



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

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

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

FOR

**BARWOOD DEVELOPMENTS LTD &
KRAFT FOODS UK LTD**

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1.0 INTRODUCTION

- 1.1 Framptons has been instructed by Barwood Developments Ltd and Kraft Foods UK Ltd to prepare a Planning Statement 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 The application site measures 5.63 Ha and is located immediately adjacent to the existing Kraft Factory between Southam Road and Ruscote Avenue. At present access to the site is solely via Ruscote Avenue. The application is in outline form with all matters reserved apart from access.
- 1.3 The site is principally made up of a 1960's warehouse building. This is no longer required by Kraft following a reorganisation of their distribution operation in the UK. The application seeks the redevelopment of the site to create a Food Store of upto 60,000 sqft (5575sqm) (GIA) and upto 80,000 sqft (7432sqm) (GIA) of comparison goods (non-food) retail floor space. A Petrol Filling Station, new vehicular access via Southam Road and associated parking and landscaping also form part of the development proposal.

1.4 This Planning Statement is to be read in conjunction with the following plans and reports that are submitted with the application;

- Scheme Drawings Prepared by Corstophine and Wright
- Design and Access Statement
- Retail Impact Assessment and Sequential Assessment
- Transport Assessment
- Flood Risk Assessment
- Ecological Assessment
- Geoenvironmental Investigation
- Energy Statement (within the DAS)
- Arboricultural Survey and Assessment

1.5 The proposals have been the subject of pre-application discussions with officers of Cherwell District Council and a public consultation exhibition took place on Saturday 25th February in Banbury. Full details of the exhibition and public response will be set out in a Statement of Community Involvement to be submitted shortly.

1.6 The application will bring forward a significant new retail development within the built up area of Banbury, transforming a redundant and outdated industrial site to a well designed and much needed retail facility, creating around 350 new jobs and representing an investment into Banbury of around £40million.

2.0 SITE DESCRIPTION

- 2.1 The application site measures 5.63 Ha and is located approximately 800m northwest of Banbury Town Centre. The site lies between Ruscote Avenue and Southam Road, currently access is via Ruscote Avenue.
- 2.2 At present the site contains a large industrial warehouse that is now no longer required by Kraft. The Kraft food production factory is north of the site. West of the site is the existing access via Ruscote Avenue, with an area of extensive car-parking used by Kraft. This access and car parking is to be retained and does not form part of the application site.
- 2.3 South of the site is Southam Road Cemetery and existing residential properties. There is also an existing public footpath that runs along the southern boundary of the site and links into the cemetery and footpath on Southam Road.
- 2.4 To the east of the site runs Southam Road. At present there is no direct access from Southam Road to the application site. Southam Road is a main highway that connects Banbury Town Centre with the northern part of the Town. Southam Road is notable for the high number of retail units along it, including Homebase, B&Q, Staples, Halfords, Wicks and Dunelm Mill. There are also a number of car showrooms along the road. The site is also close to a large Tesco superstore and Banbury Cross Retail Park (which contains Next, Boots Argos, PC World amongst others) both of these sites are within 200m of the application site. It is therefore considered that the character of the surrounding area is dominated by other retail uses and as such the proposals will compliment the existing uses in and around the site.

3.0 THE PROPOSALS

- 3.1 The application seeks to redevelop the site to provide new retail development within Banbury. The proposals will bring forward a development of a food store of 60,000sqft (5575 sqm) and a series of smaller units (upto a maximum of 80,000sqft (7432sq m) which will be for other non-food retail occupiers. A new Petrol Filling Station is also proposed as part of the development.
- 3.2 The development is designed and laid out in a manner that allows sufficient flexibility for retailers, thus ensuring a broad appeal to future occupiers. The application scheme is in outline form, therefore the plans submitted show how a scheme may come forward. Indicatively the food store is shown as a stand alone unit with its own identifiable car-park and service facilities. The remaining retail units are arranged in a terrace form to the rear of the site, with parking to the front and servicing to the rear. In total the scheme provides for a maximum of 720 car parking spaces, along with dedicated disabled spaces and cycle parking areas.
- 3.3 Access to the site will be taken from a new access created on Southam Road. Works to the highway will create a roundabout on Southam Road with a dedicated slip road entrance and exit to and from the site. Full details of these arrangements are set out in the accompanying Transport Assessment.
- 3.4 The accompanying Design and Access Statement details the design approach to the scheme, in summary the key points are as follows;

Use

The design responds to the site context and identified constraints. The layout seeks to create an identifiable sense of place but with sufficient flexibility to respond to the needs of retailers.

