



TOWN AND COUNTRY PLANNING ACT 1990

SEQUENTIAL ASSESSMENT

FOR

**PROPOSED FOOD STORE OF 5574 SQM (60,000SQFT)
GROSS FLOORSPACE AND UPTO 7432 SQM 980,000SQFT)
GROSS OF NON-FOOD RETAIL FLOORSPACE, NEW
PETROL FILLING STATION, NEW VEHICULAR
ACCESS AND ASSOCIATED HIGHWAY WORKS AT
SOUTHAM ROAD AND ASSOCIATED CAR PARKING;
HARD AND SOFT LANDSCAPING AND DRAINAGE
INFRASTRUCTURE WORKS**

AT

**THE SOUTHAM ROAD RETAIL PARK,
KRAFT SITE BANBURY.**

FOR

**BARWOOD DEVELOPMENTS LTD
AND KRAFT FOODS UK LTD**

1.0 INTRODUCTION

- 1.1 Framptons has been instructed by Barwood Developments Ltd and Kraft Foods UK Ltd to prepare a Sequential Assessment in support of a planning application for;

Proposed food store of 5574 sqm (60,000 sqft) gross floorspace and upto 7432 sqm (80,000 sqft) gross of non-food retail floorspace. New Petrol Filling Station, new vehicular access and associated highway works at Southam Road and associated car parking, hard and soft landscaping and drainage infrastructure works.

- 1.2 This Sequential Assessment is to be read in conjunction with the full set of reports submitted with the application, but particularly with regard to the accompanying Retail Impact Assessment (RIA) and the The Planning Statement, both of which are also prepared by Framptons.

- 1.3 The application is in outline 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 Kraft Food site on Southam Road Banbury, although the buildings currently on site (principally warehousing) are no longer used by Kraft. The site is approximately 800m from the Town Centre. The site is currently accessed via the A4222 (Ruscote Avenue), however it is proposed to create a new vehicular access to the site via the A361 (Southam Road) as part of the application proposals.

1.4 This Sequential Test needs to be examined in light of the wider conclusions established by the RIA having regard to the assessment of quantitative need. The conclusions of the RIA may be summarised as follows;

- There is a quantitative need for new retail floorspace in Banbury
- There is a quantitative need for 1,714sqm of comparison goods floorspace (1167 sqm of which will be required by 2016) in Banbury.

There is a quantitative need for 53,591sqm of foodstore floorspace (of which 23,479 sqm will be required by 2016) in Banbury.

1.5 A detailed Planning Statement in support of the application has also been prepared by Framptons. The statement covers the wide range of planning policies at national, regional and local level of relevance to this application. It also sets out the Government's latest Ministerial Statements and the guidance set out in the draft National Planning Policy Framework (NPPF) and examines the effect of the advice and guidance set out in these documents with regard to the application proposals. It is not intended therefore to examine in detail the planning policy implications of these proposals in this report, merely to set out the planning policy context for undertaking the Sequential Assessment.

2.0 NATIONAL PLANNING POLICY

PPS4: Planning for Sustainable Economic Growth

- 2.1 Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) and the accompanying Companion Guide sets out the methodology and principles of undertaking sequential assessments.
- 2.2 PPS4 carries forward long established principles with regard to the requirement for and importance of adopting a sequential approach to the delivery of economic development within settlements. EC5.2 of PPS4 states that LPAs should identify sites that are suitable, available and viable in the following order:
- *locations in appropriate existing centres where sites or buildings for conversion are, or are likely to become, available within the plan period*
 - *edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre*
 - *out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are closest to the centre and have a higher likelihood of forming links with the centre.*
- 2.3 In examining the sequential assessments for town centre uses EC14.3 states that LPA's should;
- a. *ensure that sites are assessed for their availability, suitability and viability.*
 - b. *ensure that all in-centre options have been thoroughly assessed before less central sites are considered*
 - c. *ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is*

given to edge of centre locations which are well connected to the centre by means of easy pedestrian access

- d. ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated **flexibility** in terms of:*
 - i. scale: reducing the floorspace of their development;*
 - ii. format: more innovative site layouts and store configurations such as multi. storey developments with smaller footprints;*
 - iii. car parking provision; reduced or reconfigured car parking areas; and*
 - iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals*

2.4 The comments in EC15.1(d) in relation to flexibility are to be read in the context of comments in Policy EC15.2 which make it clear that LPAs should:-

“take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, e.g. where a retailer would be limited to selling a significantly reduced range of products. However, evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted”.

