to help achieve a sustainable development for the benefit of people and the environment.

We would be happy to undertake a review of any documents or detailed plans which you may produce in support of your proposals, at the pre-application stage. We have a charged-for service where we can provide more detailed advice. As part of this service, we will provide a dedicated project manager to act as a single point of contact to coordinate the requirements of your enquiry.

Unfortunately, we are unable to provide any further advice other than the information contained within this letter without a charge. If you would like to receive further detailed advice, please do not hesitate to contact us to discuss the possibility of setting up a charging agreement.

If you have any queries regarding this letter, please do not hesitate to contact me.

Yours faithfully,

**Mr Jack Moeran**  
**Planning Advisor**

Direct dial 01491 828367

Direct e-mail [planning-wallingford@environment-agency.gov.uk](mailto:planning-wallingford@environment-agency.gov.uk)