



SEQUENTIAL TEST ASSESSMENT

**TO ACCOMPANY AN APPLICATION
FOR PLANNING PERMISSION FOR A
NEW WAITROSE STORE WITH CAR
PARKING AND ACCESS
ARRANGEMENTS**

AT:

**MONDELEZ, SOUTHAM ROAD,
BANBURY**

FOR:

**MONDELEZ INTERATIONAL LIMITED
AND BARWOOD CAPITAL**

MAY 2015

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INTRODUCTION

- 1.1 Framptons has been instructed by Mondelez UK Limited and Barwood Capital to prepare a Sequential Test Assessment in support of a planning application for:

Proposed development of a new Waitrose store with car parking and access arrangements. Demolition of redundant building.

- 1.2 The planning application is in detail form and proposes a new retail development in an out- of town centre location but within the built up area of Banbury. The site is presently part of the land that is occupied by Mondelez International in Banbury, and is no longer required by Mondelez for its industrial activities. The site has a frontage to the Southam Road. The site is circa 800m from the Market Square in the town centre. It is proposed to create two new vehicular accesses to the site from the Southam Road as part of the application proposals. The scheme has been designed to specifically meet the requirements of Waitrose. Waitrose has been seeking to open a supermarket in Banbury for some period of time.

- 1.3 As the proposed retail investment is located in an out-of centre location, national planning policy requires an applicant to undertake a ‘Sequential Test’ in response to the planning policy preference to locate new retail development within town centres- the so-called ‘Town Centre first’ approach. Paragraph 24 of the Framework 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.'

- 1.4 The proper application of the 'town centre first' approach to the location of new retail development has been considered by the Courts, notably in the case of Tesco Stores Ltd v Dundee City Council (2012). The Court concluded that the approach to be taken by decision-makers is whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. The meaning of 'suitable' is considered to be the suitability of a site for the proposed development rather than the suitability for meeting identified deficiencies in retail provision in the area.

1.5 The scope of this assessment has been agreed with Mr R Duxbury, Development Control Team Leader, Cherwell District Council at the pre-application stage. The applicant has been requested to consider the ‘suitability’ of the following sites on the basis these are considered to be preferred locations for retail development in the context of planning policy for retail development. The list of sites includes land within the town centre of Banbury, and land ‘edge of centre’ in accordance with the meaning of ‘out-of centre’ from the Glossary to the Framework. The identified sites are:

- Land at Banbury Canalside
- Land at Bolton Road
- Land at Spiceball
- Land at Calthorpe Street
- George Street Car Park

1.6 The Local Planning Authority has confirmed in its response to a pre-application request that the Sequential Test should be confined to Banbury, rather than being geographically more extensive to include other main settlements in the District. Indeed no useful purpose would be served in assessing the suitability of sites in say Bicester, as Waitrose propose new investment within Banbury. The sequential test is not intended to be some form of academic exercise, but rather to establish whether the investment could take place in a locationally preferred site on a sequential basis.

2.0 SPECIFIC REQUIREMENTS

2.1 Waitrose has had a long-standing trading requirement to open in Banbury and this proposal is designed specifically to meet their design requirements. Waitrose has particular site and locational requirements to justify investment in a new store in Banbury, as described in the correspondence prepared by James Gilhooley, Head of Property (Development) at Waitrose, (attached as **APPENDIX 2**) including:

- Property costs;
- Sales forecasts;
- Local population demographics;
- An analysis of competitors;
- The accessibility of the site;
- The adequacy of car parking;
- The quality of the local environment and public realm; and
- The attractiveness to customers of the location as a retail location.

2.2 The major convenience retailers in Banbury comprise:

- Tesco (5,480 sq.m net sales);
- Morrisons (3,000 sq.m net sales) and
- Sainsbury's (4,180 sq.m net sales).

2.3 Recent trends in retailing indicate changing customer shopping patterns with an emphasis on smaller and more regular shopping trips. In the context of the evolving

shopping trends, ensuring that the selection of a site meets the company's trading expectations becomes even more critical. Waitrose will not undertake the substantial investment required in the construction and operation of a new supermarket, if the potential for successful trading is compromised by the store's size; layout or location. The threat of a future closure of the store, leading to a loss of jobs for employees is to be avoided. In short form, if a site does not meet the trading requirements for a successful Waitrose supermarket, Waitrose will not make the investment in Banbury. Waitrose will not be forced into a location that presents unsatisfactory compromises for the operation of a successful store on a long term basis.

3.0 PLANNING POLICY

The National Planning Policy Framework

- 3.1 On the 27th March 2012 the Department for Communities and Local Government published the National Planning Policy Framework (“the Framework”). Paragraph 208 states that the policies contained within the *‘Framework apply from the day of publication’*. The Framework replaces previous national planning policy guidance on Planning for Sustainable Economic Development (Planning Policy Statement 4).
- 3.2 Paragraphs 23 to 27 sets out the current national planning policy for ‘ensuring the vitality of town centres’. Paragraph 24 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 or 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.’