PPS4 Practice Guide

2.5 The PPS4 Practice Guide gives further advice on the application of the sequential approach. Paragraph 6.28 explains the two important policy objectives that the sequential approach seeks to address. These are:-

- to reduce the need to travel, given that town centre locations will be more sustainable in terms of alternative transport provision.
- to reinforce the vitality and viability of town centres through the promotion of linked trips.

2.6 In assessing whether there are any sequentially preferable sites it is necessary to apply the three key tests set out in PPS4 and the accompanying Practice Guide;

Availability: Is the site available or likely to be made available within an appropriate time scale. Are there legal and/or landowner restrictions that may restrict the delivery of development on site.

Suitability: Given the form, scale and type of development proposed is the alternative site suitable to accommodate such a proposal. An assessment of physical limitations as well as planning policy restrictions should be undertaken to establish how suitable the site is.

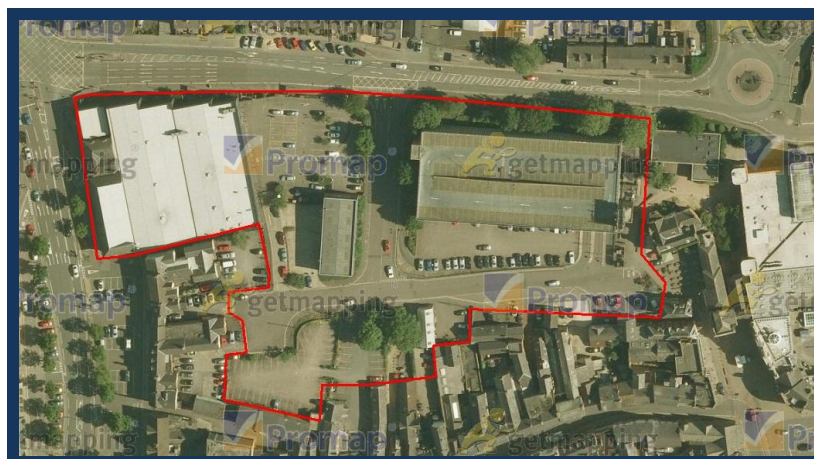
Viability: Is there a reasonable prospect that development will occur on the site at a particular point in time.

3.0 THE SEQUENTIAL ASSESSMENT

- 3.1 The sites assessed were agreed in discussion with officers at Cherwell District Council. In determining the scope of the Sequential Assessment regard was had to examining sites within the other two key settlements in Cherwell District; Bicester and Kidlington. However it was decided that given the scale of development proposed, the acknowledged shortfall in retail floorspace requirements in Banbury and the fact that both of these settlements have their own significant retail provision (a 50,000 sqft existing Sainsbury's store at Kidlington and a 50,000 sqft Sainsbury's store under construction and due to open in 2013 in Bicester). It is not anticipated that the proposed development will act as a significant draw from either of these settlements and accordingly it was not considered necessary to include these areas within the Sequential Assessment.

SITES ASSESSED

SITE 1



SITE	SIZE
Bolton Road	1.5 hectares
DESCRIPTION	
<p>This site is located to the west of the Town Centre and east of North Bar, part of the main highway running through Banbury. 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 dis-used car repair centre and bingo hall that make up the remainder of the site.</p>	
<p>The site has direct vehicular access to the local road network and pedestrian links to the Town Centre.</p>	
<p>The site is subject to a draft SPD that has identified the site for comprehensive re-development. The draft SPD proposes the following components;</p>	

New foodstore (3000 – 6000 sqm)

Non food Retail units

Replacement Car Park (minimum 630 spaces)

Community Facility (minimum 500 sqm)

Leisure facility (700sqm)

Hotel (60 – 80 Beds)

AVAILABILITY

There are a number of different existing users and occupiers on site and the majority of units appear to be occupied. The SPD is in draft form with consultation having only recently finished, it is not known at this stage if the consultation process will require amendments to the overall vision for the site. 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. We are not convinced that the site could come forward within a reasonable timescale, or in advance of the application proposals to meet what is a pressing need for food retail and comparison retail floorspace. 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.

