

APPLICATION NO.	P15/S1637/O
APPLICATION TYPE	OUTLINE
REGISTERED	18.5.2015
PARISH	THAME
WARD MEMBER(S)	Jeannette Matelot David Dodds Nigel Champken-Woods
APPLICANT	Tesco Stores LTD
SITE	Kingsmead Business Park Howland Road Thame, OX9 3FB
PROPOSAL	Outline application for demolition of all existing buildings and erection of a foodstore (A1 food), car park, petrol station and employment development (B1).
AMENDMENTS	Yes – amended retail assessment and indicative site plan
GRID REFERENCE	471940/205201
OFFICER	Tom Wyatt

1.0 **INTRODUCTION**

1.1 This application is referred to Planning Committee at the Planning Manager's discretion due to the public interest in the application proposal.

1.2 The application site (which is shown on the OS extract **attached** as Appendix A) lies on the eastern edge of Thame and is approximately 4.3 ha in area. The site has a frontage with Howland Road of approximately 200 metres and is currently served by a single access point set at a central point along this frontage. The site adjoins existing early 2000s residential development to the north, 1960s housing to the west and 1970s housing to the south beyond the Phoenix Trail, which runs alongside and parallel with the site's southern boundary. New warehousing development is currently nearing completion on land opposite the site to the east. The site is generally level and has a relatively open frontage to Howland Road.

2.0 **PROPOSAL**

2.1 The application seeks outline planning permission for a new food store with a petrol filling station and the construction of new employment (Class B) development. To facilitate this development the application includes the demolition of all existing buildings on the site. Matters relating to appearance, layout, scale and landscaping are reserved for a further detailed approval so the only matter under detailed consideration at this stage is access. Therefore, the plans submitted with the application in respect of the layout, scale, design and landscaping of the development should be treated as being indicative at this stage.

2.2 The application submission indicates that the proposed food store would have a maximum gross floorspace of 4,750m² and that the new employment development would have a maximum gross floorspace of 5,726m². This represents a net loss of 1,770m² having regard to the existing buildings on the site.

2.3 The proposed development will be served by the existing vehicular access from Howland Road, and there are no proposals to alter the existing geometry or layout of this access. The position of the access goes a long way to dictating the layout of the

development in relation to the separation of the site for employment and retail uses and the land use zones as set out on the indicative layout plan are likely to form the basis for a future detailed scheme but I would emphasise that these details remain purely indicative at this stage.

2.4 The following documentation has been submitted in support of the application and can be viewed on the council's website, www.southoxon.gov.uk.

- Air Quality Assessment
- Archaeological Desk Based Assessment
- Community Consultation Report
- Design and Access Statement
- Ecological Appraisal
- Environmental Sustainability Statement
- Flood Risk Assessment
- Framework Travel Plan
- Noise Assessment
- Phase 1 Desk Study Environmental Assessment
- Planning Statement
- Retail Assessment
- Transport Assessment
- Tree Schedule

A copy of the plans accompanying the application, which can also be viewed on the council's website, is **attached** as Appendix B.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Thame Town Council – Objects to the application on the following grounds:

- Overdevelopment in relation to the requirements for new retail development as set out within the Neighbourhood Plan.
- Insufficient information to demonstrate that there would be no harm to the viability and vitality of the town centre, including the market.
- The independent review of the retail impact assessment is inadequate as it is a review of the applicant's data rather than providing an independent retail study.
- Harm to the planned private and public investment in the town centre.
- Lack of sufficient evidence to demonstrate that the noise impact from the development would be acceptable.
- A Retail Capacity and Impact Study report carried out for Thame Town Council demonstrates that the town centre is currently vibrant with low vacancy rates. The report also demonstrates a lower retail need for Thame than put forward by the applicant and a negative impact on linked trips to the town centre.

3.2 Highway Authority (Oxfordshire County Council) – The County's Principal Engineer (PE) initially objected to the proposal due to the lack of information about how the proposed access would complement the access arrangements in relation to the new development on the opposite side of Howland Road. Further information was submitted by the applicant to address this matter and the PE has withdrawn his objection.

The traffic impact from the development is deemed to be acceptable by the PE although he has noted that there is likely to be increased queuing on Howland Road in future with the Kingsey Road roundabout reaching its theoretical capacity. Although this is an outline application the illustrative plans indicate sufficient parking and turning areas within the site for the proposed development.

- 3.3 County Archaeologist – The site is located to the west of an area of Roman settlement and archaeological deposits may survive on the less developed parts of the site. An archaeological investigation of the site should be carried out. This could be secured by condition.
- 3.4 Environment Agency – No objections. The site may have become contaminated due to previous development and activities on the site. Conditions have been recommended to ensure that any contamination on the site is effectively treated.
- 3.5 Forestry Officer - The tree-scape across the site is mainly around the perimeter of the site and provides a good level of screening of the existing buildings from the surrounding residential properties. The illustrative layout shows the retention of the majority of these trees. The trees within the site are of low arboricultural quality and should not be considered a constraint to development with the exception of a mature oak. A revised illustrative layout plan shows that this oak could be retained, and indeed this tree is now protected by a Tree Preservation Order.
- 3.6 Countryside Officer - The site has been subject to general habitats surveys, specialist surveys for reptiles, badgers and bats. No habitats of national or local importance have been found on the site and the proposed development would not lead to any impacts on off site habitats of importance. The Ecological Appraisal report outlines ecological mitigation and enhancement measures and these could be secured through condition.
- 3.7 Environmental Protection Officer – The submitted acoustic report is not representative as the noise survey was not conducted over 24 hours or at the weekend when the business will operate. The report is not sufficient to demonstrate that the business can operate without causing noise disturbance to nearby residents. However, various conditions can be attached to any planning permission to mitigate the impact of the development.
- 3.8 Contaminated Land Officer – Conditions should be imposed on any planning permission to ensure that any contamination on the site is adequately addressed.
- 3.9 Air Quality Officer – Objects as no cumulative effects of other planned development within the area has been taken into consideration within the submitted air quality report. Also no mitigation measures have been outlined.
- 3.10 Thames Water – No objections
- 3.11 Food Safety Team – All food premises need to register in accordance with the Article 6(2) of EC Regulation 852/2004.
- 3.12 Leisure and Economic Development Officer – Main concern is the impact on the town centre, which contains a number of independent and specialist retail outlets.
- 3.13 CPRE (Rights of Way) – Footpaths within the site should be opened up as part of the development.
- 3.14 Third Party Comments –