- 3.3 In the context of retail, leisure and office development outside of town centres 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 2,500 sq m)’

3.4 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.’

Cherwell Local Plan 1996

3.5 The relevant policies of the Development Plan consist of the saved policies of the adopted Cherwell Local Plan (1996). The relevant retail planning policy is Policy S2.

3.6 Saved Policy S2 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.’

3.7 It is acknowledged that the application site is not a location that is marked ‘SC’ on the Proposals Map. The application site and the adjoining land occupied by Mondelez – formerly Kraft, is not subject to any policy designation in the adopted Local Plan Proposals Map.

Emerging Cherwell Local Plan (2006-2031)

3.8 The proposed new Cherwell Local Plan (2006-2031) was submitted to the Secretary of State for formal Examination on 31 January 2014. In response to the Inspector’s initial findings issued in June 2014, Cherwell District Council has prepared a list of changes to the Local Plan known as “Proposed Modifications”. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State for formal Examination on Monday 21 October 2014. The emerging Local Plan contains the following policy in the context of the application of the sequential test to retail development.

3.9 Policy SLE 2 – Securing Dynamic Town Centres states (in part):

‘Retail and other ‘Main Town Centre Uses’ will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington in accordance with Policies Bicester 5, Banbury 7 and Kidlington.’

The Council will apply the sequential test as set out in the NPPF as follows:

- *Proposals for retail and other Main Town Centre Uses not in these centres should 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.*
- *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. An impact assessment will also be required in accordance with requirements in the NPPF.*

The Council will consider if the proposals satisfy the sequential test and if they are likely to have a significant adverse impact on one or more of the factors in the NPPF.

The Council will require an impact assessment if the proposal is over 2000 sq metres in Banbury, 1500sq metres in Bicester and 350 sq metres elsewhere.


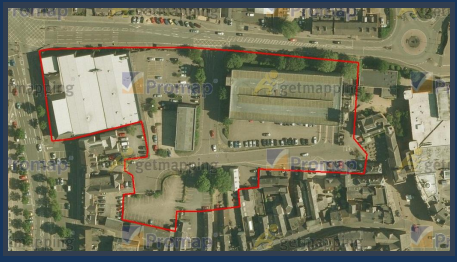
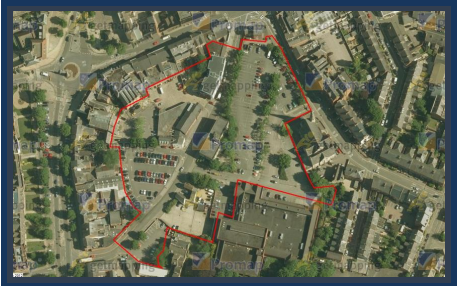
4.0 CONSIDERATION OF SEQUENTIALLY PREFERABLE SITES

4.1 The sequential site analysis has been undertaken as a desktop assessment and site visit basis with information taken from Cherwell District Council's planning application records.

4.2 The Table below summarises the results of the analysis, the details of which are contained later within this assessment (**APPENDIX 1**). In undertaking the sequential test it is considered to be appropriate to establish for each site:

- Whether the site is available for retail development now or in within a reasonable period of time;
- Whether the site is of sufficient size to accommodate the size of store required by Waitrose, as explained by James Gilhooley Head of Property Development, so as to provide a compelling customer offer and trade successfully in competition with existing major retailers in Banbury.
- Whether the site can meet the weekly sales forecast.
- Whether the site can provide the arrangements required by Waitrose for the provision of convenient customer car parking and servicing access.
- Whether Waitrose would have sufficient confidence to make the investment in the construction and operation of a supermarket that might be accommodated on an individual site.

Table 1:

	SITE	PLAN	AVAILABLE	SUITABLE	VIABLE	SEQUENTIALLY PREFERABLE
Town centre	Site 1 – Land at White Lion Walk and Church Walk		X	X	X	No – Site can be discounted
Edge of centre	Site 2 – Bolton Road		X	X	X	No – Site can be discounted
Edge of Centre	Site 3 – Calthorpe Street		X	X	X	No – Site can be discounted

Edge of Centre	Site 4 – George Street/Pepper Alley; Land at Christchurch Court and Land at the junction of Cherwell Street and Bridge Street					No – Site can be discounted
Edge of Centre	Site 5 – Land at Lower Cherwell Street and Land at junction of Concord Avenue and Bridge Street					No – Site can be discounted
Edge of Centre	Site 6 – Banbury Canalside					No – Site can be discounted

Edge of Centre	Site 7 – Spiceball Development Area					No – Site can be discounted
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The following conclusions are drawn in respect of Site 7 and Site 2:

Site 7: Spiceball

4.3 This is the only site that is available for retail development for which planning permission has recently been granted including a supermarket. (CDC Ref: 13/01601/OUT). Whilst the submitted application drawings identified the name ‘Waitrose’ on the proposed supermarket, such notation was not made with any commitment by Waitrose to the scheme. Waitrose has carefully considered the trading opportunity presented by this site and has concluded that it is not suitable for Waitrose. Waitrose will not undertake investment on this site. The reasons why this site is not acceptable to Waitrose are set out in the correspondence dated 20th May 2015 from the Head of Property (Development) at Waitrose which is attached as **APPENDIX 2**.