SUITABILITY

The Draft SPD suggests that a food store of up to 6000 sqm (approx 62,000 sqft) could come forward as part of the re-development proposals. However it is our considered opinion that a food store of such a scale is unlikely to be delivered in this location. Firstly the land use requirement for such a store on what remains a constrained site would be extensive and would have the effect of minimising the development of the remainder of the site for any complementary development. Also

there would be a practical requirement for some form of multi storey car parking to serve the food store, operators generally seek to avoid such arrangements as customers generally prefer level parking. It is considered therefore that the site will not be attractive to retailers looking to provide a food store of the scale envisaged in the draft SPD.

VIABILITY

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 CDC 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.

PLANNING POLICY DESIGNATION

The Draft Core strategy identifies the site as a strategic allocation (BAN8). The SPD is still in draft form and has not yet been formally adopted by the Council. At present the site does not benefit from any form of allocation or formal planning policy designation. The Council's plans for the site are purely aspirational at this stage.

OVERALL CONCLUSIONS

The site is identified to come forward as part of a comprehensive mixed use development adjacent to the Town Centre. The Draft SPD identifies that a variety of commercial uses should come forward on the site. The Bolton Road site is not considered suitable for the proposals, concerns regarding parking, service yards and the general location of the site indicate that a food store of the scale proposed in the draft SPD is unlikely to come forward. A number of units on the Bolton Road site are occupied, therefore the availability of the site in the short term is questioned. The site also relies on the delivery of a number of different uses (Hotel, Leisure, Retail) to fulfill its policy requirement to be a comprehensive scheme. Furthermore there is no planning policy commitment to the site being re-developed, the draft SPD is purely aspirational at this stage and sets out a long term blue print for the potential redevelopment of the site. According to the site is considered neither appropriate or available.

SITE 2



SITE

SIZE

Land at White Lion Walk

0.6ha

DESCRIPTION

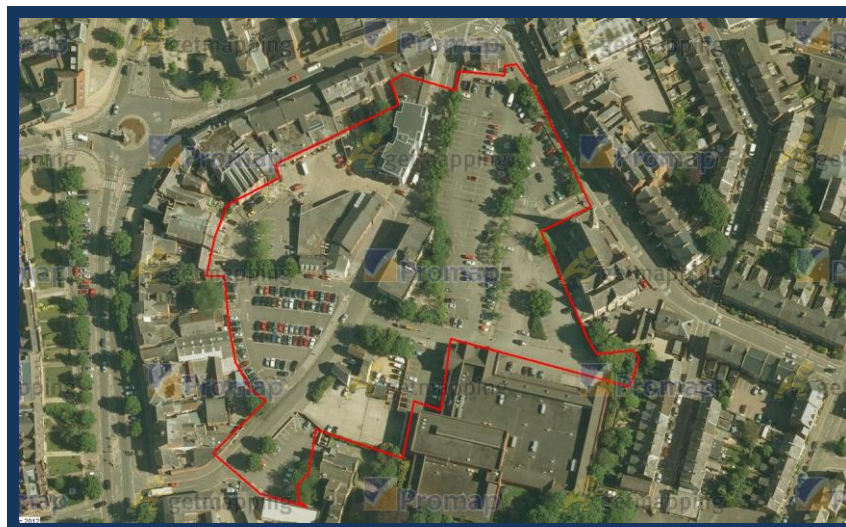
An irregular shaped parcel of land to the north of the High Street. The site currently contains a variety of smaller commercial units, a number of which are vacant. Some of the units have residential use above them. The site has a number of different ownerships.

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

AVAILABILITY
<p>The site is occupied by a number of different commercial units with a number of different owners also. 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.</p>
SUITABILITY
<p>The site is small and as described earlier has an irregular and awkward shape that would cause problems 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, the site is unlikely to attract the type of occupiers at which the proposed development is aimed.</p>
VIABILITY
<p>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.</p>
PLANNING POLICY DESIGNATION
<p>The site has no planning policy designation. It was identified in the Council's Retail Assessment as being "edge of centre"</p>

OVERALL CONCLUSIONS
Despite the “edge of 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.