688 representations in support of the application. The majority of comments received in support of the application comprise a standard template of support with a signature. This template is **attached** as Appendix C. Where individual comments have been made they support the proposal for the following reasons:

- The supermarket would increase consumer choice in the town
- There would be less need to visit supermarkets in other towns
- There is a need for a further supermarket in line with a growing population
- Increased employment opportunities

There is also an e petition on SODC's website with 159 respondents in support of the proposal.

513 representations objecting to the application. The majority of these comments are individualised, however, many objections have been received in the form a template and this is **attached** as Appendix C. The following concerns have been raised:

- No need for a further supermarket
- Contrary to the neighbourhood plan, which should be upheld
- Negative impact on the town centre trade
- Negative impact on nearby residential properties due to noise, general disturbance.
- Security concerns due to the proposed footpath linking the site to Cotmore Gardens
- Increased traffic
- Impact on the town centre downplayed by the submitted retail impact assessment
- Clawback from other supermarkets will not result in increased shoppers in the town centre
- Impact on local wildlife
- Lack of staff parking
- Potential danger from nearby BOC site
- Loss of employment on the site
- No net increase in jobs

In addition a paper petition with 1858 signatories against the proposal has been submitted and there is also an e petition on SODC's website with 569 respondents against the proposal.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P97/N0465/RET](#) - Approved (09/06/1999)
Change of use to office for vehicle retails.

[P98/N0603](#) - Approved (15/12/1998)

Temporary change of use from training school etc. to office including ancillary storage. (As amplified by agent's letter dated 9 December 1998.)

[P98/N0157](#) - Approved (05/05/1998)

Temporary change of use from training school, showroom and demonstration prep area including offices to warehouse and distribution including offices.

[P97/N0515](#) - Approved (20/02/1998)

Relocation of access, reorganisation of car & lorry parking and related highway works (to the B1 building). (As amended by Dwg No.TRA/201 accompanying Agent's letter dated 6 October 1997).

[P97/N0745](#) - Approved (11/12/1997)

Change of use from training area and showroom to offices/warehousing/ distribution.

[P94/N0718/O](#) - Refused (23/01/1996)

Demolition of an existing building and erection of a retail store, together with a coffee

shop, petrol filling station, landscaping, car parking, highway and other works. (As amended by additional information accompanying Agents letters dated 12.6.95, 1.11.95 and 8.12.95).

This outline application was submitted by Tesco and proposed a new food store on the site. The application was refused for the following reasons:

1. That the development would be likely to have a detrimental impact on the vitality and viability of Thame town centre and other local centres contrary to the advice contained within PPG6 – ‘Major Retail Development’, the draft revised PPG6 – ‘Town centres and retail development’ and the House of Commons Environment Committee Report - ‘Shopping centres and their future’. The application proposals also fail to demonstrate that adequate attention has been paid to the advice contained within these notes in that the sequential approach to further retail provision in Thame has not been fully explored. In addition the proposals are contrary to shopping policy S4 of the approved Structure Plan for Oxfordshire and policy S1 of the South Oxfordshire Local Plan and the application does not contain any information that would warrant overriding the planning policy objections of the local planning authority.
2. That the supporting information accompanying the application is not adequate and does not take fully account of PPG6, draft revised PPG6, PPG13 ‘Transport’ and the Common’s Select Committee report in that the applicant’s Traffic Impact Analysis and supporting information indicates to the local highway authority that the development would:
 - i) Encourage increased dependence on the private car;
 - ii) Make provision of adequate public transport services increasingly difficult;
 - iii) Undermine the opportunity for multipurpose trips;
 - iv) Have a detrimental impact on the local road network particularly Park Street.

and as such would be contrary to the transport policies in the approved Structure Plan for Oxfordshire and policy G10 of the South Oxfordshire Local Plan.

3. That the proposed access junction vision splay to the south, part of which is outside land under the applicant’s control, does fall below the required standard for a 50mph speed limit road and would consequently be detrimental to the safety of users of the access and adjacent road network.

[P88/N0720](#) - Approved (14/12/1988)

Demolition of warehouse building. Change of use from warehouse to training school showroom and demonstrator/showroom prep area. Change of use from training school, workshop and showroom to office and meeting facilities. New office extension formation of new car park and provision of additional parking

[P85/N0166](#) - Approved (15/11/1985)

A proposed headquarters building and parts centre for DAF Trucks (GB) Ltd comprising parts warehouse together with two storey office building, adjoining demonstrator vehicle maintenance facility and training centre. Construction of fencing, footpaths, footways and a junction with the eastern perimeter road.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) policies;

CS1 - Presumption in favour of sustainable development
CSB1 - Conservation and improvement of biodiversity
CSEM1 - Supporting a successful economy
CSEM2 - The amount and distribution of employment
CSEM4 - Supporting economic development
CSEN1 - Landscape protection
CSM1 – Transport
CSM2 – Transport assessments and travel plans
CS11 - Infrastructure provision
CSQ2 - Sustainable design and construction
CSQ3 - Design
CSS1 - The Overall Strategy
CST1 - Town centres and shopping
CSTHA1 - The Strategy for Thame