4.4 Although the location is acceptable to Waitrose as a matter of principle, being edge of centre, the site does not present the opportunity for a successful supermarket for Waitrose. James Gilhooley Head of Development sets out 5 reasons why this site is not suitable for Waitrose namely (see **APPENDIX 2**):

- i) The size of the proposed foodstore at 25,000 sq ft net sales is not large enough to enable Waitrose to compete against existing food retailers in Banbury.

- ii) The store configuration does not meet Waitrose's model layout; it is too long and thin and does not allow sufficient aisle width and or an acceptable store layout.
- iii) The vertical circulation (goods lifts, customer lifts and escalators/travellators) sits within the sales area, further reducing the available selling space and compromising retail layout.
- iv) The multi level car parking proposed is not of an acceptable layout and is not suitable for Waitrose customers. Multi level parking is a disincentive as customers find it inconvenient and more difficult to navigate, and so reduces sales and viability.
- v) The overall scheme is a complex – multi level mixed use redevelopment of a constrained town centre site that includes a hotel, cinema, restaurants, bars and cafes. Customers are likely to find themselves competing for parking with users of the adjacent leisure centre, as well as users of the other facilities on the site.

Site 2: Bolton Road

4.5 The Bolton Road site could potentially accommodate the scale of proposed retail supermarket. The site is presently in multiple ownerships and is occupied by a range of commercial uses and a substantial public car park. The emerging Development Plan indicates Cherwell District Council proposes a residential-led scheme, contributing to the vitality and viability of the town centre.

Emerging Policy Banbury 8 states:

Use classes:

- Retail: including small scale class A1, A3 including boutique stores
- Hotel (C1)
- Leisure (D2)
- Ancillary Residential (C3)
- Car parking

4.6 There is no immediate prospect of the site coming forward in the short term.

Conclusions

4.7 There are no suitable sites in the town centre or edge of centre to accommodate the proposed retail development by Waitrose in a sequentially preferable location. The Spiceball site is not of sufficient size to accommodate the size and format of foodstore required by Waitrose together with the associated requirements for convenient customer car parking and convenient servicing arrangements.

4.8 The consented scheme for the Spiceball site makes provision for a supermarket of 25,000 sq ft net sales area as part of a mixed used scheme. Waitrose concludes that the store of the size proposed (29,000 sq ft net sales) will provide a ‘compelling customer offer in a contemporary shopping environment, offering market leading customer-service and high quality produce’ Waitrose considers that the failure to provide a foodstore of this size

would mean ‘retail competitors will provide a more compelling customer offer and our shop would not be able to trade successfully’. Mr Gilhooley states that ‘Our research and analysis led us to the clear conclusion that Spiceball does not meet or requirements’.

4.9 In accordance with the locational sequence set out at paragraph 24 of the Framework, in the absence of suitable sites within the town centre or edge of town centre, consideration should be given to ‘accessible sites that are well connected to the town centre’. The site at Mondelez satisfies this policy sequence, in that:

- (1) The site is located some 800m from the Market Square, the core of the town centre, and is capable of being accessed by walking and cycling on a level route. While it may be accepted that these modes of transport would not be used for substantial purchases at the Waitrose store, the store is accessible from the town centre for small scale purchases.
- (2) The store is accessible to a large residential area by walking within 800m, and by cycling a distance up to 5km as evident from the drawing attached as **APPENDIX 3**.
- (3) The proposed Waitrose store is well located to bus stops on Southam Road for the following services (extracted from paragraph 3.4.2 and 3.4.3 of the Transport Assessment):

Bus service B10 operated by Stagecoach Oxfordshire, which serves the bus stops on Southam Road (A361), provides hourly northbound and southbound connections along Southam Road (A361). The B10 bus service routes between Hanwell Fields, serving residential areas such as Neithrop, Ruscote and Hardwick, and Banbury town centre.

Bus Route Number 277 operated by Stagecoach Warwickshire calls at the bus stops on Southam Road (A361) to the east of the site and provides two buses per day to Lighthorne Heath and Banbury town centre.

(4) The site is well located to other major retail outlets on the east side of Southam Road and at the Banbury Cross Retail Park. There is considered to be a genuine opportunity for combined trip making between these retail stores and the proposed Waitrose supermarket. As the store is located on a principal route into the town centre there is the opportunity for combined trip making between the store and the town centre.

5.0 CONCLUSIONS

5.1 This Sequential Test Assessment has been produced to accompany a planning application for a new Waitrose store with car parking and access arrangements at land at Mondelez International, Southam Road, Banbury.