SITE 3



SITE	SIZE
Calthorpe Street	2.0 Ha

DESCRIPTION

This large site is located south-west of the Town Centre and is principally made up of a number of surface car parks owned by both the Council and private operators. The car-parks serve, in part, a number of large retail units south of the site including TK-Maxx, Farm Foods and Price fighter. Calthorpe Street dissects the site, this includes an Iceland supermarket

AVAILABILITY
<p>There are a number of land owners, including the Council with an interest in the site. Calthorpe Street effectively runs through the centre of the site thus lending a potentially piecemeal approach to any future redevelopment. There appear to be no proposals for the redevelopment of the site, therefore the short to medium term availability of the site appears limited.</p>
SUITABILITY
<p>The site is smaller than the application site. Furthermore the scope for locating any form of the proposed development on the site is severely restricted by Calthorpe Street dissecting the site, 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.</p>
VIABILITY
<p>The viability of retail development is not known at this stage</p>
PLANNING POLICY DESIGNATION
<p>The site is allocated in the adopted Local Plan for redevelopment. The Council's "Issues and Options" site allocations plan has identified the site as suitable for a mixed use development incorporating residential development.</p>

OVERALL CONCLUSIONS
<p>The site is too small for the proposed development. 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.</p>

SITE 4



SITE	SIZE
A - George Street/Pepper Alley	0.3Ha
B - Land at Christchurch Court	1.2 Ha
C - Land at Cherwell Street and Bridge Street	0.5 Ha
DESCRIPTION	
<p>These are a collection of small sites located south of Banbury Town Centre. Site A is principally made up of rear service yards to those units fronting the High Street. Site B is a large surface car park serving an adjacent bowling alley and retail unit. Site C is a small office block and car showroom (this site also forms part of site 6)</p>	

AVAILABILITY
All three sites are in separate ownerships, therefore any development potential relies upon a significant land assembly programme. We are not aware that the Council have brokered any discussion as yet between the various landowners.
SUITABILITY
Sites A and C are too small to bring forward any meaningful retail development. Site B is also significantly smaller than the development site and is further considered unsuitable given its existing developed status and identification within the Local Plan for commercial/leisure development. 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 doubtful as to whether a viable retail scheme could come forward on all or part of the site(s)
PLANNING POLICY DESIGNATION
All the sites are identified in the Local Plan for commercial and leisure development.

OVERALL CONCLUSIONS

The piecemeal nature of the sites do not lend themselves to a comprehensive development of the type proposed. 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.

