

<b>APPLICATION NO.</b>	<a href="#">P15/V0394/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	12.3.2015
<b>PARISH</b>	Greater Faringdon
<b>WARD MEMBER(S)</b>	Roger Cox Mohinder Kainth
<b>APPLICANT</b>	GSC Estates (Faringdon) Limited
<b>SITE</b>	Land at 4 and 20 site Park Road, Faringdon
<b>PROPOSAL</b>	Outline application (all matters reserved except highway access) for two class A1 retail stores, Class A5 drive thru coffee shop, coach parking, car parking, access, drainage, landscaping and associated works
<b>OFFICER</b>	Adrian Butler

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### SUMMARY

This is an outline application seeking planning permission for retail development on the site. Only access is to be considered at this stage. Access is proposed directly from Park Road. The access works also include providing a right hand turn lane, widening of Park Road at the roundabout, bus stop provision, a toucan crossing and footway and cycleway provision.

Whilst this is an outline application it is clear that a specific quantum of development is being proposed across three retail units as follows:

1. A Class A1 use retail unit comprising 1,780 sq m of floorspace (to be occupied by Aldi) with a net sales area of 1,254 sq m;
2. A Class A1 use retail unit comprising 872 sq m of floorspace (to be occupied by Waitrose) with a net sales area of 650 sq m; and
3. A Class A5 use retail unit comprising 165 sq m of floorspace (to be occupied by Costa Coffee).

This site is an out of town centre site and it is allocated by policy E3iv of the adopted local plan for employment uses within Use Classes B1 and B2. The draft local plan and draft re-submission Faringdon Neighbourhood Plan 2015 (FNP) 'allocate' the site for employment use.

The proposal is contrary to these allocations. However, whilst contrary to policy material considerations need to be taken in to account including:

- The NPPF encouraging economic development; it seeks to proactively drive and support economic development. The proposal clearly meets the NPPF definition of economic development.
- The proposal generates employment (up to 120 jobs), and therefore, it is an employment use albeit not Class B1 or B2 use. The Town Council suggest this type of employment is needed in Faringdon
- There is evidence of a reasonable supply of employment sites being or becoming available in the town; the planning policy team do not object.
- The proposal can provide the initial infrastructure to bring forward development of adjacent land for employment purposes.
- The NPPF advises planning policies should avoid the long term protection of sites allocated for employment use where there is no prospect of a site being used for that purpose.

- There seems to be limited interest in developing the site for Class B1 and B2 uses; the site has been marketed since 2004 and a 2008 planning application has not progressed.

Balancing the policy conflict with these considerations, it is considered a departure from adopted local plan policy can be permitted.

The NPPF requires retail proposals to be tested sequentially with preference being given to town centre sites first followed by edge of centre sites and if sites in these areas are not available, then out of centre sites can be accepted with preference given to accessible out of centre sites that are well connected to the town centre.

Should the proposal satisfy the sequential test an impact test is then applied to proposals of this size (over 2,500 sq m), to establish whether the proposal will have a significantly adverse impact on the town centre or planned investment in a centre.

The application has been tested sequentially by the applicant, officers and an independent consultant instructed by your officers. The applicant has considered alternative sites including:

- Vacant town centre units
- Southampton Street car park
- BT Exchange, police station and fires station sites
- Part of Gloucester Street car park
- Land behind the Junior School
- Land at Lechlade Road/Canada Lane
- Land at Regal Way

All of the above sites excluding the land behind the Junior School are too small to accommodate the development proposed. The land behind the Junior School is unavailable and does not meet the needs of the applicant. Even if it did there are site constraints including heritage matters that are highly likely to rule out this development on this site.

Officers and the appointed independent consultant agree that the proposal satisfies the sequential test.

The applicant has undertaken an impact assessment to establish the impact on Faringdon town centre (no other centres are considered to be affected). This has been assessed by the consultant appointed by officers. The conclusion to the consultant's report required some clarification relating to trade diversion figures and subject to that clarification being satisfactory they considered that on balance the impact of the application scheme will be acceptable. The applicant has supplied the clarification required and the consultant and officers are satisfied with the clarification provided. It is therefore, concluded that the proposal would not have a significantly adverse impact on Faringdon town centre (or any other centre) and it would not have any significant adverse impact against existing, committed and planned public and private investment in Faringdon town centre (or any other centre).

In satisfying the sequential and impact tests the principle of development is considered acceptable.

The illustrative plans presented demonstrate that the quantum of development plus satisfactory car parking, service areas and turning spaces can be accommodated whilst retaining reasonable space for strategic landscaping and a landscape buffer to the A420 as expected by policy E3iv of the adopted local plan.

The northern part of the site is flood zone 3b; functional flood plain. The Environment Agency is satisfied with the proposal subject to conditions

There are no unreasonable impacts for the setting of Faringdon Folly including views of the Folly across this site.

The access arrangements are considered satisfactory and traffic generation is not considered to unreasonably affect traffic flows.

The proposal is considered to satisfy the three dimensions of sustainable development set in the NPPF. There is a presumption in favour of the development and on balance it is considered the benefits of the proposal outweigh the conflict with employment policies in the adopted local plan, draft local plan and FNP.

## 1.0 INTRODUCTION

- 1.1 The application relates to land on the south eastern edge of Faringdon and to the north of Park Road at its junction with the A420. The site and adjacent land is undeveloped and together with adjacent land it is allocated in the adopted local plan (policy E3iv) for employment purposes falling within Classes B1 and B2.
- 1.2 The site is overgrown and not put to any use at present. To the north the boundary is semi wooded and formed by a stream with the land rising behind to Jespers Hill and Folly Park and relatively newly developed housing (Palmer Road). To the east is the A420 on an embankment above the site and beyond the A420 is open countryside. To the south is Park Road with the boundary in the vicinity of the A420 roundabout and extending initially into Park Road, defined by a field hedge. Other parts of the Park Road frontage are generally open but with tree planting on the wide grass verge. On the southern side of Park Road the land rises and is presently an open field. However, the Council has resolved to permit up to 380 dwellings on the land (application no. P13/V0709/0). To the west of the site is open land and beyond this are business units and a petrol station.
- 1.3 The land gently falls towards the north before rising gently and then dropping to the stream. Levels also fall towards the A420 boundary before climbing steeply beyond the application site to the A420 itself. A culverted stream passes beneath the site hence the fall in levels towards this. The A420 is defined by a field hedge that has grown to some 3m in height although with the rise in levels beyond the hedge to the A420 it does little to screen views across the site.
- 1.4 There are no neighbouring buildings to the site with the nearest being the petrol station and business units to the west. No vehicular access exists to the site as a low earth bund has been raised across the Park Road frontage to prevent unauthorised vehicular access. There are no particular features on site and no public rights of way are known to cross the site. The site is within the Lowland Vale landscape (policy NE9 of the adopted local plan). A site location plan is attached at **Appendix 1**.
- 1.5 The application is presented to planning committee because it is a departure from the development plan (retail use on a site allocated for Class B1 and B2 uses). The application has been advertised as being not in accordance with the development plan. The development plan for this site and proposal is the July 2006 adopted Vale of White Horse Local Plan 2011.

## 2.0 PROPOSAL

- 2.1 This is an outline application seeking planning permission for retail development on

the site. Three retail units are proposed with two units being Class A1 uses and the third unit being a Class A5 use. The application indicates the end users are intended to be Aldi, Waitrose and a drive through Costa Coffee. These three retailers have written confirming their interest and commitment in occupying the units.