Amount

The development will deliver 5575 sqm of food retail floor space (gross) and 7432 sqm of non food retail floor space (gross). In total 712 car parking spaces are to be provided

Layout

The layout has been carefully considered, the principal components are a stand-alone food store and a terrace of other retail units. The layout seeks to create a sense of place and public realm within the development, responding to the needs of occupiers and customers alike.

Scale

The food store measures 95m by 75m with a height of 11m. The terrace also has a height of 11m and a depth of 46m. The terrace has three components which seek to achieve some form of articulation. The main terrace has a width of 106m, there is then a stepped break with a terrace of 22m and a further step with a width of 43m.

Appearance

The application is in outline, therefore details relating to appearance and the use of materials are reserved at this stage. However it is anticipated that the appearance and use of materials will reflect the high quality nature of the development.

4.0 RELEVANT PLANNING POLICY CONSIDERATIONS

- 4.1 This section of the Planning Statement will examine the planning policy context of the proposal, having regard to the adopted development plan and emerging local and national planning policy issues.

The Development Plan

- 4.2 The starting point for consideration of the merits of a proposal is the provision of the development plan. Section 38(6) states that **“if... regard is to be had to the development plan, for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the provision of the plan unless material considerations indicate otherwise”**.
- 4.3 The development plan for the purposes of Section 38(6) comprises the Regional Spatial Strategy (the South East Plan, adopted May 2009), the ‘saved’ policies of the Oxfordshire Structure Plan and the ‘saved’ policies of the Cherwell District Local Plan (1996).
- 4.4 Material considerations relevant to this proposal include Government guidance contained in relevant PPGs and PPSs (detailed later), the Cherwell District Non-Statutory Local Plan 2011, and the emerging Cherwell District Core Strategy.

- 4.5 The relevant policies and guidance from the above documents is detailed in the following paragraphs.

South East Plan (May 2009)

- 4.6 The South East Plan comprises the Regional Strategy for the South East and forms a part of the development plan. The Coalition Government has made clear its intention ‘*rapidly abolish*’ the Regional Strategies, and has attempted to act upon this intention. However, following the judgement in *Cala Homes (South) Ltd v SOS v Winchester City Council* (2010, EWHC, 2866) in which the decision of Government to revoke the Regional Strategies was deemed to be unlawful, the South East Plan remains a part of the statutory development plan for authorities falling within the South East region.
- 4.7 The following policies of the South East Plan are relevant to the proposed development.
- 4.8 South East Plan **Policy CC1** relates to sustainable development and states that the principal objective of the South East Plan is to achieve and to maintain sustainable development in the region.
- 4.9 South East Plan **Policy CC4** relates to sustainable design and construction and requires the design and construction of all new development, and the redevelopment and refurbishment of existing building stock to adopt and incorporate sustainable construction standards and techniques.

- 4.10 South East Plan **Policy RE3** relates to employment and land provision. This Policy requires that in preparing local development documents, local authorities have regard to strategic and local business needs and the relevant sub-regional strategy. The Policy further requires that in planning for the location, quantity and nature of employment land and premises, they will facilitate a flexible supply of land to meet the varying needs of the economic sectors.
- 4.11 South East Plan **Policy TC1** identifies Banbury as a “Primary Regional Centre” within which economic development is to be concentrated.

‘Saved’ Policies from the Oxfordshire Structure Plan 2016 (October 2005)

- 4.11 The Oxfordshire Structure Plan was adopted in October 2005 and despite being substantially replaced by the South East Plan in May 2009 three policies were ‘saved’. These policies relate to Service Areas (T7), Upper Heyford (H2) and Minerals and Waste (M2). None of the ‘saved’ Structure Plan Policies are relevant to this proposal.

‘Saved’ Policies from the Cherwell District Local Plan 1996

- 4.12 The ‘saved’ policies of the Cherwell District Local Plan (1996) which are relevant to this proposal are set out below.