5.2 South Oxfordshire Local Plan 2011 (SOLP) policies;

C4 - Landscape setting of settlements
C6 - Maintain & enhance biodiversity
C8 - Adverse affect on protected species
C9 - Loss of landscape features
D1 - Principles of good design
D2 - Safe and secure parking for vehicles and cycles
D5 - Compatible mix of uses
D6 - Community safety
D7 - Access for all
D10 - Waste Management
D12 - Public art
E5 - Business, industrial, warehousing and storage proposals
E6 - Loss of employment uses
EP1 - Adverse affect on people and environment
EP2 - Adverse affect by noise or vibration
EP3 - Adverse affect by external lighting
EP4 - Impact on water resources
EP6 - Sustainable drainage
EP7 - Impact on ground water resources
EP8 - Contaminated land
G2 - Protect district from adverse development
G5 - Best use of land/buildings in built up areas
R8 - Protection of existing public right of way
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users
T7 - Protection and improvement to footpath and highway network
T8 - Provision and management of car parking
T9 - Petrol filling station and motorist service areas outside built up areas
TC7 - Resist shops and commercial uses outside town centres

Thame Neighbourhood Plan (TNP) policies;

WS1 – Locate new retail development in the town centre
WS11 – Allocation of a minimum of 2 ha of land for new employment
WS12 – Retain existing employment land in employment use
WS13 – Support improvements to existing employment areas
WS14 – Redevelop the Cattle Market site for mixed use
WS15 – Ensure that redevelopment of the Cattle Market incorporates key principles to relate it positively to the wider town
GA1 – New development to provide good pedestrian and cycle connections to the town

centre and other local destinations

GA2 – Improve existing pedestrian and cycle connections within Thame

GA3 – Improve connections to surrounding destinations

CLW2 – Ensure the TNP meets the needs of local people

ESDQ11 – Incorporate Sustainable Urban Drainage into new development

ESDQ12 – Applications for new development to provide a drainage strategy

ESDQ15 – Development should reinforce the character and quality of Thame

ESDQ16 – Development must relate well to its site and its surroundings

ESDQ17 – Development must make a positive contribution towards the distinctive character of the town as a whole

ESDQ18 – New development must contribute to local character

ESDQ21 – Development proposals must maintain visual connections with the countryside

ESDQ22 – Visual impact of new development on views from the countryside must be minimised

ESDQ26 – Design new buildings to reflect the three dimensional qualities of traditional buildings

ESDQ29 – Design car parking so that it fits with the character of the proposed development

D1- Provide appropriate new facilities

5.3 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

South Oxfordshire Design Guide 2008

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning issues in relation to this proposal are:

1. The principle of the proposed development
2. Benefits of the proposal to Thame
3. The impact on the vitality and viability of the town centre
4. Employment
5. Impact on the character and appearance of the site and its surroundings
6. Transport
7. Neighbouring amenity
8. Other material planning considerations
 - i. Archaeology
 - ii. Public rights of way
 - iii. Trees
 - iv. Ecology
 - v. Contamination
 - vi. Drainage
 - vii. Sustainability measures
 - viii. DAF
 - ix. Health and safety
 - x. Planning obligations/Community infrastructure levy

The Principle of the Proposed Development

6.2 The site lies on the eastern edge of the town and is undeniably located outside of the town centre being approximately 1km distant. The starting point for assessing the principle of the proposed retail development is related guidance contained within the NPPF and NPPG. Section 2 of the NPPF is entitled 'Ensuring the vitality of town centres' and Paragraph 23 states that, 'In drawing up Local Plans, local planning

authorities should.....recognise town centres as the heart of their communities and pursue policies to support their viability and vitality’.

- 6.3 Paragraphs 24 and 26 of the NPPF are central to the principle of the proposed retail development. Paragraph 24 states:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of 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.

Paragraph 26 states:

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). This should include assessment of:

- *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.*

- 6.4 There is no locally set floorspace threshold for the requirement of a retail impact assessment. In this case the proposed retail unit is substantially over 2500 sq. m so a retail impact assessment is required and this has been submitted as part of the application.

- 6.5 Turning first to the sequential test, guidance contained within the NPPG asks if there is scope for flexibility in the format and/or scale of the proposal and advises that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the same form of development being proposed but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. In this regard there should be some consideration of whether the size of the proposed retail unit could be reduced and accommodated in a sequentially preferred location. However, the application has been put forward on the basis of a single retail unit for a food store and I consider that there is limited flexibility to break down such a food store into individual elements that could be provided across a range of smaller sites. Furthermore, the application has been promoted on the premise that the food store would reduce the number of local residents doing their food shopping away from Thame. Clearly a smaller format food store is less likely to derive this ‘clawback’ and on this basis the applicant has proposed that a food store with a gross internal area of approximately 3,750 sq. m would be required as a minimum.

- 6.6 An independent review of this by GVA, who are acting on behalf of the council, agrees with this. It is apparent that there are no town centre or edge of centre locations

available for accommodating this size of food store and on this basis I consider that the sequential test is met. The only town centre location that could potentially provide a food store of this magnitude is the Cattle Market site. However development on this site is subject to Policy WS14 of the TNP and whilst this states that the principal use on the site is for retail, it specifically excludes proposals for food supermarkets. This policy has already been tested having regard to planning application P11/E2086 for a new supermarket and community centre on behalf of Sainsburys. The proposed supermarket had a gross floor area of 3,459 sq. m. The application was refused on 13th March 2013 for the following reason:

Policy THA1 of the adopted South Oxfordshire Local Plan and policy 8D-P1 of the submitted Thame Neighbourhood Plan recognise that the site is an important location within the defined town centre and requires a mixed use comprehensive development including retail, residential, offices, residential and non-residential institutions, assembly and leisure uses and car parking to ensure continued vitality within the Thame Town Centre. The application proposes a major supermarket (specifically excluded by the policies) and an inadequate community use building. The development is therefore contrary to planning policy and there is insufficient justification to permit a departure.

