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Date: 23 November 2020

Planning Department
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Sir or Madam,

**RE: OUTLINE PLANNING APPLICATION FOR A NEW FOOD STORE AT COTEFIELD BUSINESS PARK,
BODICOTE (RESUBMISSION OF PLANNING APPLICATION REFERENCE 20/00123/OUT)**

On behalf of the applicant, Cotefield Holdings Limited, please find enclosed a revised planning application seeking outline planning permission for a new food store on land at Cotefield Business Park, Bodicote.

The application is a resubmission of planning application reference 20/00123/OUT, which was withdrawn at the applicants request on 13th May 2020. Following the feedback of the Councils appointed retail consultants, DPDS Consulting, the applicant has sought alternative advice on the retail impact case from Pegasus Planning Consultants (Pegasus). This application is submitted with the revised Pegasus report, which completely supersedes the previous report submitted.

RPS and the applicant have reviewed the latest status of the withdrawn planning application and consultee responses up to the point of withdrawal. A summary of all 'open' matters at the point of withdrawal is presented as Annex A to this letter.

RPS is grateful to the Council for their engagement with regard to the proposed development and look forward to discussing matters further once the application is re-registered.

Yours sincerely,
for RPS Consulting Services Ltd

Simon Gamage
Director - Planning
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Annex A: Summary of consultee comments and current position (20/00123/OUT)

Consultee and scope	Date received	Summary	Applicants response
Cherwell District Council – Environmental Protection	11/02/2020	<p>The Environmental Protection team have suggested 3 planning conditions relating to:</p> <ul style="list-style-type: none"> • Noise. • Contaminated land. • Light. <p>With regards to air quality the Environmental Protection team would like to see measures to encourage the uptake of EV cars in place – by including EV charging infrastructure in the development.</p> <p>The Environmental Protection team confirm they have no comments to make with regard to odour.</p>	<p>Although it is not explicitly stated, the applicant infers that the Environmental Protection team have no objection to the development, subject to the use of the proposed conditions.</p> <p><u>Noise</u></p> <p>The applicant has no objection to the proposed pre-commencement condition.</p> <p><u>Contaminated land</u></p> <p>The applicant has no objection to the proposed pre-commencement condition.</p> <p><u>Lighting</u></p> <p>The applicant has no objection to the proposed pre-commencement condition.</p> <p><u>Air quality</u></p> <p>The applicant will review opportunities to deploy EV charging infrastructure as the development progresses. This will be a commercial decision at a later stage in the project. Whilst this may happen, it should not be a matter controlled by a planning condition.</p>
Cherwell District Council – Planning Policy	12/02/2020	<p>The proposed development site is not an allocated site, being situated on an edge of village location. If the application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 89 of the NPPF, it should be refused.</p>	<p>The Councils planning policy response does not set out a conclusion on the acceptability of the development in planning policy terms.,</p> <p>The applicant has no other comments to make with regard to this consultation response but would welcome further discussion if possible once the application is registered.</p> <p>Matters relating to the acceptability of the development in retail terms are addressed through the report of DPDS Consulting (see below). The applicant understand the Council adopts the conclusions of DPDS Consulting as their own in this matter.</p>
Thames Valley Police (TVP) Design Advisor	13/02/2020	<p>TVP do not object to the application.</p> <p>TVP have raised some concerns about how the proposals address security and crime prevention.</p> <p>A planning condition is suggested seeking applications to be made under the ‘Secured by Design and Safer Parking Scheme’ accreditation.</p>	<p>The applicant notes and welcomes TVPs overall conclusions and decision not to object to the development.</p> <p>The proposed planning condition seeks to place a duty on the applicant to seek a separate consent prior to commencement development. It is not appropriate to require in a condition that a development should be carried out to the satisfaction of a third party (NPPG: 016, ID: 21a-016-20140306). This condition should not be applied, therefore.</p>

		TVP have provided some suggestions on design measures that could improve the security of the development.	The applicant notes and appreciates the suggestions TVP have provided on design. They are keen that the development is experienced to be a safe and inclusive environment and will give consideration to these suggestions as the final design evolves.
Oxfordshire County Council (OCC) - Transport	17/02/2019	<p>No objection subject to:</p> <ul style="list-style-type: none"> • S106 agreement. • An obligation to enter into a s278 agreement. • Planning conditions. 	<p><u>s106 agreement</u></p> <p>The applicant does not object to the principle of some level of developer contributions, however further discussion is required with OCC on the calculation of sums.</p> <p>The applicant will do this directly with OCC and keep CDC updated on progress.</p> <p><u>s278 agreement</u></p> <p>The applicant does not object to the principle of entering into a s278 agreement and will discuss the detail of that further with OCC.</p> <p>The applicant will do this directly with OCC and keep CDC updated on progress.</p> <p><u>Planning conditions</u></p> <p>OCC has suggested 5 planning conditions, should planning permission be granted. There is no objection in principle to the suggested conditions.</p>
Oxfordshire County Council (OCC) – Lead Local Flood Authority (LLFA)	17/02/2019	<p>Further information required to enable full technical assessment of flood risk, drainage strategy and SuDS usage for the proposal.</p> <p>The proposed infiltration system cannot be validated without the following information:</p> <ul style="list-style-type: none"> • Ground water test results required • Borehole data required • BRE365 Infiltration test and shallow infiltration testing results required. • Full calculation files with associated drawing detailing these pipe numbers required. 	<p>A revised drainage strategy report has been prepared and is submitted with the application (document reference CFD-SOLID-XX-XX-RP-C-001). This is provided to provide greater definition of the drainage proposals at this stage, in response to the comments of the LLFA.</p> <p>The revised report includes details of infiltration testing that has now been carried out, along with microdrainage calculation files. We will engage further with the LLFA on the drainage strategy once the application has been registered and the revised report sent to them for review.</p>
Cherwell District Council – Building Control	17/02/2020	Development would require a building regulations application to be submitted along with a fire engineers design statement and a disabled access statement.	The applicant notes the comments of the Building Control department and will submit the required documents as part of a separate application under the Building Regulations.