5.2 The application of the sequential test to the proposed retail development has identified only one site which is considered available in an edge of centre location, namely the Spiceball Development Area. No site is available with the town centre. Waitrose has given careful consideration to this potential development opportunity. For the reasons set out at Appendix 3 this site does not provide a suitable investment opportunity to Waitrose.

5.3 Waitrose will not be forced into a trading location that requires compromises to be made to their successful commercial operations. The real-world scenario is that if planning permission is denied for the development on the proposed site, the opportunity to attract Waitrose to Banbury- in an accessible location- will be lost for the foreseeable future. Waitrose seek a site that fits with their successful model layout, which the Spiceball Development Area, after considered deliberation by Waitrose, does not deliver. The undertaking of the sequential test has not revealed a preferential location to which the Waitrose proposal could be accommodated.

5.4 It is considered having undertaken a detailed examination of the sites identified by the Local Planning Authority; none are considered sequentially

preferable to the application site to deliver the proposed Waitrose store while applying flexibility in format and scale. It is considered that the proposed investment on the application site, which is an accessible location for retail development, satisfies national planning policy set out in the Framework and policy and the emerging planning policy SLE2. It is considered that the adopted local plan policy S2 is out of date and is not consistent with national planning policy (Framework para 215) in that it fails to incorporate the sequential test as provided for in the Framework

- 5.5 We conclude that there are no suitable sites capable of meeting the same requirement as the land at Mondelez.



APPENDIX 1

SITE 1



SITE	SIZE
Land at White Lion Walk and Church Walk	0.6 hectares

DESCRIPTION

An irregular shaped parcel of land to the north of the High Street. The site currently contains a variety of smaller commercial units, a number of which are vacant. Some of the units have residential uses above them. The site has a number of different ownerships.

Sensitive land uses are adjacent to the site and include the Saint Marys C of E Church and church yard.

Accessibility to the site is awkward with constraints for service and delivery vehicles.

AVAILABILITY
The site is occupied by a number of different commercial units with a number of different owners. Any form of comprehensive development would require extensive negotiations with land owners and a significant land assembly programme. It is therefore considered that the site is not available in the short to medium term.
SUITABILITY
The site is small and as described earlier has an irregular and awkward shape that would cause difficulties for large delivery and servicing vehicles. Given the location of the site on land to the rear of the main High Street, therefore with low visibility and street presence.
VIABILITY
Given the constraints relating to land ownership and land assembly it is anticipated that the viability of delivering development on this site will be a significant issue.
PLANNING POLICY DESIGNATION
The site has no planning policy designation. It is a “town centre” site within the Town Centre Boundary.
OVERALL CONCLUSIONS
Despite the “town centre” location of the site it is not considered suitable or deliverable for the type of development proposed. The issues surrounding land ownership indicate that delivering development on the site will be difficult. The site lends itself to providing smaller units for independent retailers and can therefore be discounted as a suitable site for Waitrose.

SITE 2



SITE	SIZE
Bolton Road	2 hectares

DESCRIPTION

This site is located to the west of the Town Centre and east of North Bar. The site occupies an “edge of Town Centre” location and is made up of a series of existing land uses, dominated by the Council owned multi-storey car park. There are also a number of smaller car parks and rear service yards, a car repair centre and bingo hall that make up the remainder of the site. The site has direct vehicular access to the local road network and pedestrian links to the Town Centre.

AVAILABILITY
<p>The site is not available in the short to medium term. There are a number of different existing users and occupiers on site and the majority of units appear to be occupied. The delivery of the scheme will therefore depend largely on the vacant possession of the site and the phasing of what will be a comprehensive re-development. The Council has confirmed that the site is a long term aspiration and acknowledge that there may be a need to enter into CPO procedures in due course.</p>
SUITABILITY
<p>The Council's vision included in the emerging Policy Banbury 8 suggests uses that do not include large scale retail provision. The space constraints on the site considers will not allow for a retail foodstore together with the uses as suggested in the policy.</p>
VIABILITY
<p>The site requires extensive clearance and will be a longstanding development project. The reliance on so many different forms of development coming forward on the site raises questions relating to the overall viability of the mixed use development and as a consequence the viability of the site being delivered in the short to medium term. As yet Cherwell District Council have not indicated whether negotiations regarding the purchase of those privately owned parts of the site has begun. There may well be a requirement to acquire parts of the site through the CPO procedure which in turn would impact on the timing and therefore viability of delivery. As stated above the Council have acknowledged the potential need for CPO procedures to be enacted with regard to the delivery of the site.</p>

PLANNING POLICY DESIGNATION

The site is allocated as Policy Banbury 8 in the Cherwell Local Plan 2006 - 2031: Submission (January 2014) for:

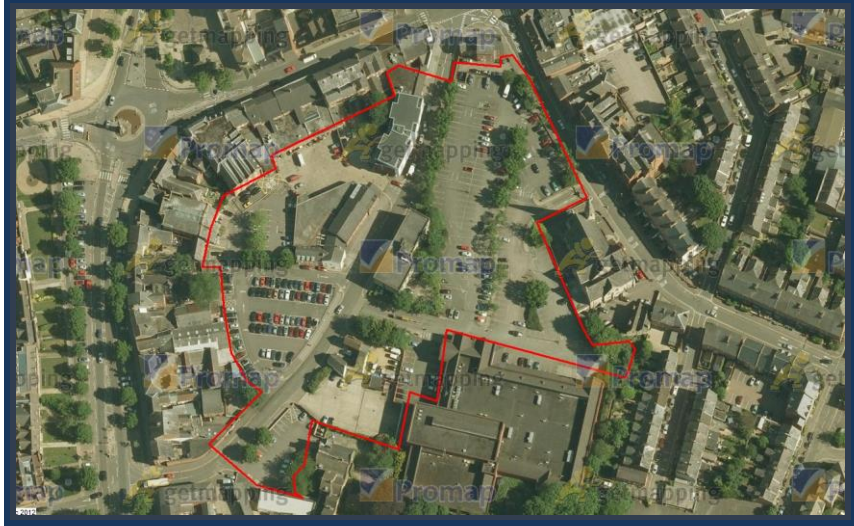
- Retail – small scale class A1, A3
- Hotel (C1)
- Leisure (D2)
- Ancillary Residential (C3)
- Car parking

The Local Plan has not yet been formally adopted by the Council.

OVERALL CONCLUSIONS

The site is identified to come forward as part of a comprehensive mixed use development adjacent to the Town Centre. The emerging allocation identifies that a variety of commercial uses should come forward on the site. A number of units on the Bolton Road site are occupied, therefore the availability of the site in the short to medium term is questioned. The site also relies of the delivery of a number of different uses (Hotel, Leisure, small scale Retail) to fulfill its policy requirement to be a comprehensive scheme. Accordingly the site is considered neither suitable or available and can therefore be discounted as a suitable site for Waitrose.

SITE 3



SITE	SIZE
Calthorpe Street	2.0 hectares

DESCRIPTION

This large site is located south-west of the Town Centre comprises several large surface car parks and a number of purpose built retail units which are currently occupied by a variety of retailers including TK Maxx, Iceland and Farmfoods.

AVAILABILITY

There are a number of land owners, including the Council, with an interest in the site. There appear to be no proposals for the redevelopment of the site, therefore the short to medium term availability of the site appears limited.

SUITABILITY
The site is accessible, with Calthorpe Street bisecting the site. The scope for locating any form of the proposed development on the site is severely restricted by Calthorpe Street, and a need to maintain long and short term car parking provision for existing retail units and employers, thus limiting the opportunities for a suitable layout to come forward.
VIABILITY
The Council are seeking a comprehensive redevelopment rather than fragmented development for a mix of uses, including some public car parking.
PLANNING POLICY DESIGNATION
The site has no planning policy designation. The site is “edge of centre” within the Town Centre Boundary. The site is identified in the Cherwell District Council Retail Study (2012) and the Non Statutory Local Plan.
OVERALL CONCLUSIONS
The opportunity for development of any form to come forward on the site is extremely limited on account of Calthorpe Road dissecting the site. Furthermore there is no prospect of the site coming forward in the short to medium term as the existing car parks serve a number of existing users.

SITE 4



SITE	SIZE
A – Land at Christchurch Court	1.2 hectares
B – George Street/Pepper Alley	0.3 hectares
C – Land at Cherwell Street and Bridge Street	0.5 hectares

DESCRIPTION

A) Land at Christchurch Court is a large surfaced car park serving a bowling alley and retail unit, currently occupied by Matalan.

B) George Street/Pepper Alley is a small site, comprising several service yards associated with the retail units fronting the High Street. Servicing issues have been identified as a major constraint of the site.

C) Land at Cherwell Street and Bridge Street is a small site comprising a small office block and car showroom.

AVAILABILITY

All three sites are in separate ownerships, therefore any development potential relies upon a significant land assembly programme. It is not known whether the Council have brokered any discussion as yet between the various landowners.

SUITABILITY

A) Land at Christchurch Court is already developed and provides for Matalan with a leisure facility above.

B) George Street/Pepper Alley is too small a site for a significant retail foodstore.

C) Land at Cherwell Street and Bridge Street is in a visible location but is not large enough for a significant retail foodstore.

Furthermore the site also provides car parking for the Town Centre and the adjacent retail/leisure facilities

VIABILITY

Given the existing use and development on all of the sites it is considered unlikely as to whether a viable retail scheme could come forward on all or part of the site(s).

PLANNING POLICY DESIGNATION

All sites are included in the emerging Local Plan allocation Policy Banbury 7 – Strengthening Banbury Town Centre.

This policy supports shopping, leisure and other town centre uses within the

boundary of Banbury town centre. Only A1 and A3 uses would be permitted at ground floor in the primary shopping frontage.

