

KIDLINGTON PARISH COUNCIL

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Clerk: Mrs Patricia Redpath D.M.A.

Bob Duxbury BA (Hons) MRTPI
Development Control Team Leader
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Cherwell District Council

Dear Bob,

29th December 2016

Application 15/01872/F: Midlands Cooperative Society and Cantay Estates Ltd

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination **must be made in accordance with the plan unless material considerations indicate otherwise.**

Kidlington Parish Council has always maintained support for the principal of appropriate mixed use of residential and retail development on this site.

However, the Parish Council retains its objection to this particular proposal which it believes has diverted from the adopted Part 1 Local Plan without proving that "material considerations" indicate otherwise. Planning Practice Guidance describes a material consideration as "***one which is relevant to making the planning decision in question***".

The Parish Council reminds the Planning Committee that the Kidlington Framework Master Plan was adopted by Cherwell District Council on 19th December 2016 and is therefore a material consideration.

The Parish Council supplements its earlier objections as follows:

1. LOSS OF RETAIL SPACE

Policy Kidlington 2 (Strengthening Kidlington Village Centre) states that: "residential development will be supported in appropriate locations in the village centre **except where it will lead to a loss of retail** or other main town centre uses.... Mixed use schemes will be encouraged"

The Parish Council previous objection highlighted that the loss of retail space **will** be detrimental to the vibrancy of the Kidlington centre and contends that:

- No retail impact assessment has been carried out to justify the loss of retail floor space i.e. it has not been demonstrated that the need for housing on the site outweighs the need for retail use; nor
- Despite the fact that the Co-Operative have suggested that it may not be economically viable for them to operate their retail facility as it currently stands, no evidence has been given to suggest that the use of the site for other retail purposes has been tested;

Moreover, the Monitoring Framework set out at Appendix 6 of the Local Plan includes reference to Policy Kidlington 2 and sets out local plan indicators and targets to demonstrate that the policy has been complied with. Targets include:

- Maintain or improve the balance of uses within the town centre over the plan period (p383) and
- **No net loss of town centre use floorspace within Kidlington Village Centre (p384)**

The Kidlington Framework Master Plan Theme 3 (6.3) refers to Policy Kidlington 2 stating that the Local Plan "*recognises that it is important that the Village Centre is supported and strengthened to help meet the aspirations of Kidlington and to ensure that the everyday shopping needs of residents are met, avoiding the need for unnecessary journeys to Oxford, Bicester and other destinations.*"

2. DESIGN AND CONNECTIVITY

Policy ESD 15 (The Character of the Built and Historic Environment) of the Cherwell adopted Local Plan says that "*Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context, new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.*" It says that new development proposals should:

"Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages."

Policy ESD 15 also promotes "*permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through*". The Parish Council believes that the submitted application in the context of the Kidlington village centre contravenes both **Policy ESD 15** and **Policy C235** of the Local Plan which aims to "*assist with the connectivity between the existing village centre and the civic, community and green open space of the Exeter Hall area.*"

This is reflected in the Kidlington Framework Master Plan which Theme 3 (3.3.6) of creates the objective "*to physically integrate Kidlington's neighbourhoods, village centre and employment areas*", and Theme 6 (6.3.1) – "*Potential for an improved network of secondary pedestrian routes ... to increase connectivity between east and west.*"

Much work has been done through the Kidlington Health Check Action Plan to note the necessity of good connections between the estates located on the east of Oxford Road and the High Street shopping centre to the west, with the promotion of footpaths and cycle routes through Exeter Close towards the centre. The route through the existing Co-Operative car park, though informal, has been a common pedestrian route for decades and is a valuable contribution to this connectivity.

The Council's Design and Conservation Officer did not think that the proposal was policy compliant and the revised plans submitted by the Applicant did not address the concerns of the Officer i.e. there was no meaningful reduction in density, no reduction in the number of units and no significant change to the design and massing of the proposal; **nor provision of pedestrian linkage between the High Street and the Exeter Close civic site.**

The Monitoring Framework set out in Appendix 6 of the Local Plan includes reference to ESD15 (p377) and gives a target of:

- **No permissions granted contrary to design consultee advice on design grounds**

3. **AFFORDABLE HOUSING**

There is no provision within the application for on site affordable housing which is against the Local Plan policy for Kidlington that any development over 10 units provides 35% of its units as affordable housing.

Policy BSC 3 (Affordable Housing) states that "*at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. All qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30 % as other forms of intermediate affordable homes,*"

The applicant claimed that provision of affordable housing in accord with Policy BSC 3 was unviable and complied with an Open Book assessment. The offer from the Applicant on the claim

of unviability is for eight discounted private rented flats at 75% market rental value with full nomination rights to the Council for a period of 25 years. No permanent affordable housing is being offered.