Bodicote Parish Council	18/02/2020	Bodicote Parish Council objected to the proposals on the basis of a 'lack of infrastructure'.	The applicant has recently contacted the Clerk to the Parish Council to update them on the resubmission of the application, and to seek clarification on the detail of this objection.
Natural England	13/03/2020	<p>Natural England has no comments to make on this application.</p> <p>Please refer to Natural England's standing guidance on ancient woodland and veteran trees.</p> <p>The LPA should obtain specialist ecological or environmental advice when determining the environmental impacts of (the) development.</p>	<p>The applicant notes and welcomes Natural England's conclusions.</p> <p>Should CDC have any further comments to make regards ecological matters please can these be raised in due course.</p>
Thames Water	17/03/2020	<p><u>Surface water</u></p> <ul style="list-style-type: none"> No objection on the basis surface water will not be discharged to the public network. Approval should be sought from the LLFA. <p><u>Wastewater infrastructure</u></p> <ul style="list-style-type: none"> Thames Water has been unable to conform the wastewater infrastructure needs of the proposals. Thames Water has been unable to contact the applicant to do so in the time available. No objection subject to the use of a suggested planning condition. <p><u>Water</u></p> <ul style="list-style-type: none"> The development is located within 5m of a strategic water main. There should be no development within 5m of the water main. Suggested use of a planning condition to control this. 	<p><u>Surface water</u></p> <p>The applicant notes Thames Waters position on this and has no further comments to make.</p> <p><u>Wastewater infrastructure</u></p> <p>The proposed condition is acceptable to the applicant.</p> <p><u>Water</u></p> <p>The applicant will engage separately with Thames Water with regard to this pipeline. This is a private matter between the applicant as landowner and Thames Water as the asset operator and should not affect the outcome of this planning application or be the subject of a planning condition.</p> <p><u>Overall</u></p> <p>The applicant notes Thames Waters overall conclusion on this and has no further comments to make.</p>

		<p><u>Overall</u></p> <ul style="list-style-type: none"> No objection on water network and water treatment infrastructure grounds. 	
Cherwell District Council – Arboriculture	07/04/2020	<p>The arboricultural team have requested further information:</p> <ul style="list-style-type: none"> A tree protection plan showing the trees in relation to the proposals. Tree protection requirements. Arboricultural method statement detailing if any trees need work. Confirmation how the proposals might affect the TPO'd trees. 	<p>The applicant would like to make direct contact with the Councils arboricultural team to discuss the information submitted and additional clarifications, once the application has been registered.</p>
Cherwell District Council – External Retail Statement Reviewer (DPDS Consulting (DPDS))	April 2020	<p>The DPDS report raised a number of issues with the submitted Retail Statement, covering methodology, assessment and conclusions.</p> <p>The report concluded that:</p> <p><i>“...the applicant has not demonstrated that the proposal would be acceptable in terms of its impact.”</i></p> <p>And,</p> <p><i>“...in relation to the impact tests it is concluded that the RS does not present a reliable assessment of the likely impact.”</i></p> <p>The report recommended refusal of the application on retail grounds and, at the time of withdrawal Officers were minded to agree. With that recommendation. The case officer concluded that:</p> <p><i>“The findings of the report significantly impact on the consideration of the acceptability of the principle of the</i></p>	<p>On further discussion with the case officer the decision was taken to withdraw the application. The DPDS report was reviewed by another party, Pegasus Planning Consultants (Pegasus). The retail report has been updated by Pegasus in response to the comments made.</p> <p>The applicant welcomes further discussion on the retail impact work and hopes that the Council agree the further review and work carried out have been sufficient to address the concerns raised previously, and now allow the Council to support the application.</p> <p>In particular, the following actions have been taken and are presented in the updated reporting:</p> <ul style="list-style-type: none"> A detailed sequential test has been carried out assessing sites within and on the edge of Banbury town centre. Previously DPDS considered the assessment had not gone far enough in this regard and had dismissed potential sites too easily. A household survey has been carried out supported by updated population and expenditure data, along with a 'health check' of Banbury town centre to consider the current and ongoing vitality and viability of the town centre and its retail premises. Methodological adjustments and a clear demonstration that the proposed development has met the necessary sequential test and development plan tests necessary to justify the proposed retail store.

		<i>proposed development. I therefore would invite you to respond to the report”.</i>	The Pegasus report is substantiated with up-to-date evidence and shows that the likely impact of the proposed development would not be significantly adverse and is in accordance with relevant planning policy. Further, the Pegasus report arrives at this conclusion without considering the likely future population growth in the immediate area – adding this in would suggest a potential significant shortfall in adequate convenience shopping provision in the area which the council should be looking to address.
Other Officer comments	N/A	Signage on the site frontage/near the A4260: <i>“Whilst the signage is only indicative at this stage it is unlikely that we support signage on both sides of the access off the Oxford Road”.</i>	The applicant notes and welcomes this feedback. We would like to discuss this matter further with the case officer before removing the signage from the proposals.
Other Officer comments	N/A	s106 agreement/draft Heads of Terms: <i>“It should be noted that should proposals progress towards any positive outcome there would be the need for an appropriate S106 (as set out in the County Council’s response 17/02/2020); Draft Heads of Terms and details of your legal representation will be required to progress this matter”.</i>	The applicant notes and welcomes this feedback. There is no objection to the principle of agreeing a Section 106 agreement, and we welcome further discussion on draft Heads of Terms.