- 2.2 As mentioned this is an outline application. All matters are reserved except for access. Access is proposed from Park Road. A site layout plan showing the position of the proposed access is attached at **Appendix 2**. The access is on the western edge of the site. It is positioned here as it would then allow a single access to the application site and also to land to the west. The access arrangement would include a right hand turn lane on Park Road, a new bus stop on the west bound side of Park Road, a toucan crossing across Park Road, some road widening on the Park Road approach to the A420 roundabout, and a 2m wide footway on the northern side of Park Road linking the site to the petrol station and existing footway beyond this. A 3m wide shared footway/cycleway is shown on the western boundary and connecting northwards to Clements Way. This would allow alternative pedestrian and cycle access towards the town centre and residential areas to the north west of the site.
- 2.3 Please note that the layout plan is illustrative in terms of the positions of buildings, internal access roads, parking and landscaping. However, it is clear from the application submission that permission is being sought for a quantum of development consisting of:
1. A Class A1 use retail unit comprising 1,780 sq m of floorspace (to be occupied by Aldi) with a net sales area of 1,254 sq m;
  2. A Class A1 use retail unit comprising 872 sq m of floorspace (to be occupied by Waitrose) with a net sales area of 650 sq m; and
  3. A Class A5 use retail unit comprising 165 sq m of floorspace (to be occupied by Costa Coffee).

Members should note that the authority cannot control the end users of the proposals and therefore, this application must be treated as a retail development only with no weight given to the applicant's suggestions as to whom the occupants may be.

- 2.4 The illustrative plan endeavours to demonstrate how this quantum of floor space could be accommodated on site together with adequate servicing, car parking and landscaping. Following discussions between the Chamber of Commerce and the applicant space is proposed within the site for coach parking. This will accommodate coach party visits to Faringdon. Presently there appear to be difficulties for coach parking in the town centre. This proposal could allow visitors to be dropped off in the town centre and a coach could then wait on this site until time to collect its passengers.
- 2.5 The illustrative plan at **Appendix 2** shows the two smaller retail units on the Park Road frontage and separated from the larger unit by parking areas, the coach parking area and landscaped areas. A large space to the north remains open. Parts of this area has potential to flood and is largely within flood zone 3b (functional flood plain) which are the areas most liable to flooding. This illustrative plan is a revised version of that originally submitted with the key revisions associated with providing greater space on the A420 boundary for planting, adjusting the car parking, service roads and larger unit to minimise encroachment in to the flood zone.
- 2.6 The application is supported by a landscape strategy showing tree planning throughout the areas to be developed, retention of existing hedges and new hedge planting, retention of open parts of the site beyond the proposed buildings although an attenuation pond may be formed in this area as well. The proposal also includes

opening up an existing stream currently culverted beneath part of the site but not beneath areas proposed to accommodate the development. There will be loss of some young trees on the highway verge to Park Road with new tree planting within the site.

2.7 The application is accompanied by a number of supporting documents, which are as follows:-

- Design and Access Statement
- Planning and retail statement including a Retail Impact Assessment (RIA) and sequential test
- Employment report
- Transport statement
- Ecological survey
- Foul drainage strategy
- An updated Flood Risk Assessment (FRA)
- Incoming services statement
- Archaeological desk-based assessment
- Archaeological evaluation
- Statement of community involvement
- Responses from the applicant's agent to issues raised by officers and to a report produced by consultants GVA on behalf of the Council.

### 3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Below is a summary of the most up to date responses received. A full copy of all the comments made can be viewed online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

Town Council	<p>No objection.</p> <p>The Council recognise this application is against the sentiment of the Faringdon Neighbourhood Plan. However, it does consider this use of the site as the best option. The Town Council requests appropriate cycle and footpath links to the town centre are provided.</p> <p>There is a well known need for more jobs in Faringdon and this would provide the types of employment Faringdon needs.</p> <p>The Town Council would wish to discuss s.106 contributions with the developer.</p>
Interested Parties	<p>A letter of objection has been received from one Faringdon resident. The concerns expressed may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Site is allocated in the Faringdon neighbourhood Plan for employment purposes and notes that planning permission exists for Class B1, B2 and B8 uses</li> <li>• Concerned that the Council's planning policy response assumes that Wicklesham Quarry which is outside the development boundary of the town and in an area of high landscape value will become available as part of the Neighbourhood Plan and compensate for the loss of the site. Wicklesham Quarry is to be restored to agricultural land according to the planning conditions for that site. There are objections to using the quarry for employment land and it is not a viable alternative to this site</li> <li>• Retail should be within a sensible proximity to the town</li> </ul>

	<p>centre which this application breaches</p> <p>A letter of objection on behalf of a local business has been received. This letter may be summarised as follows:</p> <ul style="list-style-type: none"><li>• Land at Regal Way is a sequentially preferable edge of centre site in comparison to the application site</li><li>• The NPPF expects developers to be flexible in issues such as format and scale. The NPPG is clear that town centre or an edge of town centre site are preferred locations for retail development</li><li>• The application should be considered against the Faringdon Neighbourhood Plan and is contrary to policy 4.4C which includes the Regal Way site as a favoured retail site.</li><li>• DCLG in a letter dated January 2015 reiterate the importance of the town centre first policy including the suitability of more central sites having considered the scope for flexibility in the format and/or scale of the proposal and seeks to address the sequential test loophole from the Dundee case</li><li>• The proposal would undermine the town centre first policy and intentions of neighbourhood Plan policy 4.4C</li><li>• The uses do not appear dependent on one another; Aldi and Costa Coffee “drive thru’s” have standalone premises.</li></ul> <p>A letter has been received on behalf of the Co-op which has a number of stores in nearby villages. The concerns expressed may be summarised as follows:</p> <ul style="list-style-type: none"><li>• No need for this proposal. The uses proposed will not carry the range of goods needed to service weekly shopping trips and trips to larger stores will still need to be made</li><li>• The population of Faringdon is not large enough to support a food store catering for weekly shopping needs</li><li>• The proposal would have a major impact on existing retail stores in the town including Budgens and Costcutter</li><li>• Could not impose a condition requiring specific users of the proposed floor spaces</li><li>• Out of centre site and does not meet the town centre first and sequential test</li><li>• Loss of allocated employment land</li><li>• It has not been made clear why an edge of centre site subject to an application for a Waitrose store only 4 years ago is no longer considered suitable by the applicant</li><li>• Question the applicant’s study area and results which suggest significant rates of retention of custom for town centre retailers but assume a low sales density for Tesco on Park Road which could suggest the survey under records the market share or the population cannot support the floor space.</li><li>• Flows out of the study area identified by the applicant are not surprising given that some areas are closer to other centres than Faringdon</li><li>• The proposals would not stem the flow of trips to Sainsbury at Stratton as it would have a wider range of goods than the proposed smaller retail units</li><li>• The design year should be 2017 for assessing the impact of the proposal</li><li>• No information to support the sales figures and the</li></ul>
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	<p>Council needs to understand the source of the data and whether it includes VAT</p> <ul style="list-style-type: none"> <li>• Turnover for Aldi has been significantly underestimated by the applicant when compared to other Aldi store applications submitted</li> <li>• No explanation of trade diversion figures have been presented and this is essential part of an impact assessment</li> <li>• Under estimates the impact on the town centre</li> <li>• The cumulative impacts including the Tesco store should be included in assessing the impact on town centre retail units</li> <li>• The impact for Budgens is likely to be higher that estimated</li> <li>• Unlikely to be linked trips to the town centre from this proposal</li> <li>• The Tesco store might be at risk</li> <li>• From the applicant's own figures it is clear there will be a significant adverse impact on the town centre</li> <li>• The site is allocated for employment uses (Classes B1 and B2). The employment land review 2013 references the advantages of this site and need for employment land in the town to limit commuting</li> <li>• Given market conditions it is not surprising that the site has not sold despite marketing</li> <li>• There are costs associated with developing the site for employment but no case to demonstrate that these costs are unviable.</li> </ul> <p>One resident of Faringdon has written advising that:</p> <ul style="list-style-type: none"> <li>• the development should be of good design. Some art work on site would be of interest to visitors</li> <li>• the name of the development should be decided through consultation</li> <li>• the coach park is welcomed and identified by the Neighbourhood Plan</li> <li>• the viability of shops and businesses in Faringdon would be improved by the presence of visitors to the Market Place area</li> </ul> <p>A letter of support has been received from residents of Lechlade. They advise that:</p> <ul style="list-style-type: none"> <li>• They are delighted to learn that Waitrose and Aldi are hoping to establish a presence in Faringdon</li> <li>• They are not currently drawn to Faringdon for their shopping but having an improved selection of retailers in Faringdon would be a tremendous advantage for them and others</li> <li>• Proposals are ideally situated beside the A420 to attract additional trade to the town</li> </ul>
<p>Oxfordshire County Council One Voice</p>	<p>No objection <u>Highways</u></p> <ul style="list-style-type: none"> <li>• No objection subject to conditions covering:</li> <li>• Access and highway works including bus stops, and their design</li> </ul>

