

Application No: 10/01347/F	Ward: Banbury Neithrop	Date Valid: 06/09/2010
Applicant:	Premier Inns Ltd & Kraft Foods Ltd	
Site Address:	Land At Kraft Foods, Southam Road, Banbury	

Proposal: 4 storey Premier Inn, part 2 storey, part 1 storey Beefeater Restaurant, car parking, access, access over stream

1. Site Description and Proposal

- 1.1 The site is within the existing boundaries of Kraft General Foods. It is located in the south eastern corner of the larger Kraft site and fronts onto Southam Road. The red line site mostly consists of an open grassed area but does accommodate a small pre-fab type building. The southern boundary of the site is set in from the boundary of the Kraft site. However further to the south is a public footpath that runs to the properties on Garden Close, off Nursery Drive. The footpath runs between the boundary of Kraft and the Cemetery.
- 1.2 There are some substantial trees on the site the most predominant of which are located along the boundary of Southam Road. None of the trees are protected by Tree Preservation Order. The site will be accessed from Southam Road, via an access that has not yet been constructed but which was originally approved in 2001, later renewed in 2006 and was part of a previous scheme for development in 2008. As it stands there is still an extant planning consent for the access onto Southam Road.
- 1.3 The proposed development consists of a three to four storey 100 bedroom hotel and a restaurant accommodating 220 covers and two bedsits units for staff. The hotel is proposed to be located on the southern section of the site, with its longest four storey element running parallel with the public footpath to the south, but set approximately 16 metres in from the boundary. The element along Southam Road reduces to three storeys and is set approximately 18 metres from the pavement/highway boundary. The design of the hotel is quite modern with a prominent corner feature. Shallow pitched roofs are proposed to be covered in grey concrete tiles whilst the walls are proposed as render and timber cladding.
- 1.4 The restaurant is also set approximately 18 metres from Southam Road and is more traditional in its design with a more domestic appearance and scale. It uses the same roof material but also utilises natural Hornton stone and render.
- 1.5 The development comprises 168 visitor car parking spaces, one light good vehicles parking space and 16 cycle bays.
- 1.6 **Relevant Planning History**
08/02046/OUT – Erection of 12 no. units with B1, B2 and B8 uses and new access from Southam Road. **Approved 6 March 2009**

06/00486/F – Renewal of 01/01152/F – 2 No. storey offices above 1 No. level of car parking, new link to existing offices, **new goods vehicle access**, modifications to existing access and new gatehouse. **Approved**

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour notification letters. The official end of the consultation period was 7 October 2010 although all correspondence received to date has been considered.
- 2.2 16 letters/emails of objection have been received. A large proportion of the letters/emails are from existing hotels and guesthouses. The main reasons for objecting are set out, in summary, below;
- Budget hotel and Beefeater within walking distance of Parsons Street and Market Place will adversely affect individual restaurants, pubs and B&B's who have struggled throughout the last couple of years to remain in business.
 - The town will lose its integrity and individuality
 - Premier Inn have had an application refused in Kings Lynn on grounds that town would lose vitality, a brave but economically prudent decision.
 - There are only five towns in the UK with similar size populations to Banbury that support two low cost hotels and Banbury already has two – The Holiday Inn Express and the Wobbly Wheel. None of these have 100 rooms in total
 - Will the Wobbly Wheel (also Premier Inn) continue operating or will it close resulting in job losses?
 - If this application were approved and the existing Premier Inn at Wobbly Wheel continues to operate it will give Premier Inn an unfair monopoly on bedrooms in the area
 - Long list of pubs that have already closed recently in town, it is understood that Council approved permission for change of use of the Woolpack to flats as the business was no longer viable. Therefore how can Council then agree there is sufficient business to sustain a Beefeater. Allowing this application would give two potential grounds for judicial review; bias and perversity. It is unlikely that bias would be found to have existed but perversity is more likely to be found given the short period of time between allowing a development based on lack of viability and approving a development which opposes that view. Such a procedure could be costly. On the grounds of perversity alone the application should be refused.
 - The development will compromise existing pubs, restaurants and accommodation, empty units give the appearance of a failing town and the development will exacerbate the problem
 - There will be an imbalance of accommodation as the number of 'budget bedrooms' will far outnumber the other accommodation providers
 - Businesses such as Automotive Products, Alcoa and Hella brought a lot of people into the area who needed accommodation, following their closure local businesses have suffered
 - Selling off the land for development could assist in Kraft leaving Banbury, with a loss of jobs and the knock on consequences of the impact on the support services
 - Tourism will suffer as visitors will not need to venture into the town centre as everything they need can be found outside of the centre
 - Local businesses spend their revenue locally whereas a large multinational chain does not do this.
 - Food is sourced through national contracts and is cook-chilled so don't require a proper chef, reducing the money paid in wages. Any revenue goes to central funds of company. Whitbread would remove huge sums from the local economy to London.
 - The new hotel and restaurants at M40 have already resulted in other closures, a reduction in occupancy levels and the diversion of potential