Kidlington Parish Council commissioned its own assessment of the viability appraisal and whilst the Parish Council has not seen the appraisal - which was provided to its consultant on a confidential basis - the Parish Council is aware that the assessment was undertaken on a valuation of the property as existing. This approach to valuation, suggests a potential for **continuance of the existing use** which appears contradictory as a calculation on an existing use value - by its very nature - assumes a continuing demand for the property whereas the applicant justifies the loss of retail floor space as a claim for its retention being non viable.

The Planning Authority has a five year land supply within the current adopted Part 1 Local Plan with no **current** pressing need for additional land to be released for housing. Material considerations (i.e. housing need) therefore do not appear to indicate that the development plan should be departed from in this instance.

4. OVERDEVELOPMENT AND HEIGHT

In terms of Policy Villages 1, this policy states that "*proposals for residential development within the built-up villages (including Kidlington) will be considered having regard to the categorisations below.*" "Minor development, infilling or conversions" are the only type of development listed against Kidlington. The Application is not a 'minor' development within the context of the village centre of Kidlington.

The Parish Council has already commented that the Design and Conservation Officer did not think that the design was policy compliant. The revised plans submitted by the Applicant did not address the concerns of the Officer with no meaningful reduction in density, no reduction in the number of units and no significant change to the design and massing of the proposal.

Kidlington Parish Council and local residents have complained about the height of the proposal as being unsympathetic with the neighbouring street scene i.e. there are no 4 storey residential buildings in the area and Sterling Road Approach – where the development will be located - abuts Exeter Road which is normal two storey residential dwellings.

The Parish Council repeats its earlier comment that there should be:

- **No permissions granted contrary to design consultee advice on design grounds**

5. COOP CAR PARKING AREA


The Parish Council continues to question the access to the Coop car parking and service area as [proposed, and whether there is sufficient space for large vehicles to pass or if there is danger that vehicles will back up in Sterling Road Approach.

Furthermore the Parish Council believes that there is insufficient shopper parking remaining on the site which will have a detrimental effect on the vitality of the Kidlington Centre and is therefore **contrary to Policy Kidlington 2 of the adopted Local Plan.**

6. DEVELOPER CONTRIBUTIONS AND OTHER MATTERS

The Parish Council considers the full range of s106 contributions as requested by the Parish Council and Oxfordshire County Council be obtained for this development if permission is granted; plus affordable housing in accord with Local Plan Policy. It seeks the appropriate mix of some rented and social ownership housing. Without the full range of s106 contribution there is no justification for a planning permission as an exception to Local Plan Policy Kid 2.

Yours sincerely


Patricia Redpath
Clerk to the Council

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Dear Bob,

29th December 2016

Application 15/01872/F: Midlands Cooperative Society and Cantay Estates Ltd: Retail and Office Impact Assessment

The Parish Council and its planning adviser have considered the Retail and Office Impact Assessment by DPDS and have noted that Para 1.2 highlights the competing objectives within the wording of Local Plan Policy Kidlington 2 that:

"Residential development will be supported in appropriate locations in the village centre except where it will lead to a loss of retail or other main town centre uses"; and:

"The change of use of sites used for main town centre uses in the Village centre for residential development will normally be permitted if proposals contribute "significantly to the regeneration" of the Village centre. Mixed use schemes will be encouraged."

The Parish Council is therefore of the view that the test is whether the proposed development as a whole contributes **significantly to the regeneration** of the village centre. The question should be to what extent does developing the site (which is mostly a car park - currently serving parking for multiple shopping visits in the village centre as well as the Coop) with a single use scheme of 52 flats constitute **significant regeneration** of the village centre? The loss of a significant area of parking is in itself detrimental to long term policy objectives of the Local Plan Part 1 and the recently adopted Masterplan to regenerate the central shopping area.

Para 2.1 claims that the centre is large for a village but ignores the fact that Kidlington is one of only three "urban centres" within Cherwell District. Paragraph C.1218 of the adopted Local Plan Part 1 states that Kidlington is both an **urban centre** and a **village**".

It is a village in name only and the current centre is not considered to be large for the size of the population, and this is reflected in Para 2.2 which identifies a lack of vacancies giving clear evidence that the village centre is thriving. Furthermore Para 2.7 even describes the extremely low vacancy rate as "startling", and nothing in the DPDS assessment says anything other than the centre is in very good health (e.g. paras. 2.22, 2.23, and 3.15). Anecdotal evidence indicates that shoppers come to Kidlington BECAUSE of the good parking. Loss of the Coop car park could also have a potential impact on that situation.