	<ul style="list-style-type: none"> <li>• Car and cycle parking in accordance with standards</li> <li>• A construction traffic management plan</li> <li>• Foul and surface water drainage</li> <li>• A travel plan to be agreed</li> </ul> <p>A contribution towards public transport is also requested and it is stressed that a pair of bus stops is fundamental.</p> <p>A footway and cycle way alongside Park Road are necessary to link the site with existing provision. A footway ought to be provided between the two frontage units to provide easier pedestrian access to them.</p> <p>Cycle parking should be provided close to the store entrances. The proposal is likely to undermine draft Neighbourhood Plan policies 4.4B and 4.4C which promote retail growth in town centre and the Park Road corridor towards Tesco.</p> <p><u>Archaeology</u> No objection. The archaeological evaluation has not revealed any archaeological features or evidence of archaeological activity. There are no archaeological constraints to the development.</p> <p><u>Ecology</u> No objections raised.</p> <p><u>Local County Councillor - Judith Heathcoat</u> Supports the proposal. Her only concern is Park Road will need some re-designing for cars on and off the A420 and pedestrians crossing Park Road. Notes the housing scheme to the south and that this will increase traffic and footfall in the area.</p>
<p>Countryside Officer</p>	<p>No objection. No priority habitats would be affected. No protected species have been recorded on site. Surveys on land to the south of Park Road identified a population of common lizard on that site and they could be found on the application site. As no reptile surveys have been undertaken for this site and potential for their presence exists it is recommended that a condition be imposed requiring a reptile survey and a scheme of mitigation to be agreed. Mitigation could be relatively easily achieved.</p>
<p>Thames Water</p>	<p>No objection. They have identified an inability of the existing waste water infrastructure to accommodate the proposal. A Grampian type condition should be imposed requiring a drainage strategy to be agreed prior to development commencing and no discharge to the public system until the agreed strategy is implemented. No objection in terms of water infrastructure capacity Advise that no foul water will be accepted until the Faringdon Sewage Treatment Works is upgraded with the upgrade scheduled for completion in 2017. Recommend the developer progresses Option 2 in their foul drainage strategy for an interim solution</p>
<p>Environmental Protection Team</p>	<p>No objection</p>

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Health and Housing - contaminated land	No objection
Drainage Engineer	<p>Holding objection on flood risk grounds. Part of the larger store and car park on in flood zone 3b (functional flood plain). Evidence that the sequential test in terms of flooding is required.</p> <p>In respect of foul water disposal an on-site sewage treatment plant is proposed as an interim measure. The Environment Agency's position is required to be known before the objection could be lifted.</p>
Environment Agency	<p>No objection.</p> <p>A previous objection has been withdrawn following discussions with the applicant team, a revised site plan and flood risk assessment. The revised indicative site plan indicates the development can be delivered with only part of the access road for servicing the 'Aldi' store within flood zone 3b. The removal of the objection is on the understanding that the planning authority consider the service road is essential infrastructure. Without this confidence that the service road is essential infrastructure the EA would consider the proposal contrary to national planning policy and guidance and should be refused.</p> <p>Recommend conditions be imposed requiring:</p> <ol style="list-style-type: none"> <li>1. Finished floor levels set no lower than 101.5m AOD; access road no lower than 100.25m AOD and no built development including customer parking in flood zone 3 other than the service road.</li> <li>2. Flood storage compensation consistent with the applicant's flood risk assessment with full details to be agreed</li> </ol>
Vale Economy, Leisure and Property team	<p>No objection.</p> <p>Site is strategically important for an employment site. It has been marketed for business use since 2004 with limited commercial interest. A problem with bringing forward commercial development are the high costs of providing infrastructure (access road, drainage, utilities). This proposal could bring forward the infrastructure (access and utilities) required for the whole site and facilitate commercial development. This could then accommodate two existing Faringdon businesses seeking to expand and who otherwise would need to relocate outside the town.</p> <p>The proposal could generate between 100 and 120 jobs. Could raise the profile of Faringdon.</p> <p>Could significantly improve the retail offering in the town and attract people to Faringdon.</p> <p>Concern about effects for the town centre including existing retailers which could be in competition with the proposals and the potential for footfall to the town centre to decline. Do not consider there will be a significant number of linked trips to the town centre.</p> <p>However, there is currently extensive convenience expenditure leakage from Faringdon. The proposal might encourage residents to spend more of their leisure and shopping time in Faringdon but a significant level of investment in the town centre would be required make it a more attractive destination.</p>

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	<p>If the development goes ahead it is requested that significant investment occurs in the town centre to increase its appeal to visitors.</p> <p>Do not appear to be any suitable alternative town centre sites. If this development does not go ahead Aldi and Waitrose may find alternative sites nearby which could be detrimental to the town.</p>
<p>Forestry Landscape officer - joint response</p>	<p>No objection.</p> <p>The site plan and landscaping strategy show the minimum amount of landscaping which would be acceptable for development on this prominent gateway entrance to Faringdon.</p>
<p>Vale planning policy team</p>	<p>No objection.</p> <p>A policy objection would not be raised subject to the case officer being satisfied that no adverse impact will occur to the economic stability of Faringdon town centre.</p> <p>A summary of their advice is:          “Planning policy would like to raise the concern with the case officer that the scale of convenience retail growth proposed through this application is more than double the requirement for the Faringdon catchment as set out in the Council’s Retail and Town Centre Study Addendum 2014 which has informed the Submission Local Plan 2031 Part 1. This scale of development in an edge of town location raises concerns of the scale of impact on the viability and vitality of the town centre. Core Policy 6 of the Submission Local Plan 2031 Part 1 identifies this site as a saved Local Plan 2011 employment allocation. This designation is also reflected in the examination version of the Faringdon Neighbourhood Plan. According to the application, the proposed development would bring the equivalent of 120 full-time employees with it. Planning policy recognise that the parish (sic) council do not raise any objections to the development as proposed, despite the development being contrary to emerging Local Plan and Neighbourhood Plan employment designations. Planning policy also recognise that there should be sufficient flexibility to accommodate economic growth as set out in the NPPF, and recognise that the emerging neighbourhood plan seeks to accommodate significant additional employment land at Wickelsham Quarry, along with the Vale’s emerging strategic employment site on land south of Park Road, Faringdon. With this in mind, planning policy recognise there is a sufficient supply of developable employment land coming forward in the immediate vicinity (The strategic employment site on land South of Park Road, and the emerging neighbourhood plan allocation at Wickelsham Quarry) and the development would in itself bring additional jobs to the area. The most far advanced development plan document is the Faringdon Neighbourhood Plan, which has already received the examiner’s report and with no key issues relating to employment and/or retail development. However planning policy has significant concerns that the scale of retail development would impact upon the viability and vitality of the historic town centre, and in particular the convenience foodstores located there. Therefore subject to the case officer being satisfied that no adverse impact will occur to the</p>