- 6.7 Since the above decision the TNP has been formally made part of the council's development plan. Policy WS14 of the TNP seeks to redevelop the cattle market for a mixed use with up to 3000 sq., m of retail but specifically to the exclusion of food supermarkets. The proposed development would continue to be contrary to this Policy and the TNP's vision for how the cattle market should be developed.
- 6.8 The TNP seeks to support Thame's shops and states that the best way to do this is to focus new retail development in the town centre. Policy WS1 of the TNP relates to locating new retail development in the town centre and states that permission will be granted (subject to all planning considerations) for new town centre uses in Thame town centre. Whilst the aim of the TNP to locate new retail uses in the town centre is apparent and supported by government planning policy and other development plan policies such as CST1 and CSTHA1 of the SOCS, these policies do not specifically exclude the principle of new retail development on sites outside of the town centre. There is no policy requirement to demonstrate need for new retail development, and if retail development, such as that proposed, cannot be located on a sequentially more preferable site and does not have a detrimental impact on the vitality and viability of the town centre there should be no 'in principle' objection to the proposal on policy grounds.

Benefits of the Proposal to Thame

- 6.9 The main food stores currently serving Thame, which are all located in the town centre, comprise a Waitrose, and a smaller Sainsburys and Co-op. The retail assessment submitted with the application identifies a catchment area whereby shops within Thame should have a greater influence than shops in other centres and where residents would look logically towards Thame for shopping than anywhere else. This catchment area has been further broken down to inner and outer zones with a total population of approximately 34,000. The assessment indicates that this population has a total expenditure of approximately £80 million for convenience goods. Therefore this is the approximate yearly amount that could be spent on convenience goods in Thame if all shoppers in the catchment area did their shopping in the town.
- 6.10 The retail assessment indicates that approximately 40% of available spend on convenience shopping is within stores outside of the catchment area of Thame. The main beneficiaries of this out of catchment shopping are supermarkets in Wheatley and

Aylesbury but shoppers also frequently go to stores in High Wycombe, Princes Risborough and Bicester. This represents a significant leakage of expenditure outside of Thame's catchment area and also means that many more vehicle miles are being travelled to and from these more distant stores.

- 6.11 Waitrose in the town centre dominates convenience shopping in Thame. Its net sales floor area is approximately 2000 sq. m and this is twice as large as the town centre Co-op and more than three times as large as the town centre Sainsburys. Of the approximate £50 million being spent on convenience shopping in Thame, Waitrose accounts for approximately £30 million of this, and is trading very strongly above its benchmark.
- 6.12 It is apparent that there is potential to 'claw-back' available expenditure from outside of Thame, and the submitted retail assessment indicates that the proposed food store would result in a reduction of about 27% in relation to convenience goods expenditure outside of Thame's catchment area. As well as retaining a greater proportion of expenditure within Thame, the supermarket would also represent an increase in choice of food store for local consumers and would invariably represent a significant asset to the retail landscape of the town for many of the local residents. By reducing trips outside of the catchment area the store would also encourage more sustainable shopping patterns, particularly having regard to the town's growing population. Having regard to these benefits it is not surprising that there is considerable local support for the development.

The Impact on the Vitality and Viability of the Town Centre

- 6.13 In terms of the planning balance the benefits of the proposal must be weighed against its negative impacts. Whilst there can be no in principle planning policy objection to the development having regard to its location, it is very clear that all planning policy for retail development seeks to locate significant new retail floor space within town centres if at all possible to encourage the vitality and viability of the centre. Having regard to the out of town location of the proposed food store the key issue is whether the development would have a significant adverse impact on the vitality and viability of the town centre.
- 6.14 As well as drawing trade from supermarkets in other centres, the new food store would also divert trade from the existing food stores in Thame town centre. Having regard to the evidence submitted with the application, at a 2019 convenience goods turnover of £15.88 million the new store would result in a diversion of £6.21 million from town centre convenience stores with the main diversion being from Waitrose. Applying a higher retail sales density figure of £11,500 (turnover of £20.3 million) as advocated by SODC's retail consultant for this application, the diversion in convenience goods expenditure would increase to £7.94 million, which represents a diversion of 17.5% of expenditure from town centre convenience goods stores with the main diversion from Waitrose.
- 6.15 Competition between retailers should not be stifled but also as Waitrose is trading very strongly at present, it is likely that the impact on the store would not be significant. However, Waitrose is the anchor store within the town centre and it is important to appreciate the knock-on effects of diverted trade from Waitrose to other town centre stores. Firstly it is beneficial to consider how healthy the town centre is in relation to its viability and vitality and to put Thame's comparison goods offer into context.
- 6.16 Thame has a compact and very attractive and historic town centre that provides a welcoming environment for shoppers and other visitors to the town centre. The shop

units within the centre are dominated by comparison stores and there are a high proportion of independent retailers within small units. The shopping offer is supplemented by service units including cafes and other leisure uses. There is a regular weekly market within the town centre and also regular farmers' markets as well as several specialist food outlets, including bakers, butchers and delicatessens, and it is apparent that the specialist food sector makes an important contribution to the diversity of uses within the town centre. There is a low level of vacant units within the centre, certainly when set against the national average, and this is a strong indicator of a viable trading centre. The TNP sets out provision for a further 3000 sq. m of retail space on the cattle market site and this forms part of significant planned investment within the town centre.