OVERALL CONCLUSIONS

The redevelopment of the site does not present a suitable option, due to the fragmented nature of the sites. Furthermore the various landownership issues surrounding the sites would require extensive discussion and negotiation, thus meaning that the likelihood of the site coming forward in the short to medium term is extremely unlikely. Considering the above, the sites can be discounted as a suitable site for Waitrose.

SITE 5



SITE	SIZE
A – Land at Lower Cherwell Street	0.8 hectares
B – Land at junction of Concorde Avenue and Bridge Street	0.2 hectares
DESCRIPTION	
<p>A) Land at Lower Cherwell Street is a large edge of centre site which forms part of the wider Banbury Canalside site (Site 6). There are a number of units on the site, the majority of which are occupied. These are predominantly light industrial and include a nursery and car sales.</p> <p>B) Land at junction of Concorde Avenue and Bridge Street is a small site to the north of site A, both sites are bisected by Bridge Street, the main road serving Banbury Railway station. This site is a scrubby undeveloped parcel of land with limited scope for development.</p>	

AVAILABILITY

The vast majority of units at Site A are occupied, the site is in private ownership, the site is therefore not considered available in the short to medium term.

Site B is unoccupied with partly public open space and properties fronting onto Bridge Street. The site is owned by Cherwell District Council, Banbury Town Council and Oxfordshire County Council, therefore some land assembly issues would need to be resolved.

SUITABILITY

Whilst Site A occupies a prominent position and would be visible it is considered too small for any part of the retail scheme proposed to come forward. Site B is also too small for any part of the proposed development to come forward and is proposed to remain as open space.

VIABILITY

The availability and suitability of both sites constrain the commercial viability for the scale of development proposed.

PLANNING POLICY DESIGNATION

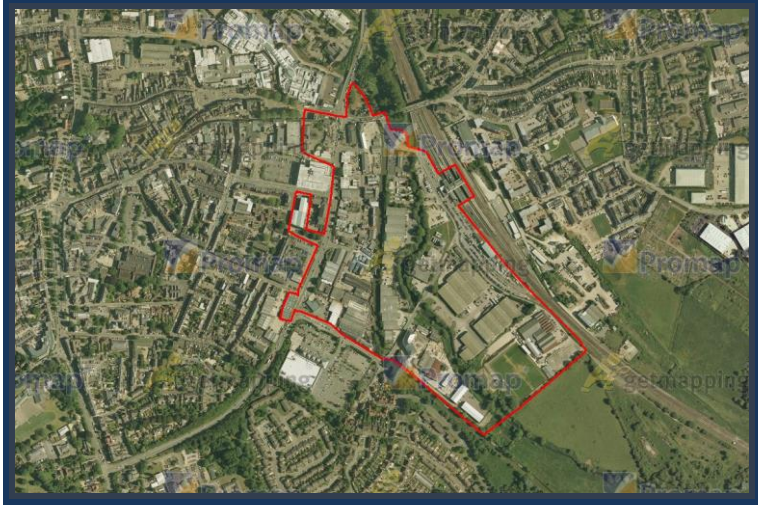
Both sites are included within the Cherwell Local Plan 2006 - 2031 (Submission January 2014) as part of Banbury 1 – Canalside – mixed use development.

Both sites are Edge of Centre, and outside the Town Centre Boundary.

OVERALL CONCLUSIONS

Neither site is considered a suitable site for Waitrose. Site A forms part of the Council's wider Canalside allocated site and should form part of that comprehensive redevelopment, it is also currently occupied and appears to be vibrant and healthy. Site A is far too small to accommodate even a part of the proposed development and would only appeal to much smaller independent retail outlets and has aspirations to remain as public open space.

SITE 6



SITE	SIZE
Banbury Canalside	23 hectares

DESCRIPTION

This site represents a major mixed use regeneration scheme identified for some time by Cherwell District Council. The site extends eastwards from the edge of the Town Centre and incorporates the railway station. A large number of individual sites, many of which are occupied, form part of the site.


AVAILABILITY

The site is not currently available. Given the size of the site and the number of landowners, including key stakeholders such as Chiltern Railways and British Waterways would need to be involved in discussions regarding the nature of any redevelopment.

SUITABILITY
<p>The site is clearly large enough for the proposed development, however the Council’s aspirations are for the site to come forward in a comprehensive manner for a mixed use development, principally residential led.</p> <p>The Council’s SPD (2009) limited the size of any proposed retail unit to 2,500 sq.m, meaning that only a small element of the proposed development could be accommodated on site.</p>
VIABILITY
<p>The extensive scope of the proposed development, the necessary land assembly required and the fact that the scheme will essentially be a residential led development raises doubts as to the viability of the scheme in the short to medium term. A site of such a scale requires a firm commitment from a number of developers or a clear blueprint from the Local Authority that is realistic and achievable. At this stage it is considered that this does not exist.</p>
PLANNING POLICY DESIGNATION
<p>The site was first identified in the non-statutory Local Plan (2011). Currently allocated as Banbury 1 – Canalside in the Cherwell Local Plan 2006 - 2031 (Submission January 2014).</p> <p>The site is identified as an Edge of Centre site and is outside of the Town Centre Boundary.</p>

OVERALL CONCLUSIONS

The site represents a significant strategic site identified by Cherwell District Council. The delivery of the site is largely reliant upon a significant scale of residential development. The scale size and complexity of the site, given the number of stakeholders, land owners and the level of public interest in the site it is unlikely to be delivered, even in part for some time. The site is therefore not considered a suitable site for Waitrose.