	economic stability of Faringdon town centre, a policy objection would not be raised".
Faringdon Chamber of Commerce	<p>Comments.</p> <p>The site has long been intended as “employment land”, and previously had permission for B1 use. The site is allocated for employment in the emerging Faringdon Neighbourhood Plan and the Vale of White Horse Local Plan. They prefer for any development to follow those allocations.</p> <p>If there is to be a departure from that allocation, then the Chamber will support the application but are mindful that it will potentially have an adverse effect on the retail offering in Faringdon, particularly the town centre. For that reason, we would look for a number of measures which would be designed to maximise the opportunities for visitors to the new development to make linked trips and to help sustain the alternative retail offerings in the town. Below is a list, which is not exhaustive, which we would look to discuss with the developers at an early stage to ensure that any adverse effect is mitigated as far as possible:-</p> <ol style="list-style-type: none"> <li>1. Infrastructure enabling the adjoining land to the west to be used for B1 use as previously intended.</li> <li>2. Funding for an economic development strategy for the town as a whole.</li> <li>3. A free bus link from the development to the town centre.</li> <li>4. A bus stop (Route 66) immediately outside the development.</li> <li>5. Funding of the existing town team.</li> <li>6. Funding for signage and way marking at the site to the town centre and to local attractions (such as information boards, finger posts, etc.)</li> <li>7. Funding for improvements to the town centre</li> <li>8. Linking into the emerging Faringdon cycle matrix and linking to the footpaths around the cricket ground to the town centre</li> <li>9. Funding to support the markets in the town centre and perhaps allowing traders to have rent free stalls to encourage the growth of this initiative.</li> </ol>
The applicant	<p>Through the applicant officers have received letters from Ariat Europe Ltd (a company in Faringdon) and Waitrose.</p> <p>Ariat advise their existing premises are not fit for purpose and cannot accommodate their growing needs. They would like to move to land adjacent to the application site keeping 39 existing jobs in the town and creating a further 11 jobs. This proposal will provide the principal access allowing Ariat to relocate to the adjoining land.</p> <p>Waitrose advise that the proposed store is in their pipeline to commence trading no later than November 2016 and are keen for this application to be approved at the 2 September 2015 meeting in order for them to meet this target. Otherwise the project could slip beyond 2017.</p>

4.0 **RELEVANT PLANNING HISTORY**

4.1 Application P08/V1657/O relates to an undetermined outline planning application on the site for the development of a business park for B1 and B2 uses, including access roads, car parking and landscaping. It has been resolved to approve the application subject to a s.106 being entered into but the s.106 has yet to be completed.

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

Policy No.	Policy Title
GS1	Developments in Existing Settlements
E3iv	New business development in Faringdon and specifically land adjacent Park Road and the A420
S1	Hierarchy of new retail provision
DC1	Design
DC3	Design against crime
DC5	Access
DC6	Landscaping
DC7	Waste Collection and Recycling
DC8	The Provision of Infrastructure and Services
DC9	The Impact of Development on Neighbouring Uses
DC12	Water quality and resources
DC13	Flood Risk and Water Run-off
DC14	Flood Risk and Water Run-off
HE9	Archaeology
NE9	Lowland Vale

5.2 **Emerging Local Plan 2031 – Part 1**

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 6	Meeting Business and Employment Needs
Core Policy 7	Providing supporting infrastructure and services
Core Policy 20	Spatial strategy for Western Vale Sub-Area
Core Policy 32	Retail Development and other Main Town Centre Uses
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 35	Promoting public transport, cycling and walking
Core Policy 36	Electronic communications
Core Policy 37	Design and local distinctiveness
Core Policy 39	The historic environment
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 45	Green infrastructure
Core Policy 46	Conservation and improvement of biodiversity

5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015
- Sustainable Design and Construction – December 2009
- Flood Maps and Flood Risk – July 2006

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- Planning and Public Art – July 2006
- Land between the A420 & Faringdon North of Park Road, Faringdon – July 2008 (relates to this site and wider areas around it some of which have been developed for housing)

### 5.4 National Planning Policy Framework (NPPF) – March 2012

### 5.5 National Planning Practice Guidance 2014 (NPPG)

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5.6 Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

5.7 The following policy in the draft Faringdon Neighbourhood Plan relates to retail proposals:

5.8 Policy 4.4C - extending the wider retail offer. This policy gives favourable consideration to retail uses at the edge of the town centre or on the main routes between the town centre and the Tesco Park Road site following the sequential approach and providing more suitable sites are not available in the town centre. The neighbourhood plan also suggests sites that could be considered for retail development including the BT exchange site and police station, part of land north of Gloucester Street car park, and the fire station site.

5.9 The neighbourhood plan recognises the allocation of the application site in the adopted local plan, and suggests the site together with other sites in the town are essential to the towns future employment development and must be protected for such growth.

5.10 The neighbourhood plan is in draft form. A previous version had been subject to Examination and the Examiner provided a report. The re-submission Neighbourhood Plan seeks to address the Examiner comments. It has been subject to a further round of consultation and will be resubmitted for examination with anticipated adoption in December 2015.

5.11 The Examiner considers policy 4.4 compliant with the NPPF and did not recommend any modifications. The policy is therefore, likely to remain in its existing form. The Neighbourhood Plan has not been subject to a referendum. In these circumstances there is some uncertainty over the plan but with no modification recommended to policy 4.4C, it is considered some weight can be given to it.

#### Environmental Impact

5.12 The development includes more than 1 hectare of urban development which is not dwelling house development. It constitutes Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. Officers have undertaken a screening opinion in accordance with the EIA Regulations. Having taken account of the selection criteria at Schedule 3 of the Regulations it was decided this proposal is not EIA development.

#### Other Relevant Legislation

- 5.13
- Planning (Listed Buildings and Conservation Areas Act) 1990
  - Community & Infrastructure Levy Legislation
  - Equality Act 2010
  - Section 17 of the Crime and Disorder Act 1998
  - Natural Environment and Rural Communities (NERC) Act 2006
  - The Conservation of Habitats and Species Regulations 2010

- Localism Act

5.14 **Human Rights Act**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.15 **Equalities**

In determining this planning application the Council has had regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

The relevant planning considerations in the determination of this application are:

1. Principle of the development
2. Sequential test
3. Impact Assessment
4. Landscape and Visual Impact
5. Flood Risk and Surface/Foul Drainage
6. Traffic, Parking and Highway Safety
7. Protected Species and Biodiversity
8. Archaeology
9. Viability and Developer Contributions

**The Principle of Development**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.2 Other material planning considerations include national planning guidance within the NPPF and NPPG, the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base, and the emerging Faringdon Neighbourhood Plan re-submission February 2015.

**Employment Land**

**The Adopted Local Plan**

6.3 Policy E3iv of the adopted local plan allocates the site for B1 or B2 employment use including strategic landscaping as generally shown on the local plan proposals map. This policy is supported by site specific supplementary planning guidance (SPG) that acknowledges the allocation. The proposal is for retail uses falling in classes A1 and A5. As such the proposal is contrary to policy E3iv of the adopted local plan and the site SPG. Planning permission should be refused unless material considerations suggest otherwise.

**The Draft Local Plan**

6.4 The draft Vale of White Horse local plan identifies the site as suitable for employment uses (policy CP6) and it is to be safeguarded for employment uses. Employment use is not defined although it is considered the thrust of the policy is towards Class B uses. Given the status of the draft local plan and guidance at paragraph 216 of the NPPF policies CP6, and CP20 or for that matter all other policies in the draft local plan have

limited weight in consideration of this proposal.

The Re-Submission Faringdon Local Plan 2015

- 6.5 The draft re-submission Faringdon Neighbourhood Plan (FNP) recognises the allocation of the application site in the adopted local plan, and suggests the site together with other sites in the town are essential to the towns future employment development and must be protected for such growth. By reference to the adopted local plan the FNP could be interpreted as expecting the site to accommodate Class B1 or Class B2 developments. The proposal would be contrary to these aims although the proposal would generate employment with the applicant advising that up to 120 jobs could be created. I note that the Town Council in response to this application considers this retail proposal "*as the best option*" for the site whilst recognising this would be against the sentiment of the draft FNP.