- 4.13 ‘Saved’ Cherwell District Local Plan **Policy EMP1** relates to employment generating development and states that such proposals will be permitted on the sites shown on the Proposals Map, subject to the other relevant policies in the plan.
- 4.14 ‘Saved’ Cherwell District Local Plan **Policy TR1** is a general transportation policy and states that before proposals for development are permitted the Council will need to be satisfied that new highways, highway improvement works, traffic-management measures, additional public transport facilities or other transport measures that would be required as a consequence of allowing the development to proceed will be provided.
- 4.15 “Saved” **Policy C28** sets out broad design principles against which all new development proposals will be assessed.
- 4.16 ‘Saved’ **Policy ENV12** sets out a series of considerations in assessing planning applications on land known to be or suspected to be contaminated.
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Non-Statutory Local Plan 2011

- 4.17 The Non Statutory Cherwell Local Plan 2011 was intended to review and update the Cherwell District Local Plan (1996) however due to the introduction of the Planning And Compulsory Purchase Act in 2004, and the consequential requirement to prepare a Local Development Framework, work on the replacement Local Plan was discontinued prior to adoption and it was re-named as the Non Statutory Local Plan

2011. This document is not part of the statutory development plan but it has been approved as interim planning policy for development control purposes, and is material to the consideration of planning applications.

4.18 Non-Statutory Local Plan **Policy EMP1** relates to employment generating development will be permitted on the sites shown on the Proposals Map. The application site is identified on the Proposals Map as a suitable employment site.

4.19 Non-statutory Local Plan **Policy S1** sets out the “sequential approach” to the location of new development within Banbury Town Centre.

Cherwell District Draft Core Strategy (February 2010)

4.20 In February 2010 Cherwell District Council launched a consultation into the Draft Core Strategy, in anticipation of publishing a Proposed Submission Core Strategy in September 2010. However, following the announcement from the Coalition Government that Regional Strategies were to be revoked, preparation of the Core Strategy has been delayed. Cherwell District Council is revisiting the existing evidence and considering a revised timetable for the publication of future iterations of the proposed Core Strategy. It is considered that the existing Draft Core Strategy document should be given only limited weight in planning decisions at this time.

4.21 Notwithstanding any of the above, the following Draft Core Strategy policies relate to this application which seeks to provide new employment opportunities for and inward investment in Banbury:

4.22 Draft Core Strategy **Policy SO1** defines the strategic economic objective for Cherwell and seeks to facilitate economic growth and a more diverse local economy.

4.23 Draft Core Strategy **Policy E1** relates to employment development and states that the Council will, as a general principle, continue to protect existing employment land and buildings for employment uses (with exclusive reference to 'B' Classes), and identify a range of new employment sites.

Other Material Considerations

4.24 In addition to the development plan policies set out above, the following national documents set out other material planning considerations relevant to the development proposed:

- Planning Policy Statement (PPS1): Delivering Sustainable Development (2005)
- Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth (2009)
- Planning Policy Guidance 13 (PPG13): Transport (2011)
- The Draft National Planning Policy Framework
- HM Treasury – Plan for Growth (March 2011)
- Ministerial Statement – Planning for Growth (March 2011)
- Ministerial Statement – Positive Planning (June 2011)

- Ministerial Statement – Presumption in favour of sustainable development (June 2011)

Bolton Road Draft SPD

- 4.25 Cherwell District Council has produced a draft SPD for the “Bolton Road” site on the edge of the Town Centre. The SPD proposes a major mixed use redevelopment of the site that must incorporate a foodstore of 3000sqm to 6000sqm (gross) along with other development including a new multi-storey car park, Hotel, leisure and community facilities. The Council recognise that the site is a “longer term scheme” and as yet there is no policy commitment to delivering the re-development of the site. The site is examined in more detail in the accompanying Sequential Assessment, which forms part of the Retail Assessment.

Cherwell Retail Study

- 4.26 CBRE, on behalf of Cherwell District Council, undertook an assessment of future retail capacity within the district in 2006, and updated in 2010. The updated report represents the most recent assessment of retail floorspace need in the district (although the actual study area is far wider), it’s overall findings relating to Cherwell’s future retail needs are set out in Table 1, with regards to Banbury it concludes that;

- By 2026 there will be a need for 1,714 sq m net additional convenience retail floorspace (of which 1,167 sqm will be required by 2016) in Banbury Town Centre; and
- By 2026 there will be a need for 53,951 sq m net additional comparison floorspace (of which 23,479 sq m will be required by 2016) in Banbury Town Centre.

Table 1 – Net Capacity for Retail Floorspace - CBRE

NET CAPACITY FOR NEW RETAIL FLOOR SPACE – TOWN CENTRES										
	Convenience Goods (sqm)					Comparison Goods (sqm)				
	2007	2011	2016	2021	2026	2007	2011	2016	2021	2026
Banbury	0	935	1167	1467	1714	0	16325	23479	36091	53951
Kidlington	0	2177	2414	2745	3211	0	3777	4349	5680	7941
Bicester	0	2578	1795	1471	91	0	1490	5017	8162	14066
NonCentral Areas	0	6025	10692	16074	22762	0	5666	15566	33243	61064

- 4.27 The study has also identified that there is a need for both comparison goods and food floorspace in Banbury Town Centre; and that the quantitative need for additional floorspace is greater for comparison goods. However, there is a qualitative requirement for food floorspace given the lack of foodstores in the Town Centre and the leakage of expenditure to other centres.