- 6.17 Although the town centre has a strong comparison goods presence it is apparent from the available evidence that its market share of expenditure on comparison goods is relatively low. This is a reflection of Thame's position within the hierarchy of shopping centres having regard to larger nearby centres such as Oxford, High Wycombe and Aylesbury. Much of the comparison goods retail offer in the centre focuses on specialist 'boutique' retailing, which is a reflection of the relatively wealthy local population.
- 6.18 Having regard to the specialist nature of much of the comparison goods offer in the town centre, the evidence indicates that the comparison goods to be provided within the new food store are not likely to be on a like for like basis and therefore the retail assessment indicates that the trade diversion on comparison goods from the town centre is likely to be relatively low at under £1 million compared to an overall comparison goods turnover of over £30 million. However, this does not take into account the impact on comparison goods trade in the town centre as a result of the trade diversion from the centre's convenience goods stores, particularly Waitrose.
- 6.19 Insufficient consideration has been given to the impact of the loss of linked trips to other town centre retailers arising as a consequence of trade diversion from Waitrose and other town centre food stores. As such the impact on trade diversion as assessed by the applicant is too simplistic and does not explore the interaction between the town centre food stores and the town centre as a whole.
- 6.20 The council's independent retail consultant has provided the following conclusions in respect of the development.

We estimate that the overall impact on the town centre will be in the region of -8.5%, with the convenience goods impact higher at -17.9%. Whilst Thame town centre is a generally healthy town centre, we hold the view that these levels of impact represent cause for concern. As set out in our previous advice, it is clear that the Waitrose store acts as the 'anchor' to the town centre, and therefore as well as direct loss of trade from this store, there will be qualitative impacts in terms of loss of footfall / linked trips with other retail and service operators in the town centre. MRPP have not considered this in detail in their assessment. We also consider that insufficient consideration continues to be given to the impact on independent / specialist convenience goods operators in Thame town centre.

On this basis, we are not satisfied that the proposed development will not result in a 'significant adverse' impact arising against Thame town centre, and on this basis the proposed development is contrary to paragraph 26 of the NPPF. Paragraph 27 of the NPPF is clear that such circumstances, the application should be refused.

- 6.21 The council has commissioned an updated Retail and Leisure Needs Assessment

(RLNA), which is nearing publication and this is expected to recommend that the council should seek to protect and support the comparison goods shopping function of Thame. The evidence provided within the RLNA has informed the emerging Local Plan 2032: Preferred Options consultation document, and at Para. 8.10 this document states:

Our Retail and Leisure needs assessment has shown that Henley, Wallingford and Thame would all benefit from additional convenience retail floorspace:

- *Henley – between 1,500 to 2,000m² food store*
- *Thame – up to 1,500m² food store*
- *Wallingford – 2,000m² food store*

The proposed policy for retailing in Thame within the consultation document states that 'Subject to the identification of a suitable site, proposals for a small format convenience/food store (up to 1,500m² net sales area) in Thame will be supported, and in order to provide for this additional retail space in the town centre, the document states that 'a review of the Neighbourhood Plan should consider whether a small-format food store would be appropriate in this location to meet the qualitative need for additional convenience floorspace in the town.'

- 6.22 There is an identifiable need for new convenience goods floorspace in Thame, but not of the quantum proposed, and the proposal would substantially increase the choice of convenience goods shopping in the town. However, in the overall planning balance Officers consider that the provision of the proposed food store would adversely affect the vitality and viability of the town centre, particularly having regard to there being insufficient evidence regarding the importance of linked trips between the town centre convenience stores and the remainder of the town centre uses. Although the new food store proposed would prevent leakage of convenience shopping outside of Thame's catchment area it is very unlikely that the shoppers clawed back to use the new food store would undertake linked trips to the town centre, simply due to the distance between the application site and the town centre. As such it is unlikely that the new food store would be of benefit to the wider town centre.

Employment considerations

- 6.23 The existing buildings on the application site comprise a total floorspace of approximately 12000 sq.m. All of this floor space is in Class B employment (offices, industry and warehousing). The proposed development includes the construction of new offices on the site with a total floor area of approximately 5700 sq. m with the retail development comprising a floor space of approximately 4800 sq.m. Therefore, the development would result in a net loss of employment floor space of over 6000 sq. m. This is a significant reduction along with there being a significant reduction in the likely land area of the site available for Class B employment and this should be considered in the context of national planning policy and relevant development plan policies.

- 6.24 Para. 22 of the NPPF states:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local

communities.