The NPPF

- 6.6 A core principle at paragraph 17 of the NPPF is to proactively drive and support sustainable economic development. The NPPF defines economic development as: "*Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development)*".
- 6.7 The proposal meets this definition of economic development and in turn the proposal could according to the applicant, generate up to 120 jobs being a mixture of part and full-time positions. The Town Council suggest that the proposal "*would provide the types of employment Faringdon needs*".
- 6.8 Paragraph 22 of the NPPF advises planning policies should avoid the long term protection of sites allocated for employment use where there is no prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be considered on their merits having regard to market signals and the need for different land uses to support sustainable communities.

Considerations

- 6.9 The Council's Economy, Leisure and Property team advise the land has been marketed since 2004. This market period included up to 4 years before the down turn in the economy. Whilst an application was submitted in 2008 for Class B1 and B2 uses it remains undetermined as a s.106 agreement has yet to be completed (application no. P08/V1657/O).
- 6.10 There seems to be limited interest in developing this wider site for class B1 or B2 uses and it seems from the applicant's submission that the costs of providing the infrastructure including the access is a deterrent. There is no evidence presented to counter this argument. Ariat Europe Ltd (a Faringdon based company) has indicated it wishes to relocate to the adjacent site allowing the company to expand and that this development in providing the access could allow them to achieve the re-location.
- 6.11 I am also mindful of the planning policy team's observations which include a statement advising "*there is a sufficient supply of developable employment land coming forward in the immediate vicinity (The strategic employment site on land South of Park Road, and the emerging neighbourhood plan allocation at Wickelsham Quarry) and the development would in itself bring additional jobs to the area. The most far advanced development plan document is the Faringdon Neighbourhood Plan, which has already received the examiner's report and with no key issues relating to employment and/or retail development*".

- 6.12 I am also mindful of the appeal associated with application no. P10/V0867 which relates to the Tesco supermarket now operating on Park Road. That site was allocated as a strategic employment site in the adopted local plan. In allowing the appeal the Planning Inspector considered there were other employment sites available including the 4 & 20 site (now in part subject to this application), and the Tesco proposal could provide some 130 jobs. Bearing in mind these benefits the appeal was allowed.
- 6.13 Similar benefits apply here including job creation, supply of alternative employment sites, the proposal constituting economic development and the need to proactively drive and support sustainable economic development. These benefits need to be balanced against the conflict with policy E3iv of the adopted local plan.

Conclusion on Employment Policy

- 6.14 Matters against this proposal include:
- The proposal conflicts with adopted local plan policy E3iv.
  - It conflicts with the draft re-submission Faringdon Neighbourhood Plan which suggests the site should be used for employment purposes although this is not set out in a policy.
  - There is conflict with draft local plan policies CP6 and CP20 although I give limited weight to these policies given the draft local plan has not been through Examination and these policies should not weigh against the proposal.
- 6.15 It is not simply a case of refusing permission because the proposal conflicts with a policy; the authority has to demonstrate that the policy conflict would result in adverse harm.
- 6.16 In support of the proposal are the following material considerations:
- The NPPF encourages economic development; it seeks to proactively drive and support economic development. The proposal clearly meets the NPPF definition of economic development.
  - The proposal generates employment (up to 120 jobs), and therefore, it is an employment use albeit not Class B1 or B2 use.
  - There is evidence of a reasonable supply of employment sites being or becoming available in the town; the planning policy team do not object.
  - The proposal can provide the initial infrastructure to bring forward development of adjacent land for employment purposes.
  - The NPPF advises planning policies should avoid the long term protection of sites allocated for employment use where there is no prospect of a site being used for that purpose.
  - There seems to be limited interest in developing the site for Class B1 and B2 uses; the site has been marketed since 2004 and a 2008 planning application has not progressed to a decision being issued.
- 6.17 Balancing the conflict with policy E3iv of the adopted local plan and the emerging Neighbourhood Plan policy and guidance it is considered that the proposal would not result in demonstrable harm and that the material considerations above tip the balance in favour of the proposal.

Retail Development

The Adopted Local Plan

- 6.18 Paragraph 12.18 of the adopted local plan sets out the Council's aim to sustain and enhance the vitality and viability of existing shopping centres and to oppose proposals for shopping developments which could put at risk this strategy. In light of this policy S1 of the adopted local plan seeks to permit retail development in Faringdon town centre and will not permit new retail development outside the town centre unless it is

associated with a petrol filling station, a farm shop or retail use on new housing development or ancillary to an employment use. The proposal is outside Faringdon town centre and therefore contrary to policy S1.

The Draft Local Plan

- 6.19 Core policy 32 of the draft local plan has a town centre first approach and will only be support retail development that is on the edge or outside a town centre location if it is demonstrated that the proposal satisfies the sequential approach to site selection. This policy is more in line with the expectations of the NPPF (see below) compared to policy S1 of the adopted local plan. Nevertheless, given the status of the draft local plan and guidance at paragraph 216 of the NPPF policy CP32 can only be given limited weight in consideration of this proposal.

The Re-Submission Faringdon Local Plan

- 6.20 The FNP recognises that the *“current potential for (retail) growth is severely constrained by the lack of available premises or the availability of any easy potential development sites”* and that *“it is difficult to identify opportunities for town centre retail expansion. However, as the population of Faringdon grows, opportunities to deliver more retail floor space including some larger units would be welcomed”*.
- 6.21 Policy 4.4C of the FNP refers to extending the retail offer in Faringdon and states: *“Where sites become available on the edge of the town centre, or on the main routes between the town centre and the Tesco Park Road site, following the sequential approach, favourable consideration will be given to the redevelopment or change of use of those sites to retail (Use Class A1) and other uses that support the retail function of the town centre providing more suitable sites are not available within the town centre”*.
- 6.22 An earlier draft version of the FNP has been through Examination in a similar way in which our draft local plan will be Examined. The professional who led the FNP Examination considered policy 4.4C consistent with the NPPF approach to edge of centre retail sites. This policy is therefore, unlikely to change. The application site is not edge of centre but out of centre and it is not between the town centre and the Tesco supermarket on Park Road but beyond the Tesco supermarket. The FNP only addresses town centre and edge of town centre retail proposals. It does not address out of centre retail proposals unlike the NPPF.

The NPPF

- 6.23 Paragraph 24 of the NPPF applies a sequential test for main town centre uses which are not in an existing centre and not in accordance with an up to date local plan. It adds that *“Planning authorities should require applications for main town centre uses to be located in town centres, then in edge of town 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”*.
- 6.24 As the NPPF post-dates the adopted local plan and policy S1 of the adopted local plan does not apply a sequential test, it can be given greater weight than policy S1. Likewise, as the FNP does not address out of centre sites, the NPPF can be given greater weight.
- 6.25 This proposal is clearly for an out of centre retail proposal and it is contrary to policy S1 of the adopted local plan, core policy 32 of the draft local plan and the NPPF unless it can be clearly demonstrated that no other suitable sites are available. However, as explained above the NPPF expects a sequential approach to retail development and

should the applicant demonstrate that no town or edge of centre sites are available, the proposal could be considered to meet the sequential test advocated by the NPPF.

- 6.26 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan, these being:
1. The sequential test; and,
  2. The impact test.
- 6.27 These two tests are now addressed in turn. However, before doing so Members are advised that officers have commissioned an independent review of the proposal in terms of the sequential test and the impact test. The review has been prepared by an experienced retail planning consultancy and their report and addendum email is at **Appendix 3**.