5.0 PLANNING CONSIDERATIONS

5.1 It is considered that the key planning issues in the determination of this application are;

- The impact of the proposals upon the vitality and viability of Banbury Town Centre
- The provision of new jobs and investment
- The National Planning Policy context
- The Development Plan Context
- Design, appearance and sustainability
- Highway Infrastructure and Access

The Impact of the proposals upon the vitality and viability of Banbury Town Centre

5.2 The planning application is submitted with a detailed Retail Impact Assessment and accompanying Sequential Assessment, these reports examine in detail the potential impact of the proposed development upon the Town Centre having regard to the tests set out in PPS4. It is therefore not intended to examine in detail those issues in this Planning Statement.

5.3 In summary the Retail Impact Assessment demonstrates that the application scheme will not have an adverse impact upon Banbury Town Centre having regard to its continuing role as a retail location. It is concluded that the retail capacity for non central comparison floorspace in the Banbury area is such that the proposed

development can come forward to meet some of this capacity, without compromising the Town Centre, for which the Council's consultants, CBRE, consider there is additional capacity. It has been demonstrated through the Sequential Assessment that there are no sequentially preferable sites within Banbury which could bring forward the development proposed.

The provision of new jobs and investment

- 5.4 The planning application proposes a significant inward investment into Banbury both with regard to capital investment and the creation of new jobs. It is estimated that the capital investment of the project amounts to around £40 million.
- 5.5 Applying Homes and Community Agency (HCA) standards of employment densities (Employment Densities Guide 2010 – 2nd Edition) the development would directly generate approximately 350 jobs, the majority at the foodstore. This figure does not take into account the indirect job creation from the development, having regard to the construction of the development and impact upon local and regional suppliers and service providers.

The National Planning Policy Context

- 5.6 The clear thrust of current Government policy is to promote economic development; this has been promoted in the Ministerial Statements “Planning for Growth”, “Positive Planning” and “Presumption in favour of Sustainable development” and forms a core principle of the draft National Planning Policy Framework.

- 5.7 The HM Treasury Plan for Growth (23rd March 2011) seeks to encourage investment and exports as a route to a more balanced economy. The Plan states:

“The Government is committed” to ensuring that the planning system does everything it can to support growth.

- 5.8 In addition to the above, the Statement by the President of the Board of Trade Mansion House dinner speech on 3rd March 2011 is also relevant:

‘Britain is a small part of a growing world economy and will prosper by exploiting growth opportunities in expanding markets – we need to expand the areas where we are world beating’

- 5.9 This fundamental policy principle has been reinforced in more recent Government guidance. The Governments position is encapsulated by the Minister for Decentralisation; the Right Honourable Greg Clark MP’s Statement on 23rd March 2011, recognises the role that the planning system has to play in rebuilding the country’s economy and is material to this application. Mr Clark states that the Government will act quickly to make the necessary reforms, but that many of the actions will take months to deliver, and that:

“This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect.”

5.10 The Statement is a material planning consideration and is uncompromising in its approach to sustainable economic development, stating:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”

And:

“In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.”

5.11 Further up to date direction for planning policy is contained in the National Planning Policy Framework (NPPF) draft published in July 2011. The weight to be given to the Draft NPPF is considered in advice prepared by the Planning Inspectorate for its Inspectors in August 2011 states that:

“The draft NPPF is likely to be referred to by the parties in current appeal and development plan casework. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government’s ‘direction of travel’ in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker’s planning judgment in each particular case.”
(emphasis added)

5.12 The Draft NPPF states in Paragraph 19 that:

“planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in this Framework” (emphasis added).

5.13 Paragraph 53 states that the primary objective of development management is *“to foster the delivery of sustainable development, not to hinder or prevent development”*.

5.14 Paragraph 54 states that:

“To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to:

- *approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so*
- *attach significant weight to the benefits of economic and housing growth*
- *influence development proposals to achieve quality outcomes; and*
- *enable the delivery of sustainable development proposals.”*

5.15 Paragraph 75 of the Draft NPPF also recognises that the long term protection of employment land should be avoided by LPA’s and applications for alternative uses should be assessed on their individual merits.

5.16 The proposed redevelopment of the application site represents an opportunity for sustainable economic development to be delivered and will bring with it investment and new jobs. The proposed development is in accordance with the pro-growth agenda established through the Ministerial Statement and directly supported by the policies emerging in the Draft NPPF.