Paras 2.20, 2.21 and 3.6 - If the Co-op wishes to "reduce its floorspace on the village centre" because the store is currently "not attractive to customers", why can't more be done to improve its attractiveness to customers, rather than having to lose 67% of its retail floorspace?

Para 3.6 notes that there is considerable opportunity to use the floor space more efficiently and this used to be the case in the current Coop. many items previously sold in the store have now been discontinued e.g. soft furnishings, garden equipment, cookery items, toys etc. The Coop has not provided evidence as to why these non food elements – which are still on sale in other large Coop stores e.g. Witney- have been withdrawn,

Potentially, another retailer could utilise the available floorspace better so that it is more attractive to customers.

Paras 2.23 and 4.1 - It is not correct to describe the catchment area as "quite small to support a district centre". As stated, Kidlington is one of the three (only) urban centres within Cherwell District. There is a current public consultation on where to provide the 4400 house allocation to meet "Oxford's Unmet Need". The area of search for these houses is in and around the Kidlington area. The consultation includes a review of the Green Belt that will need to be in accordance with the NPPF. This consultation as part of the Local Plan Review Part 1 represents a material change in circumstances. Whilst this is an early consultation Cherwell DC has given a commitment to addressing the unmet housing need for Oxford that has the potential for a significant impact upon Kidlington, in particular the need for the shopping centre to service a substantially larger population

Given Kidlington's current size and population, it is already used by a number of villages that form the local hinterland for retail and this need will increase with anticipated enlarged population of the area to meet Oxford's needs. The retail assessment refers to other shopping centres that take away some of the demand from Kidlington. Of these Summertown serves a completely different market and Woodstock residents frequently travel the short 3.6 miles preferring the larger Coop and alternative shops to the smaller Coop in Woodstock centre with its restricted parking. There is also now four bus services an hour between Kidlington and Woodstock which will further increase the flow of shoppers that was introduced in December 2016. It is also extremely unlikely that anyone in the Kidlington area would travel to Headington on a regular basis. The Headington shopping centre has poor parking facilities and is a difficult 6.9 mile journey away from the centre of Kidlington and even further from the Kidlington hinterland. The Retail Assessment provided no substantive evidence that these centres took away business or competed with the centre of Kidlington.

It is interesting to note that an exercise undertaken in Kidlington High Street on three consecutive Saturdays prior to Christmas – undertaken to publicise the consultation on the additional housing proposals for the area – not only revealed a large number declining to contribute because "I don't live in Kidlington" but among those who signed up and gave addresses there were people from Abingdon, Begbroke, Bicester, Bladon, Bletchington, Cassington, Cumnor, Eynsham, Gosford, Hampton Poyle, Islip, Kirtlington, Otmoor, Oxford, Tackley, Upper Noke, Weston On the Green, Witney, Wolvercote, Woodstock, Wooton-by-Woodstock, Wytham and Yarnton.

It is clear that in spite of the current limited retail provision of the Kidlington High Street Centre that there is an attraction from outlying areas that is probably due to the good parking facilities available, which reinforces the point that without a retention of a substantial amount of the car park opportunities to regenerate the centre are being lost.

Para 2.4 - The comment that "the commercial indicators suggest that commercial development would now be difficult" is not informed by the likely population growth of Kidlington (i.e. to help meet Oxford's Unmet Need) and the consequent increase in retail demand.

Paras 3.9, 3.12, 3.14 and 3.15 – as the population of Kidlington is likely to increase even more substantially (i.e. to help meet Oxford's Unmet Housing Needs), which will further support the vitality and viability of the village centre – hence the greater need to retain existing retail floorspace. Even with the issue of Oxford's Housing Needs the adoption of the Kidlington Masterplan as an SPD represents a material change in circumstances for dealing with the potential loss of retail space in the centre of Kidlington.

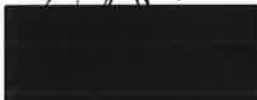
Paras 3.14, 3.15, 3.20 and 4.3 There has been no market testing so it is **not known** if there is **(3.14) "little evidence of demand" and to substantiate the "doubt there would be a ready demand"** to sub-divide the existing store – either lengthwise (i.e. fronting High Street) or sideways (i.e. fronting Sterling Road Approach).

CONCLUSION

The District Council should be seeking to **enhance** the vitality and viability of the village centre , not just avoid **significantly weakening** it at a time when the population catchment is set to increase. Once lost, it will be difficult to replace retail floorspace and car parking given that current residential land value within the village centre – e.g. the current planning application is for a single use scheme of 52 flats.

The need for the Coop (Paras 3.5 and 3.6) to rationalise its floorspace does **not**, in itself, provide a justification for the loss of overall retail floorspace within the village centre.

Yours sincerely



Patricia Redpath
Clerk to the Council