### **The Sequential Test**

#### Introduction

- 6.28 The sequential test is considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses, or if not, edge of centre sites (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test.
- 6.29 As mentioned above when considering alternative sequential sites, the NPPF expects applicants to demonstrate flexibility in respect of format and scale. What constitutes 'flexibility' has been clarified by a number of appeal decisions subsequent to the publication of the NPPF, including most significantly the Tesco Stores Limited v City of Dundee [2012] which confirmed that the criteria of the sequential test should be considered in the "*real world in which developers wish to operate, not some artificial world in which they have no interest in doing so*". The Dundee case does not require applicants to consider sites or premises that would not meet their commercial needs.
- 6.30 Consequently and in light of this both this authority and the applicant have demonstrated some flexibility in reducing parking and positions of buildings in seeking to accommodate the development whilst retaining a landscape buffer and avoiding the flood plain. The applicant advises the proposal requires a site of at least 1.1ha to accommodate it and the end users require the floor spaces proposed (see paragraph 2.3 above) and they are seeking site visibility, proximity to arterial routes and access for HGV's 40m in length.
- 6.31 In considering alternative sites, there is not a requirement for the proposed development to be altered or reduced to enable it to fit on an alternative site. In considering the suitability of these alternative sites, it is also important to have regard to the outcome of the Rushden Lakes call-in decision (LXB RP (Rushden) Limited v East Northamptonshire Council, 2011), which confirmed that under the NPPF, there is no requirement for applicants to consider the scope for disaggregation of individual components of their proposal schemes. Therefore, if there are sequentially preferable sites which could accommodate an element of the application scheme (for example, one of the proposed food stores or the Costa drive-through unit) this in itself would not constitute a failure of the sequential test when assessed against the NPPF. Therefore, it is necessary to consider sites that could accommodate the whole proposal and not separate elements of it. Under the NPPF, there is only a requirement to consider sequential sites which are available at the time of preparation of the application, rather than sites which may become available at a future point in time.

The Sites Considered & Appraisal

- 6.32 The applicant has considered alternative town centre and edge of centre sites including possible retail sites suggested in the FNP, the Southampton Street car park, vacant retail units in the town centre, land adjacent to the Junior School, land at Lechlade Road/Canada Lane and a site at Regal Way promoted by an objector to this application.
- 6.33 It is clear that no town centre sites are available due to the very small size of vacant units available compared to the space required for the proposals, the Lechlade Road/Canada Lane site and Southampton Street car park being too small (and not being available or suitable), and that sites suggested in the FNP that may suit retail development such as the BT exchange, Gloucester Street car park, police station and fire station are far too small to accommodate this proposal even if they were available.
- 6.34 The applicant has considered a site behind the Junior School on which in 2011 Waitrose had applied for planning permission for a supermarket. That application (P11/V0146) was withdrawn. This site is edge of centre and is large enough to accommodate the development proposed. The applicant rules out its use due to lack of availability, lack of visibility and unsuitable access issues with limited space for manoeuvring HGV's to this site given the narrowness of streets.
- 6.35 With regard to the land behind the Junior School the highway authority did raise an objection about access (as did a number of local residents). The site was also addressed by the Planning Inspector considering the Tesco appeal for what is now their site on Park Road. In her decision the Planning Inspector considered the access by HGV's to the site behind the Junior School may not be insurmountable. However, she had a number of concerns relating to loss of trees on the site, impacts for the setting of listed structures in the grounds of Faringdon House, as well as the parkland setting of Faringdon House. She also expressed concerns with regard to impacts for the setting of the conservation area and redefining the urban edge of the town. It is doubtful that these concerns could be satisfactorily addressed with the quantum of development proposed and this site would therefore, appear unsuitable even if it were available.
- 6.36 The Regal Way site has been assessed by the applicant. That site has been suggested by an objector suggesting the site is available and is suitable for this proposal and it is preferable being an edge of centre site. This site lies at the junction of Regal Way and Park Road. The applicant advises that the site is out of centre being over 300m from the primary shopping frontage of Faringdon and in sequential terms there is no need for them to consider alternative out of centre sites. They also point out that the site is too small at some 0.37ha, allocated for employment use and only some 0.18ha of the site appears to be available. The applicant considers the site unsuitable.
- 6.37 The Regal Way site is some 165m from the edge of the Faringdon primary shopping frontage and I therefore, disagree with the applicant and I consider this site to be edge of centre and therefore, sequentially preferable to the application site. In terms of size the site is approximately 0.4ha and therefore, too small to accommodate the proposal without disaggregation. The site is allocated for employment use in the adopted and draft local plan and in the FNP although this may not be sufficient to rule out retail use. Nonetheless, due to its small size and considering the Dundee and Rushden lakes cases mentioned above, even if the site was available it would not be suited to this proposal.

Independent Consultants Report (Appendix 3)

- 6.38 The independent consultant's report commissioned by officers confirms that the sites assessed by the applicant, put to the applicant by officers and an objector which includes the Regal Way site, do not represent suitably sequentially preferable sites. They do comment that this authority may wish to seek the views of the County Council with regard to access to the land adjacent to the Junior School. However, your officers consider that given the concerns expressed by the Planning Inspector regarding that site at the time of determining the 'Park Road Tesco appeal', the land adjacent to the Junior School is unlikely to be acceptable on heritage grounds at least.

Conclusion on the Sequential Test

- 6.39 The NPPF is the most up to date guidance on the sequential test. It expects retail developments to be located in town centres or if such sites are unavailable, edge of centre sites and then failing suitable sites there, out of centre sites.
- 6.40 The applicant and officers have given consideration to a number of sites that may be suited to retail development including:
- Vacant town centre units
  - Southampton Street car park
  - BT Exchange, police station and fire station sites
  - Part of Gloucester Street car park
  - Land behind the Junior School
  - Land at Lechlade Road/Canada Lane
  - Land at Regal Way
- 6.41 The applicant cannot be expected to disaggregate the proposal and the Dundee case expects the sequential test to be considered in the *"real world in which developers wish to operate, not some artificial world in which they have no interest in doing so"*.
- 6.42 All of the above sites excluding the land behind the Junior School are too small to accommodate the development proposed. The land behind the Junior School is unavailable and does not meet the needs of the applicant. Even if it did there are site constraints including heritage matters that are highly likely to rule out this development on this site.
- 6.43 An independent consultant commissioned by the Council has assessed the proposal and considers the proposal satisfies the sequential test. Officers agree and in this case the proposal is acceptable.
- 6.44 It is now necessary to assess the impact of the proposal on the town centre.

**The Impact Assessment**

Introduction

- 6.45 The impact test relates to retail developments in excess of 2,500 sq m (such as this proposal) and determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). In accordance with the requirements of the NPPF and following guidance in the NPPG the applicant has supported the application with a Retail Impact Assessment. This seeks to establish the impact of this proposal on the viability and vitality of Faringdon town centre.
- 6.46 In accordance paragraph 26 of the NPPF the impact assessment needs to consider:
- *"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made”.*

6.47 Should a proposal be likely to have a significant adverse impact on one or more of the factors mentioned by paragraph 26 of the NPPF above, planning permission should be refused.

#### Consideration and Appraisal

6.48 The applicant’s assessment concludes that there would be no significant impact for any other centre beyond Faringdon and that the key impacts in Faringdon will be for Tesco which is not ‘protected’ being an out of town centre store, and on Budgens in Faringdon town centre. The applicant’s case also advises that whilst there may be an impact for Budgens there is no significant adverse impact for the town centre. It also concludes there would be no impact on committed or planned public and private investment in Faringdon.

6.49 There has been third party criticism of the applicant’s impact assessment and as a consequence the applicant has now used a higher turnover figure for the proposals compared to their original submission. Officers have commissioned an independent assessment of the applicant’s case (see **Appendix 3**).