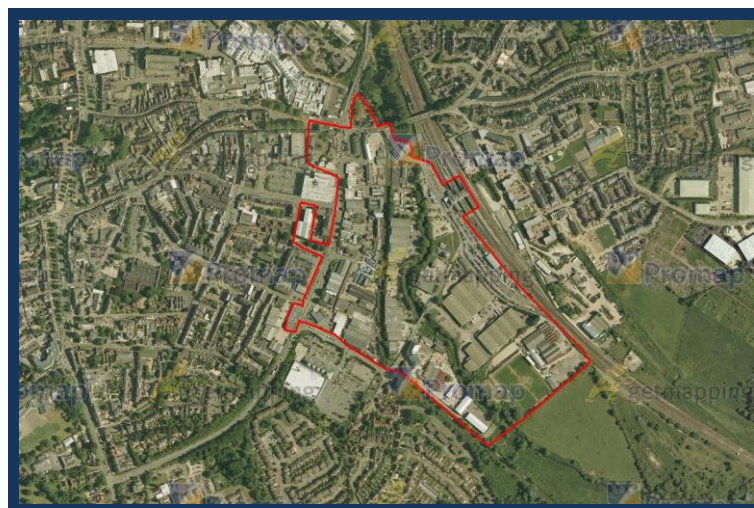
SITE 5



SITE	SIZE
A - Land at Lower Cherwell Street	0.8 Ha
B - Land at junction of Concorde Avenue and Bridge Street	0.2 Ha
DESCRIPTION	
<p>Site A 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 quasi retailing units and include Kwik-fit</p> <p>Site B is a small site to the north of site A, both sites are dissected 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
<p>The vast majority 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.</p> <p>Site B is owned by Cherwell District Council, Banbury Town Council and Oxfordshire County Council, therefore some land assembly issues would need to be resolved</p>
SUITABILITY
<p>Whilst Site A occupies a prominent position and would be visible it is considered too small for any part of the retail scheme propped to come forward. Site B is also too small for any part of the proposed development to come forward</p>
VIABILITY
<p>Both sites have question marks relating to availability and there will be land assembly issues relating to them both. There remain therefore doubts as to the overall viability of developing either site</p>
PLANNING POLICY DESIGNATION
<p>Both sites are allocated in the Council's Local Plan for commercial redevelopment.</p>
OVERALL CONCLUSIONS
<p>Neither site is considered sequentially preferable to the application site. 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.</p>

SITE 6



SITE	SIZE
Banbury Canalside	23 Ha
DESCRIPTION	
<p>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 incorporated the railway station. A large number of individual sites, many of which are occupied, form part of the site.</p>	

AVAILABILITY
<p>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.</p>
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 also limits the size of any proposed retail unit to 2500 sqm, 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 (1200 new homes) raises doubts as to the viability of the scheme in the immediate to medium term. The overall delivery of the scheme, including extensive infrastructure works rely upon the delivery of development in a comprehensive manner. 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. An over reliance on residential development within an urban area coupled with an absence of any commercial commitment to the site means that it is presently unviable for development to come forward.</p>
PLANNING POLICY DESIGNATION
<p>The site is identified in both the non-statutory Local Plan and the Draft Core Strategy as a major strategic development site. The Council's SPD for the site outlines the</p>

strategic importance of the site indicating a desire for a primary school, public open space and multi-storey car park to form part of the developemnt alongside the commercial aspects.

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 sequentially preferable to the application site.

SITE 7



SITE

SIZE

Banbury Cultural Quarter

2.1 Ha

DESCRIPTION

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 also.

AVAILABILITY
Given the existing users on site it is not considered that the site is available, or will be available in the short to medium term.
SUITABILITY
The proximity of Castle Quay may suggest some synergy with the existing retail units, however the Council's aspirations for the site as a "cultural quarter" mean that a retail use would not be considered suitable. Furthermore any development on the site could only come forward once alternative sites for the existing uses could be found.
VIABILITY
Given the non availability or suitability of the site it is considered that the site would not be viable for a retail development
PLANNING POLICY DESIGNATION
The site is identified in the Draft Core Strategy for redevelopment as a cultural quarter
OVERALL CONCLUSIONS
A proposed retail development on the site would be at odds with the Council's desire to see the site come forward for development including a new Arts Centre and Library. For these reasons, coupled with the lack of suitability of the site it is not considered sequentially preferable.

4.0 SEQUENTIAL SITE ASSESSMENT CONCLUSIONS

- 4.1 The Sequential Assessment is based upon a desktop examination of the various sites identified. These sites were discussed and agreed with the Local Planning Authority prior to the assessment being undertaken.

Disaggregation

- 4.2 The assessment has identified that whilst a number of the sites provide an opportunity for some element of retail floor space to be delivered there are significant restrictions regarding the scale of floorspace appropriate, the suitability of the sites and the overall deliverability of development given the pressing demand for both food and non-food retail floorspace.
- 4.4 None of the sites examined have the potential to deliver the proposed development in its entirety, however some, on initial examination, do provide a *potential* opportunity to deliver some of the scheme (the non food retail units). However it is considered that having undertaken a detailed examination of the sites, none of them are considered sequentially preferable to the application site to deliver even an element of the scheme as they are considered to fail one or more of the tests set out in PPS4.
- 4.3 As an example the Bolton Road site (Site 1 of the Sequential Assessment) is perhaps the most notable of all the sites examined. The Council's aspirations for the site are for a significant retail element, including a (upto) 6000sqm foodstore. However the SPD is in draft form with no timetable for adoption and remains purely aspirational at this stage. Furthermore there will be a need for some detailed and potentially complex land assembly negotiations and discussions to take place prior to the

submission of any planning application. It is therefore acknowledged that whilst Bolton Road is a significant site it will not come forward quickly and is therefore considered not sequentially preferable to the application site.

PF/8817

March 2012