

5 November 2015  
**Delivered by email**

Bob Duxbury  
Head of Planning  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Dear Sirs

**REPRESENTATION ON BEHALF OF ABERDEEN ASSET MANAGEMENT TO PLANNING APPLICATION FOR NEW WAITROSE FOODSTORE ON LAND AT KRAFT FOODS, SOUTHAM ROAD, BANBURY 15/00831/F**

We act on behalf of our client Aberdeen Asset Management (AAM). Officers will be aware of our client's interests in Castle Quay Shopping Centre and the adjoining development land at Spiceball.

We have reviewed the additional material submitted by the applicant's agent which comprises a letter from Framptons to Bob Duxbury dated 22 October, including an overlay plan and letters from Cushman & Wakefield (10 October) and Waitrose (21 October). Framptons confirms that the letters respond to comments from DPDS (your retail advisor) and Turley (16 June and 11 September).

The applicant fails to address our comments about planned investment and impact on town centre vitality and viability. Planned investment would be compromised by the development which is evidence of significant adverse impact.

In the context of the sequential test, the applicant has shown insufficient flexibility in the assessment of the Spiceball site. A number of commercially based reasons are provided but these are not the necessary planning-based judgements on which the sequential test is based. Failure of the sequential test means refusal of planning permission.

Furthermore, not only is the overlay plan misleading (the Spiceball scheme is in outline where layout is not fixed), but the applicant suggests that no compromise can be made on the format of the store because Banbury is not the best trading location. Whilst demonstrating insufficient flexibility on format and scale, this also supports our view that the town centre is vulnerable. This is evidence that the impact of the development on the town centre would be significantly adverse. Where this is the case, NPPF directs refusal.

Because the applicant has not responded to the important matters raised by us on retail impact, we contend that Members may not have all of the information to make a decision on this application.

9 Colmore Row  
Birmingham  
B3 2BJ

T 0121 233 0902 [turley.co.uk](http://turley.co.uk)

However, if Members are minded to make a decision, then this must be one of refusal on the grounds of significant adverse retail impact and failure of the sequential test.

Please confirm that these representations are duly noted and that they will be included in your officer report to Planning Committee.

Yours faithfully

Andrea Arnall  
**Associate Director**

[andrea.arnall@turley.co.uk](mailto:andrea.arnall@turley.co.uk)

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