SITE 7	
	
SITE	SIZE
Spiceball Development Area	4.5 hectares
DESCRIPTION	
<p>This site lies immediately to the north of Castle Quay Shopping Centre. The site contains the recently developed Spiceball Leisure Centre and the Councils stated intention is to see the remainder of the site developed for other leisure/cultural uses. The site is already home to the Mill Arts Centre and Banbury Museum.</p>	
AVAILABILITY	
<p>Cherwell District Council resolved to grant outline planning permission on 6 February 2014 for the erection of a retail food store (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) on this site. The decision is currently pending completion of a legal agreement (to be confirmed with CDC).</p> <p>The site is currently occupied by a number of uses and redevelopment would</p>	

be complicated to take these uses into account.

SUITABILITY

The scheme for which planning permission has been granted has been considered by Waitrose. The scheme is not considered suitable for Waitrose in that:

- 1 The store is not large enough to enable Waitrose to compete with the main food retailers in Banbury. Waitrose need to be able to have a store that provides a full range of goods to achieve effective competition.
- 2 The configuration of the store does not meet the Waitrose model layout.
- 3 Vertical circulation within the sales area further reduces available sales area.
- 4 Multi-level car parking as proposed is not suitable for Waitrose customers presenting a disincentive for shoppers.
- 5 The overall scheme is considered a complex multi level mixed use development on a constrained site.
- 6 The location will not provide a suitable foodstore with ample surface parking that is convenient for shoppers in competition with existing edge of centre and out of centre major retailers.

VIABILITY

Given the complexity of the redevelopment and the space constraints of the site it is considered that the site would not be viable for a retail development.

PLANNING POLICY DESIGNATION

The site is allocated as Banbury 9 – Spiceball Development Area in the Cherwell Local Plan 2006 - 2031 (Submission January 2014) for new retail and leisure uses associated with strengthening the night economy of the centre of Banbury.

The site is by definition ‘edge of centre’, however within the submission

Cherwell Local Plan the Town Centre Shopping Area is proposed to be extended to include this site.

OVERALL CONCLUSIONS

The planning permission for the redevelopment of the site is complex in nature comprising a wide range of uses constraining the space available to future occupiers, in particular the space available for a retail foodstore. The creation of a split level retail foodstore with shared multi-storey customer parking is considered unattractive to Waitrose. The site can be discounted as a suitable site for Waitrose.



APPENDIX 2



Waitrose



20 May 2015
JMG/JOK/0076

Mr P Frampton
Oriol House
42 North Bar
Banbury
Oxfordshire
OX16 0TH

Dear Mr Frampton

Waitrose Development at Banbury

You have requested that Waitrose sets out its position in respect of the potential retail development site at Spiceball Banbury, which in terms of location is sequentially preferable to our proposed development at the Modelez site, Southam Road, Banbury.

The application for the Spiceball identifies a 'Waitrose store' on the submitted drawings. To be clear: Waitrose has not agreed to this. We have no intention to occupy that store, even if it were to be approved. We have a long-standing ambition to open in Banbury and gave the site serious consideration, but following a detailed review of the proposed scheme and the plans concluded that it was not a viable opportunity for Waitrose.

Martin Gorman, the Waitrose Development Surveyor responsible for new store development in this region, had meetings with not only senior officers at Cherwell District Council, but also the agent acting on behalf of the applicant, Scottish Widows, and their development partner Hawkstone. The site was rejected for commercial reasons as it did not present a viable trading opportunity for Waitrose for the reasons I explain below. First, however, I want to outline Waitrose's approach to its investment decisions, to set the Spiceball decision in context.

Waitrose's Investment Approach

Waitrose is the grocery retailing division of the John Lewis Partnership. The Partnership takes a cautious investment approach. For a new store opportunity to be acceptable, it must generate a sufficient return on investment over the medium to long term. We do not operate shops for short term gain. And as each of our workers is a Partner in our business, the Partnership prides itself on offering sustained investment in our employees and the communities in which we trade. We would not wish to open a store which we felt was at risk of closure in the future and put at risk the jobs of those local people Waitrose would employ.

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Food shops of the John Lewis Partnership

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We take into account a range of considerations, such as property costs, sales forecasts, local population demographics, an analysis of our competitors, the accessibility of the site, the adequacy of car parking, the quality of the local environment and public realm, the attractiveness to customers of the location as a retail location, and so on.