6.50 The commissioned assessment considers the applicant has followed best practice and based on the information supplied is satisfied there would be no significant adverse impact against existing, committed and planned public and private investment in Faringdon. The consultant commissioned by officers consider whether or not there will be a ‘significant adverse’ impact in respect of town centre vitality and viability is a more finely balanced matter. They consider the Budgens store is a relevant consideration given its role as an important ‘anchor’ store in Faringdon town centre. The consultant broadly concurs with the applicant’s case that Budgens will only experience a relatively limited amount of trade diversion. The consultant’s report advised that from their understanding of the applicants’ assessment of trade diversion, it is not clear that the entire turnover of the proposal scheme has been accounted for in the impact assessment. They suggest the Council seek clarification on this point prior to determination of the planning application. If this justification satisfactorily demonstrates that the levels of trade diversion remain as set out in Table 9A of the applicants sensitivity impact test (June 2015), it is then concluded that, on balance, the impact of the application scheme will be acceptable.

6.51 I have asked the applicant to address this point. The applicant has supplied clarification and the consultant and officers are satisfied with this. It is therefore, concluded that the proposal would not have a significantly adverse impact on Faringdon town centre (or any other centre) and it would not have any significant adverse impact against existing, committed and planned public and private investment in Faringdon town centre (or any other centre).

#### Overall Conclusion on the Principle of Development

6.52 There is conflict with policy E3iv of the adopted local plan which needs to be balanced against the benefits of the proposal.

6.53 The proposal is considered to meet the sequential and impact tests set out in the NPPF which is more up to date than policy S1 of the adopted local plan and the proposal is therefore, considered NPPF compliant.

- 6.54 There is conflict with the FNP although its policy only encourages retail between the town centre and the Tesco supermarket whereas the NPPF can permit retail development on out of centre sites where the sequential and where appropriate, impact tests are met. In this case there are no suitable sites available between the town centre and Tesco supermarket and the proposal meets the sequential test.
- 6.55 The proposal is considered to comply with retail policy but conflicts with adopted local plan, draft local plan and FNP employment policy. The NPPF presumes in favour of sustainable development with there being three dimensions to sustainable development being its economic, social and environmental roles. The proposal needs to be considered against these roles and any material considerations which may permit a departure from the employment policy for the site and any impacts that may be adverse and which would significantly and demonstrably outweigh the benefits. This exercise is undertaken in the full conclusion of this report.

#### **Landscape and Visual Impact**

- 6.56 The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 109). The site is within the Lowland Vale which in NPPF terms is not a valued landscape. Policy NE9 of the adopted local plan will not permit development in the Lowland Vale if it would have an adverse effect on the landscape, particularly on the long open views within or across the area. In this case the site is allocated for development which suggests its loss to development would not have an adverse impact on the wider Lowland Vale landscape.
- 6.57 The site is open to views from the elevated parts of the A420. There are also views over the site from the Folly Park. Views from Park Road are limited due to hedgerows, existing trees and existing buildings either on the site frontage or beyond the site towards the town.
- 6.58 The site is seen in the context of the edge of the built up area of Faringdon with the more formal space of Folly Park rising to the north east, the edge of the town and open land which will accommodate housing on the opposite side of Park Road. The impact for the Lowland Vale landscape is limited and not adverse.
- 6.59 The adopted local plan, draft local plan and site SPG all expect a strategic landscape buffer to the A420 edge of the site. This buffer is in addition to the wide verge to the A420. There is no guidance on the specific size of the buffer. That shown on the adopted local plan proposal map varies in width from some 15m at the Park Road/A420 junction to some 80+m towards the north of the site. The illustrative plan for the proposals shows a buffer of some 3m at the roundabout varying in width beside the areas illustrated as being developed and alongside the A420 boundary of up to 17m, and there being an extensive area of open ground retained to the north of the development in excess of 80m. The illustrative plan for the site retains the existing hedge alongside the A420 and seeks to manage it. Within the site space is retained for strategic planting including trees of height ('starting' at 3/3.5m in height) and larger trees of 12-14cm in girth together with trees of height (3/3.5m) to break up the parking areas. The landscaping of these areas will be subject to a detailed landscaping scheme but officers consider the areas shown would be the minimum to be provided.
- 6.60 For users of the A420 travelling east towards the Park Road/A420 roundabout there are views over the site to Faringdon Folly. The applicant has provided a photomontage demonstrating that single storey buildings on site should not prevent views of the Folly or unreasonably detract from the views available. Subject to the final design, the proposals should have no impact on the setting of Faringdon Folly. It is considered the

finished floor levels required by the Environment Agency will not exacerbate visual impacts with this change being approximately 300mm.

#### **Flood Risk and Surface/Foul Drainage**

- 6.61 The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).
- 6.62 Adopted local plan policy DC9 provides that new development will not be permitted if it would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of, amongst other things, pollution and contamination. Policy DC12 provides that development will not be permitted if it would adversely affect the quality of water resources as a result of, amongst other things, waste water discharge. Policies DC13 and 14 are not considered to be consistent with the NPPF, because they do not comply with paragraphs 100 to 104 which require a sequential approach to locating development and provide that flood risk should not be increased elsewhere.
- 6.63 Parts of the site are considered to be within flood zone 3b which is the most susceptible areas to flooding. The applicant has sought to demonstrate that the quantum of development proposed can be accommodated without substantial encroachment in flood zone 3b with the buildings being in flood zone 1 which are the preferred areas for development. Initially the Environment Agency objected but by turning the larger retail building by 90° the buildings can be accommodated outside flood zone 3b with the exception of part of the service road to the larger retail unit. Officers consider this service road essential infrastructure, as defined by the NPPG being essential transport infrastructure needed for operational requirements for this element of the development. Therefore, the Environment Agency is satisfied with the proposal. Conditions required by the Environment agency should be imposed and will mitigate potential for this development to result in flood risks elsewhere
- 6.64 A sustainable drainage scheme will be expected in order to minimise the run off rates from the development and thereby limit the risks of flooding elsewhere. A package waste water treatment plant is proposed on site and could be accommodated beneath the parking areas. This will allow waste water to be treated on site and subject to a licence for the Environment Agency, then discharged to the stream. Thames Water is satisfied with this approach and requires it as the sewage treatment works will not be upgraded until 2017.
- 6.65 The development includes de-culverting a stream beneath the site. This will have environmental benefits.

#### **Traffic, Parking and Highway Safety**

- 6.66 Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decision to take account of whether:-
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

- 6.67 Paragraph 32 goes on to state: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.68 The County Council as highway authority has no objection. Adequate access to Park Road can be provided allowing two way traffic into/out of the site. Adequate vision splays can be provided in both directions as there is a wide verge available.
- 6.69 A resolution to grant permission for housing on land to the west exists and this will have vehicular access to Park Road and it will generate additional traffic onto Park Road once the housing is constructed. Park Road is considered capable of accommodating the cumulative traffic likely to be generated although some widening of Park Road close to the roundabout would be required and a right hand turn lane into this site is proposed.
- 6.70 To create better linkage with the town centre and encourage trips by other transport methods than the private motor car, it is essential that the footway is extended along Park Road to link with the existing and to provide bus stops close to the site which can be secured and funded through a s.106 agreement. The applicant also proposes a footway/cycle way along the edge of the site to link with Clements Way which will provide access to/from housing development in Palmer Road and neighbouring streets.
- 6.71 The proposal illustrates that adequate car parking can be provided on site with 175 spaces provided. This is short of the 198 spaces that parking standards would expect but officers consider that in line with the NPPF applicants and authorities need to be flexible and this reduction in parking from the original plans submitted allows a reasonable landscape buffer to the A420 and ensures buildings are beyond flood zone 3b. Furthermore, 198 spaces is based on the gross floor areas of the buildings at the maximum parking standard requirement. The Council’s parking standards do allow consideration of parking for retail proposals above a 1,000 sq m threshold on their merits. In this case the site can be accessed by public transport from within and beyond the town with buses passing the site. Should permission be granted there is an expectation that bus stops will be provided on both sides of Park Road close to the site thereby improving access by public transport. A footway extending to the site alongside Park Road is proposed together with a footway/cycle path to the north. These make the site accessible on foot and by cycling and widen the opportunities for travel choice for potential customers and employees. A travel plan will also be required which will encourage at least employees to use alternative means of travel to the site to the private motor car. In this case the site can be made more accessible in accordance with core principle 11 of the NPPF (paragraph 17) and the provision of 175 parking spaces in this case is considered reasonable.
- 6.72 The coach parking is welcomed.