- 5.17 Of significance to the determination of the application is the content of the Ministerial Statement of 15th June 2011 “Presumption in favour of sustainable development”. The statement confirms that Local Planning Authorities should:

“grant planning permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.”

The Development Plan Context

- 5.18 The adopted Cherwell Local Plan is now significantly out of date (2001), in the light of the recent Ministerial advice it is considered that the application therefore falls to be considered against more up to date Development Plan Policies and the current thrust of Government Policy as set out in the Draft NPPF and the Ministerial Statements referred to above.
- 5.19 The South East Plan (Policy TC1) identifies Banbury as a “Primary Regional Centre” with an important functional role in providing services, facilities and economic investment and growth. Development of the type proposed must therefore be considered as highly appropriate within Banbury and will help reinforce its role as a Primary Regional Centre”.
- 5.20 As indicated the adopted Local Plan is now out of date. The Council have produced a Non-Statutory Local Plan and a Draft Core Strategy. In both instances the application site was not identified or allocated for any specific use.

- 5.21 It is therefore considered that the re-developemnt of the site needs to be assessed having regard to the thrust of current Government Policy and also having regard to the findings of the 2006 and 2010 (updated) Retail Capacity Study for Cherwell. There is a clear and identifiable need for additional food and comparison goods retail floorspace to be delivered within Banbury. It has been demonstrated that this site represents the most sequentially preferable site available in Banbury and therefore its development for the scheme proposed should be brought forward.

Design, appearance and sustainability

- 5.22 A Design and Access Statement has been submitted with the application which sets out the design principles of the scheme. The application is in outline form with all matters reserved apart from access. However the design approach set out in the DAS indicates the likely form and appearance that the development will take.
- 5.23 The design approach is of a high quality, reflecting the marketing requirements of likely future occupiers. A consistent and cohesive design approach is promoted with high quality landscaping and the creation of public spaces within the development. The intention is to create an attractive and contemporary development that will create a sense of place for occupiers and customers alike.
- 5.24 The proposal seeks to enhance and improve pedestrian and cycle links to the surrounding area. There is an existing footpath network adjacent to the site and it is proposed to provide direct links to this network, thus providing direct pedestrian and cycle links to the Town Centre and surrounding residential areas.

Highway Infrastructure and Access

- 5.25 The proposals seek to create a new vehicular access to the site via Southam Road. As the plans demonstrate this will entail the creation of a new roundabout at the proposed entrance and adjacent to the existing access to the Homebase store on Southam Road. These junction improvements will assist in ensuring the free flow of traffic along Southam Road.
- 5.26 The site is in a highly sustainable location benefitting from good access to public footpaths and cycle-routes, there are also a number of Bus Services that utilise Southam Road. Car parking is to be provided to the Highway Authority's adopted standard.
- 5.27 A full and detailed examination of the highway and transport issues are set out in the accompanying Transport Assessment submitted by Peter Brett Associates. It demonstrates that the proposed development can come forward without having a detrimental impact upon the immediate and wider highway network. It is considered that the proposals are in accordance with the provisions of the Development Plan, emerging Development Plan policies and PPG13.

6.0 CONCLUSIONS

6.1 The accompanying Retail Impact Assessment and Sequential Assessment demonstrate that the proposed scheme can come forward for development without harming the health, vitality and viability of Banbury Town Centre. It has been established that there is a need for the provision and delivery of both food retail floorspace and comparison goods retail floorspace of the type and scale proposed as part of this development. Furthermore the site, being just 800m from the Town Centre is considered the most sequentially preferable site available to deliver such development.

6.2 The scheme will deliver;

- An estimated £40m worth of inward investment to Banbury
- Around 350 jobs directly created
- Additional jobs created indirectly by the development for the construction industry and local suppliers
- Much needed additional retail floorspace in a sustainable location close to the Town Centre
- The redevelopment of a redundant and outdated warehouse building for new employment generating development
- A contemporary, well designed and sustainable building, providing flexible retail accommodation
- A dedicated vehicular access via Southam Road with the necessary infrastructure to minimise the impact upon the highway network.

- Enhanced pedestrian and cycle links to the existing network, with connections to the Town Centre and neighbouring residential areas

6.3 The proposals are considered to be in accordance with the thrust of emerging Government Policy as set out in the Draft NPPF and detailed in recent Ministerial Statements. It has also been demonstrated that the scheme will not compromise the policies of the Development Plan or the emerging local planning policy agenda.