- 6.25 The applicant asserts that Policy WS12 of the TNP is at odds with this national policy position. Policy WS12 seeks to retain existing employment land in employment use and states that 'Existing employment sites outside the town centre boundary must remain in employment use (B1, B2 or B8)'. The supporting text of the Policy states that the redevelopment or change of use of redundant buildings to a non-employment use will only be permitted if the existing use is no longer economically viable and the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses.
- 6.26 Much of the floorspace within the existing buildings is still in active use, and therefore Para. 22 of the NPPF does not apply. Policy WS12 also does not apply to the current proposal as the existing buildings on the site are not redundant. However, the requirements of Policy WS12 are not inconsistent with Para. 22 of the NPPF as the policy allows for the release of employment land if it can be demonstrated, through marketing, that there is no reasonable prospect of the site being used for employment purposes.
- 6.27 The application retains approximately half of the existing employment floorspace on an area equating to approximately one third of the site. Therefore, there would be a considerable loss of employment floor space compared to the existing situation and an opportunity cost for the provision of B class employment across the remaining larger part of the site
- 6.28 The applicant has sought to explain that the proposed development would actually result in a net gain of employment across the site compared to the existing situation in relation to the use of the proposed officers by DAF Trucks and the employment potential of the new food store. However, this should be treated with caution as the existing buildings on the site are underused for employment compared to their potential, and also by not marketing the site the demand for Class B employment uses on the site has not been tested and if the site was used for its full potential it could generate considerably more employment opportunities than is the case for the proposed development irrespective of whether employment within the food store is accepted as a valid form of replacement employment for the Class B employment opportunities currently on the site.
- 6.29 In light of the above the loss of Class B employment on the site would conflict with Policy WS12 of the TNP. The council's South Oxfordshire Employment Land Review (ELR) dated September 2015 indicates that there is additional demand for both office and industrial space across the district of between 5.5 and 7ha for office space and between 10.5 and 17.7ha of industrial space up to 2031. The ELR advises that there are permissions in place to take account of approximately 70% of the office requirements but that there are only permissions in place to take account of approximately 1% of industrial requirements. The retention of the existing employment opportunities on the site would only serve to keep these requirements stable and clearly the loss of employment space would need to be taken into account and the requirements for new office and industrial space revised upwards.
- 6.30 Policy WS11 of the TNP allocates the land immediately to the east of the application site for 3ha of employment use. This allocation has now been realised through the development approved under application P14/S1347/FUL, which relates to industrial buildings with a combined floorspace of approximately 14,000 sq. m on an area of land corresponding to approximately 4.6ha. This represents an overprovision compared to the TNP expectations for the site but does not excuse the lack of retention of the

industrial and office uses on the application site due to the identified significant need for additional employment across the district.

- 6.31 The application indicates that the food store would generate 200 jobs, of which 100 would be full time. This represents significant employment generation and must be weighed into the planning balance. However, the loss of traditional employment opportunities within Class B employment uses remains a critical factor having regard to the requirement for additional employment land for this job sector. Furthermore, due to the adverse impact on trade diversion from the town centre, there is a likelihood that retail jobs within the town centre would be lost as a result of the proposal.
- 6.32 In your Officers' view the site represents a significant opportunity to retain Class B employment and through the lack of marketing and the currently active use of the site it has not been demonstrated, as required by Policy WS12 of the TNP, that the whole site is redundant or not viable for Class B employment development. This unmet requirement does not conflict with NPPF guidance.

Impact on the character and appearance of the site and the surrounding area

- 6.33 It must be emphasised that the application is in outline form with only the means of access to be considered in detail at this stage. However, having regard to the quantum of development as proposed it is reasonable to give some weight to the indicative details of the development, particularly with regard to the site's proposed land use in relation to the detailed access arrangements.
- 6.34 The site is currently developed with a range of functional commercial buildings comprising of warehousing, and offices. These buildings are substantial in size and in the case of the warehousing the building occupies a large proportion of the western half of the site and extends more than 100m across the site. The smaller office building occupies the north east corner of the site. The remainder of the main body of the site comprises car parking and open storage areas. The site has a relatively open frontage to Howland Road and landscape buffers to the road boundary and planting within the site help to considerably soften the visual impact of the development on the site. Public views into the site from the Phoenix Trail to the south are also softened by the boundary vegetation on the southern boundary, and the visual impact from private residential properties to the south, west and north is also mitigated through a combination of bunding and vegetation. In light of the strong landscape buffers to all boundaries of the site the development within the site is visually well contained.
- 6.35 The indicative site layout shows the proposed food store in a similar position on the site compared to the existing warehouse but occupying a much smaller footprint. The layout indicates that the proposed office building would be sited on the southern part of the site over an area of open but hard surfaced land. The area of the site currently occupied by the office building would be replaced with car parking to serve the food store and a petrol filling station. The indicative layout also proposes the retention, with modification, of the landscape buffers to the site boundaries. Although the layout is indicative it is likely to provide a reasonable impression of how the site would eventually be developed having regard to the amount of development proposed and the natural separation of the two different land uses. Overall the footprint of buildings on the site would be considerably less than with the current situation and also it is very likely that the proposed buildings would be lower in height compared to the existing warehouse building, which is approximately 11 metres in height. The indicative details of the proposed food store indicate a height of approximately 8 metres.
- 6.36 The final layout, appearance, scale and landscaping of the site are reserved matters

and would be fully considered under any further application for reserved matters approval. However, Officers are confident that the development as proposed could be provided on the site in such a manner to ensure that it would have no greater impact on the appearance of the site compared to the existing development. The important landscape features on the site, such as the landscape buffers and protected oak tree could be sufficiently protected and enhanced to provide a high quality built environment.

- 6.37 It should also be noted that the site is now screened in views from the countryside further to the east by the new industrial development on the opposite side of Howland Road.

Transport considerations

- 6.38 Only means of access is considered in detail under this application. The development would continue to utilise the existing access off Howland Road, which falls approximately equidistant between the two new accesses serving the new commercial development on the opposite side of Howland Road. The Highway Engineer is satisfied that this access would be acceptable to serve the development as proposed. Although the layout of the development is only indicative at this stage, the Highway Engineer is also of the opinion that the internal parking and manoeuvring areas indicated within the site are acceptable.
- 6.39 A Transport Assessment has been submitted with the application, and following assessment of the traffic generation from the development and assessments of the impact on local road junctions within close proximity of the proposed development site, it is unlikely that the additional trips generated or diverted by the proposed Tesco store will have any significant impact on the operation of the local highway network. The junctions assessed are all expected to continue to operate within capacity with minimal queuing expected, during any of the assessed peak hour periods including times of peak store trip generation. The Highway Engineer states that the Transport Assessment provides 'a fair and robust appraisal of the expected traffic impact.' In light of this the proposal complies with guidance contained within the NPPF, which states that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' (Para. 32).
- 6.40 Development plan policies and national planning guidance seek to encourage sustainable modes of transport by providing people with real choice about how they travel. Whilst the site is located in an easily accessible location by car and bus it is also accessible to a large number of people by bike and foot. New pedestrian links are proposed to the Phoenix Trail to the south and to Cotmore Gardens to the west and this will enable easy access to the site from the surrounding residential areas and the wider town in respect of movement along the Phoenix Trail. The indicative layout indicates that the new pedestrian routes from the south and west would be compatible with vehicular movements throughout the site. Cycle parking provision is proposed near the entrance to the store and this can be secured through any reserved matters approval.