#### **Ecology and Biodiversity**

- 6.73 Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that *“...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*
- 6.74 The site is overgrown with the areas of potentially the most interest being those areas to the north of the areas of the site illustrated as being developed. These areas do not form part of the development areas but can be planted further and maintained to

encourage and benefit wildlife. The culverted stream crossing the site is to be opened and this will be of some biodiversity benefit, as will an attenuation pond.

- 6.75 The applicant has assessed the site for its biodiversity interest and this has been found to be limited. The countryside officer has no objections. He recognises that the site may have interest for reptiles and a survey and mitigation if necessary can be secured by planning condition.

#### **Historic Environment and Archaeology**

- 6.76 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight should be given to this requirement.
- 6.77 Paragraph 132 of the NPPF confirms that *“When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*. The NPPF adds at paragraph 133 that proposals causing substantial harm to or total loss of significance of a designated heritage asset should be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF explains that less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of the proposal.
- 6.78 Policy HE4 of the adopted local plan seeks to protect the setting of listed buildings.
- 6.79 Faringdon Folly is on high ground over 800m from the site. The applicant has produced a photomontage to demonstrate that development can be accommodated with no adverse impact for the setting of the Folly. There are no other listed buildings likely to be adversely affected by the proposal.
- 6.80 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case considerable importance and weight is given to the desirability of protecting or enhancing the character or appearance of the conservation area.
- 6.81 Policy HE1 of the adopted local plan seeks to preserve or enhance the character or appearance of the conservation area.
- 6.82 The conservation area extends from areas within the town centre out to Folly Hill. There is no adverse impact for the setting of the conservation area due to separation through distance and buildings between the site and the town centre. Whilst there may be some views from Folly Hill towards the site, the proposals will be seen in the context of the developed town. Open land at Jespers Hill between the site and conservation area is retained. There are considered to be no adverse impacts for the setting of the conservation area.
- 6.83 Policy HE10 of the adopted Local Plan states that development will not be permitted if it would cause damage to the site or setting of nationally important archaeological remains, whether scheduled or not. The County archaeologist confirms there are no archaeological constraints to this development.

#### **Section 106 contributions**

- 6.84 The NPPF advises that planning obligations should only be sought where they meet all of the following tests (paragraph 204):
- i) Necessary to make the development acceptable in planning terms;
  - ii) Directly related to the development; and
  - iii) Fairly and reasonably related in scale and kind to the development.
- Policy DC8 of the Adopted Local Plan provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

The following developer contributions have been requested. These contributions are considered fair and proportionate:-

<b>Oxfordshire County Council</b>	<i>Proposed Contributions</i>
Public transport improvements in Faringdon	£95,000
Bus shelters adjacent to the site	£10,000
Maintenance of the proposed bus shelters	£4,296
Travel plan monitoring	£1,240
<b>Total</b>	<b>£110,536</b>
Town Council (see below)	£60,000
<b>Overall Total</b>	<b>£170,536</b>

The applicant has also proposed contributions amounting to £60,000 for the Town Council to assist with the delivery of a number of town centre initiatives, as follows:

1. Funding for an economic development strategy for the town as a whole.
2. A free bus link from the development to the town centre.
3. Funding of the existing town team.
4. Funding for signage and way marking at the site to the town centre and to local attractions (such as information boards, finger posts, etc.)
5. Funding for improvements to the town centre
6. Linking into the emerging Faringdon cycle matrix and linking to the footpaths around the cricket ground to the town centre
7. Funding to support the markets in the town centre and potentially allowing traders to have rent free stalls to encourage the growth of this initiative.

- 6.85 The applicant has advised orally that it may submit unilateral undertakings committing to paying the contributions requested by the County Council and Town Council. This would be a satisfactory alternative means of completing a legal agreement to secure the contributions.

## 7.0 CONCLUSION

- 7.1 There is a presumption in favour of sustainable development and permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”* (NPPF paragraph 14). Paragraph 7 of NPPF identifies three mutually dependant dimensions to sustainable development; it should fulfil an economic role, a social role and an environmental role.

- 7.2 The proposed development would perform an economic role, creating employment (up to 120 jobs) and it will assist in retaining a greater amount of retail spending in the town

which in turn with linkages proposed to the town centre could assist benefitting the wider economy of the town. It would also create some investment in the local and wider economy through the construction stage. The proposal would provide infrastructure to access adjacent land allocated for employment use and could bring the development of that land forward which in turn could generate additional jobs. Against this are potential losses to other supermarkets in the town although limited consideration can be given to competition in the market. Overall the proposal is considered to have an economic role.

- 7.3 The proposal has a social role in widening the choice of shopping in the town. It could also reduce the number of trips by private car to undertake shopping elsewhere which occurs at present and this is also an environmental benefit and the proposal can lead to improvements to the public transport system, provide parking for coaches which struggle for parking in the town centre which could assist in making Faringdon more attractive as a tourist destination.
- 7.4 The proposal will have some limited environmental implications resulting from localised landscape harm and limited ecology impacts and loss of this open site. This needs to be balanced against the retention of wider parts of the site which can be landscaped and designed to encourage biodiversity, as will the de-culverted stream. Overall the proposal has an environmental role.
- 7.5 In conclusion this proposal is considered to meet the three dimensions of sustainable development and it is sustainable development.
- 7.6 The proposal is considered to satisfy the sequential and impact tests set by the NPPF. The proposal is therefore considered compliant with NPPF retail policy which is more up to date than policy S1 of the adopted local plan, as the NPPF can permit out of centre retail development which is a short coming of policy 4.4C of the draft re-submission Faringdon neighbourhood Plan.
- 7.7 Officers have identified harm in terms of conflict with policy E3iv of the adopted local plan. Considering the benefits of this proposal which include the generation of up to 120 jobs and provision of infrastructure that could stimulate employment use of adjacent land against the loss of employment land for which the planning policy team suggest could be a surplus and which has been marketed without success for some 11 years, officers consider that this proposal is unlikely to result in adverse harm and it could be accepted as a departure from policy E3iv of the adopted local plan.

## 8.0 RECOMMENDATION

**It is recommended that authority to grant planning permission is delegated to the head of planning subject to:**

- 1. A S106 agreement being entered into with both the County Council and Faringdon Town Council in order to secure contributions towards local infrastructure and town initiatives; and**
- 2. Conditions as follows:**
  - 1. Reserved matters (excluding access) to be submitted within three years.**
  - 2. Development to be begun within two years from approval of reserved matters.**
  - 3. Approved plans (access plan).**
  - 4. Restriction to A1 and A5 use and specific floor areas (gross internal areas of 1,780 square metres, 872 square metres and 165 square**

metres with net sales areas of 1,254 square metres, 650 square metres and 165 square metres).

5. Landscaping and ecological management scheme (submission).
6. Landscaping scheme (implement).
7. Reptile surveys and mitigation.
8. External lighting scheme to be approved.
9. Access details to be implemented including Park Road improvements, toucan crossing and new footways/cycle way.
10. Car and bicycle parking, servicing, coach parking and turning spaces to be agreed.
11. Construction management statement.
12. Sustainable drainage scheme to be agreed and implemented.
13. Foul drainage scheme to be implemented prior to first use.
14. Implementation of flood risk assessment measures including mitigation as follows:
  - Finished floor levels no lower than 101.5 metres (approval of details).
  - Access road set no lower than 100.25metres (approval of details).
  - No built development including customer parking in Flood Zone 3 except the service access road.
15. Flood storage compensation scheme.
16. Travel plan to be approved.

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