It is also important to note that Waitrose has only approximately 350 stores in the UK – relatively few compared to our major competitors – and so there remain many towns around the country where we would still like to open stores. With limited capital available to pursue all these target towns, if a particular store opportunity in one town doesn't meet our requirements then, rather than taking that sub-optimal shop, we will invest our capital in an optimal store in another town or city.

In the context of the local market, it is important for Waitrose to have a shop of sufficient size and format to be able to trade successfully. Given the nature of the Banbury (and surrounding area) grocery market, the size of the catchment and the offer of our competitors, we believe that we need a core store of circa 29,000 sq ft net sales in order to provide a compelling customer offer in a contemporary shopping environment, offering market leading customer-service and high quality produce. Failure to provide this scale, breadth and quality of offer would mean retail competitors will provide a more compelling customer offer and our shop would not be able to trade successfully. Not only would we be failing to maximise our opportunity in the catchment, but the offer of the shop would fail to attract customers in sufficient numbers, sufficiently regularly, to provide a sustainable and viable trading opportunity.

The Spiceball site does not present a viable opportunity for Waitrose to be confident about operating a sustainable and long term business in that location. Our sales forecasting model must remain confidential, for highly sensitive commercial reasons, but the weekly sales forecast for a Waitrose store on the Spiceball site falls below that which would be commercially viable (and is considerably lower than that of our proposed shop on Southam Road). Put simply, the level of sales predicted at Spiceball would not be sufficient to justify our investment in the property.

Spiceball Scheme

The Spiceball development has a number of deficiencies in the site layout which could probably be resolved. However, there are fundamental concerns relating to the size of the proposed food store (25,000 sq ft net sales), car parking provision, and overall complexity of the scheme generally.

I set out below the reasons why we believe the proposed Spiceball food store is not a suitable or viable opportunity for Waitrose: -

- i) The size of the proposed food store at 25,000 sq ft net sales, in our experience, is not large enough to enable Waitrose to compete against existing food retailers in Banbury. Existing food retail provision in Banbury comprises Tesco (59,000 sq ft net sales); Morrison's (33,000 sq ft net sales) and J Sainsbury (45,000 sq ft net sales). It is therefore important to have a food shop which offers the full range of goods sufficient to compete with the competition.

- ii) The store configuration does not meet Waitrose's model layout; it is too long and thin and does not allow sufficient aisle width and or an acceptable store layout.
- iii) The vertical circulation (goods lifts, customer lifts and escalators / travellers) sits within the sales area, further reducing the available selling space and compromising retail layout.
- iv) Crucially, the multi level car parking proposed is not of an acceptable layout and is not suitable for Waitrose customers. Multi level parking is a disincentive as customers find it inconvenient and more difficult to navigate, and so reduces sales and viability. It would put the store at a significant disadvantage compared with competitor stores with surface level car parking. Added to that, the proposed layout here is very poor, with a complicated layout, an unacceptable customer journey through the car park which risks conflict between pedestrians and vehicles, too many spaces being located too far from the store entrance, and too many spaces accessible off the main routes into and out of the car park (resulting in congestion within the car park). This sort of layout might be acceptable in office/commercial locations, where users tend to park all day. It is most certainly not suitable for a supermarket and would not be acceptable to Waitrose.
- v) In general, the overall scheme proposed is a complex - multi level mixed use redevelopment of a constrained town centre site that includes an hotel, cinema, restaurants, bars and cafes. Customers are likely to find themselves competing for parking with users of the adjacent leisure centre, as well as users of the other facilities on site. In our experience customers prefer to do their food shopping in convenient and easily accessible locations, with ample at grade car parking, where ease of access and ease of finding a parking space is (or is perceived to be) greater. The complexity and nature of this scheme, with its competing demands on parking and potential for traffic at peak times, is likely to act as a significant disincentive to shoppers looking to carry out their main weekly food shopping trips, and so they are more likely to consider shopping with our competitors instead. This further decrease the sales we would expect to achieve from a store here.

Waitrose is keen to open a new store in Banbury. The Spiceball site has been seriously considered however, it does not present a viable or suitable trading opportunity for Waitrose for the reasons explained above. An adequate level of sales to generate an acceptable return on investment and give confidence of a sustainable trading opportunity is crucial if the Partnership is to invest in a new store opportunity. Our research and analysis led us to the clear conclusion that Spiceball does not meet our requirements.

We are entirely satisfied that the site at Southam Road – which we believe is very well connected to the town centre – meets our trading requirements. If planning permission is not achievable on this site, then there is no suitable alternative site within the town centre or edge of town centre for Waitrose.

We are respectfully of the opinion that a failure to attract substantial investment by Waitrose in Banbury would be a significant missed opportunity for the town.

Yours sincerely



James Gilhooley
Head of Property (Development), Waitrose

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APPENDIX 3



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Drawing Title: **800m Walking Distances – Proposed Waitrose, Southam Road, Banbury**

Drawing No: **PF/9166.11**



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Drawing Title: 5km Cycling Distances – Proposed Waitrose, Southam Road, Banbury

Drawing No: PF/9166.12