Impact on Neighbouring Amenity

- 6.41 The application site adjoins existing residential development to the north and west and is only separated from further residential development to the south by the Phoenix Trail. The site is currently in employment use but it is apparent that it has not been used particularly intensively in recent years, particularly in relation to the warehousing area. There is certainly scope that the existing site could be used much more intensively and this needs to be borne in mind when assessing the impact of the proposed

development on the amenity of neighbouring occupiers.

- 6.42 Although details of the siting and appearance of the proposed development are indicative it is likely that the heights and overall scale of the development would be less compared to the current built form on the site. The indicative details also indicate that the food store would be sited no closer to the western boundary of the site and also not materially closer to the northern boundary to the north. The siting of the buildings is of course subject to change and further consideration under a reserved matters application, however, the indicative details provide some comfort that there should be no material impact on the nearest neighbouring properties to the north and west in relation to loss of outlook or light from the physical presence of the development. The neighbouring properties to the south would be adequately separated from the site by the Phoenix Trail and adjacent vegetation to also not be materially affected by the built form proposed.
- 6.43 The main changes to the current situation that would result in a change to the relationship of nearby residential occupiers with the site are the proposal to open up the site from the west through a new footpath link to Cotmore Gardens and also the proposal to open up the site from the south with the new link to the Phoenix Trail. Of these links, the one with Cotmore Gardens is more significant. At the present time the site is physically and functionally very well separated from the adjoining housing in Cotmore Gardens. For the majority of properties this separation would largely continue due to the retention of the landscape bund. However, the new link would provide a visual and functional link with the site making the presence of the development more apparent to nearby residents in Cotmore Gardens.
- 6.44 Several residents have expressed some concerns regarding security and noise implications of providing the new link. Clearly movement along the link would result in some disturbance to local residents and this is unavoidable. This disturbance and concerns regarding security along the new pedestrian route can be mitigated to a degree through physical measures such as lighting, footpath design, active frontages and boundary treatments, and such details can be secured through a reserved matters application. Noise disturbance would be intermittent and difficult to control, however, the majority of movements through the link are likely to be from local residents accessing the food store or potentially places of employment in the vicinity. Noise disturbance would also be controlled to a large extent through the store's opening hours. In your Officer's opinion the potential impacts of the link would not be significant and would be outweighed by the benefits of the link in terms of connecting the site to the neighbouring residential areas and promoting walking and cycling.
- 6.45 The link to the Phoenix Trail would not pass adjacent to any residential properties and would merely serve to provide a convenient access to the site from the already existing and well used section of the Phoenix Trail. As such the impact of the link on the amenity of residential properties to the south is unlikely to be significant.
- 6.46 The indicative layout shows the petrol filling station (PFS) located towards the site's frontage with Howland Way. Assuming that the PFS would remain in this logical position it is likely that it would result in disturbance to the amenity of neighbouring residents immediately to the north through noise and lighting disturbance. In this regard Officers consider that the PFS should be subject to the same operating hours as the food store.
- 6.47 In order to mitigate the impact of the development on neighbouring amenity Officers consider that various conditions should be imposed in the event that planning permission is granted, including a restriction on the opening hours of the store and

PFS, and deliveries to between 7am and 10pm. With such conditions in place Officers do not consider that the proposed development will have a significantly adverse impact on the amenity of neighbouring occupiers.

Other Material Considerations

Archaeology

- 6.48 The site is located in an area of archaeological interest being located to the west of an area of Roman settlement. The County Archaeologist does not object to the proposal but recommends conditions are attached to ensure that any archaeological remains are properly recorded.

Public rights of way

- 6.49 A public footpath (Thame Footpath 13) runs inside the site alongside the southern boundary and part of the western boundary. This footpath has not been used for a number of years but remains part of the definitive rights of way network and as such the route of the footpath must be accommodated by the development unless it is formally stopped up or diverted via S257 of the Town and Country Planning Act 1990. The presence of the footpath does not prevent the grant of outline planning permission, and having regard to the alignment of the footpath along the boundary there is no reason why the footpath cannot be accommodated as part of the full details of the development as would be required under reserved matters applications.

Tree Impacts

- 6.50 A mature oak tree close to the southern boundary of the site is now subject to a confirmed Tree Preservation Order. This tree is an important constraint to the development, however, there is no reason why the layout of the development cannot take this tree into account and allow its long term preservation. There are no other significant trees within the main body of the site. The vegetation within the landscape buffers to the boundaries of the site are important features of the site and their retention is indicated on the proposed indicative plans and this can be secured through reserved matters applications.

Ecology

- 6.51 The site has been subject to general habitats surveys, specialist surveys for reptiles, badgers and bats. No habitats of national or local importance have been found on the site and the proposed development would not lead to any impacts on off site habitats of importance. A number of recommendations are outlined in the ecological report to help protect a population of slow worm and other measures that would result in a biodiversity gain on the site are also proposed.

Contamination

- 6.52 Both the Environment Agency and the council's Contaminated Land Officer have recommended that investigations for any contamination on the site are carried out having regard to the site's industrial use. The site lies over a secondary aquifer and ground water may be relatively close to the surface, which would be particularly vulnerable to contamination. These matters could be dealt with through suitably worded conditions.

Drainage

- 6.53 Sustainable drainage systems (SuDs) should be used in the detailed design of the development and such systems should be incorporated fully into the design of the development at the reserved matters stage.

Sustainability Measures

- 6.54 Policy CSQ2 of the SOCS requires that for proposals for non-residential development above 500 m² floor space it can be demonstrated that the proposal will achieve at least BREEAM 'Excellent' standard. The Environmental Sustainability Statement submitted with the application advises that a lower BREEAM standard of 'Very Good' is being targeted. The Statement infers that this should be acceptable as the council accepted a 'Very Good' standard in respect of the proposed Sainsburys supermarket on the Cattle Market site. However, this application was submitted prior to the adoption of the SOCS and as such is not directly comparable to the current proposal. Later applications for food stores in the district such as Aldi in Broadway, Didcot (P13/S3489/FUL) and Morrisons in Wallingford (P12/S2563/FUL) were granted planning permission subject to conditions requiring the development to meet a BREEAM excellent standard. In the event that planning permission is granted a similar condition should be applied to this development.

Relocation of DAF

- 6.55 DAF Trucks Ltd is currently based on the site and is an important local employer, however, DAF's occupation of the site is on a leasehold basis. The proposed development facilitates the relocation of DAF within the site within the proposed office building. The retention of DAF on the site would be of considerable benefit to the local economy but there is no guarantee that the company would remain on the site even with the grant of planning permission. As such justification for the development in relation to securing the future of DAF on the site should only be given limited weight.

Health and Safety Issues

- 6.56 The site lies close to BOC Ltd, which is a hazardous installation to the south of the Phoenix Trail. The development would be outside of the consultation zones of this installation and as such consultation with the Health and Safety Executive is not required and there are no reasons to resist the development due to proximity to BOC Ltd.

Planning Obligations and Community Infrastructure Levy

- 6.57 The applicant has provided a draft heads of terms regarding matters to be secured via a planning obligation. These include financial contributions towards improvements to bus services, the provision of local bus stop facilities, the creation of the Haddenham to Thame cycle link, improvements to access links between the site and the town centre and traffic regulation orders as required in the vicinity of Cotmore Gardens in relation to the proposed pedestrian link. These terms reflect the requirements expressed by Thame Town Council and the Highway Authority.
- 6.58 The council adopted the Community Infrastructure Levy (CIL) on 1 April 2016 and since this date financial contributions for off-site works will not be able to be secured through S106 obligations unless directly related to the proposed development. However, exemptions to the CIL funding of infrastructure is site specific transport infrastructure including any works necessary for vehicle, cycle and pedestrian access and/or public transport on or adjacent to the site as a result of the development,

mitigation works remote from the development site where the need for such works is identified in a Transport Assessment and works associated with a S278 agreement, or planning conditions. In light of the above matters I consider that the completion of a S106 obligation would remain the correct mechanism for securing the required contributions. Having regard to Policy D12 of the SOLP and the Section 106 Planning Obligations SPD a contribution for public art will be required for the development. To date no such obligation has been completed.

- 6.59 The development will also be CIL liable and the charging schedule for new supermarkets is £70 per square metre. The office development is not CIL liable. The chargeable amount for CIL would be calculated once full details of the development is provided under a reserved matters application.

7.0 CONCLUSIONS

- 7.1 The proposed food store would provide a greater degree of convenience shopping choice for local residents and would help to reduce convenience shopping leakages to stores in other nearby centres. However, the food store would also divert considerable trade from Thame town centre and there is insufficient information to demonstrate that the diversion of this trade would not result in the loss of linked shopping trips to the town centre. As such the proposed food store would have a significant adverse impact on the vitality and viability of the town centre.

- 7.2 The application site is currently in active employment use. The proposed development would result in a considerable loss of floorspace currently in use or available for use for Class B employment purposes. The site has not been marketed for employment purposes and it is not therefore possible to conclude that the site is surplus to requirements for Class B employment uses. Whilst the food store would generate employment, this does not fall under Class B employment uses and would not facilitate the provision of Class B jobs for which there is a considerable requirement across the district.

8.0 RECOMMENDATION

- 8.1 **That planning permission is refused for the following reasons:**

- 1. The application site is located on the eastern edge of the built up area of Thame and is located outside of the town centre. In this location the provision of a supermarket of the size proposed would divert trade from the town centre and would have an adverse impact on its viability and vitality. The proposal would therefore undermine the important economic and social role of the town centre and the ‘town centre first’ policy and would be contrary to Policies CS1, CSS1, CST1, and CSTHA1 of the South Oxfordshire Core Strategy, Policy TC7 of the South Oxfordshire Local Plan 2011 and the objectives of the Thame Neighbourhood Plan and National Planning Policy Framework and related guidance within the National Planning Practice Guidance.**
- 2. The application site lies outside of the town centre boundary and is currently in active employment use. In relation to the requirements of Policy WS12 of the Thame Neighbourhood Plan, the site is not redundant for employment use but, notwithstanding this, it has not been marketed for either the existing employment use or any other suitable employment use. As such it has not been demonstrated that a continuing Class B employment use of the whole of the application site is economically unviable. Therefore, the proposal is contrary to Policy WS12 of the Thame Neighbourhood Plan and Policy E6 of the South Oxfordshire Local Plan**

2011 and the objectives of the National Planning Policy Framework.

- 3. The application fails to secure infrastructure necessary to meet the needs of the development, contrary to policy CS11 of the South Oxfordshire Core Strategy, D12 of the South Oxfordshire Local Plan 2011 and Policy D1 of the Thame Neighbourhood Plan.**

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