users of the town centre facilities. For example Avonlea guest house operated at 72-78% occupancy prior to Holiday Inn being built, it now runs at 55% occupancy

- Since opening Holiday Inn Express all hotels and guest houses have had to drop their prices by about 25%
- Southam Road is already congested, the new hotel and restaurant will worsen the situation causing increased hazard for road users and pedestrians, including pupils at the school and residents at McCarthy and Stone.
- The highway will need to be widened
- Avonlea Guest House had a refusal of a planning application on the basis of traffic therefore it would be perverse to allow this proposal.
- Increased delays along Southam Road – may impact emergency services and their ability to get to incidents
- How will the hotel provide 70 new jobs – they offer low prices due to low operation costs achieved by providing limited services and using contract cleaners, generally bought in from outside town with no benefit to area. A more realistic figure based on other Premier Inns is 6 full time and 20 part time jobs.
- Other hotels and restaurants and pubs have closed due to the over-capacity of the town and this facility will increase the chance of a full service hotel and remaining pubs closing. These existing facilities make the town attractive and are the essence of the character of the town.
- The closure of another facilities will result in other job loses.
- Cemetery will be compromised and atmosphere damaged
- The cemetery will need room to expand when it becomes full, the land at Kraft has been for sale for some time, why has the Council not acquired the land?
- The area already suffers from smells from Kraft, Fine Lady and the chocolate factory
- 'Branded' buildings are not in keeping with the market town or the historic image of Banbury
- The environmental impact to the town and its infrastructure should be considered – with a new build development there should be some insistence on renewable energy use as well as the promotion of a carbon neutral building with provision for cyclists
- The layout of the buildings is not appealing as viewed from street level
- Access to the buildings is not adequate for pedestrians
- Consider it would be better to have the buildings parallel to the street – more consistent with buildings positioned south of the adjacent cemetery along the same street
- A service road in front of the buildings with two lanes, one for parked cars and another for passing vehicles would be useful
- A service road could be provided perpendicular to the street to provide access to service vehicles – the area enclosed behind the buildings could be used for gardens for the proposed restaurant and hotel
- The Draft Core Strategy Consultation Document (Feb. 2010) states at Para, A.170 that a tourism study was completed for the District in August 2008. There has recently been a 50% increase in hotel bedstock. The study suggests that there is no significant need to provide new hotels in the district.
- PPS4 states that hotels and restaurants are classed as town centre uses. It also states that LPAs should identify sites in the centre, or failing that on the edge of the centre, capable of accommodating larger format developments where a need for such development has been identified – it is clear that

there is no identified need.

- PPS4 makes it clear that in reaching decisions on such applications protection of the vitality and viability of town centres is paramount.

2.3 Two lists containing 56 signatures have been submitted supporting the following statement;

'We the undersigned object to the above planning application as we believe it will have a detrimental effect on the vitality of Banbury, damage local employment and tourism, and have a detrimental effect on traffic problems in Southam Road.

2.4 The Council has also been copied in on a small number of emails received by the Local Highway Authority that express concern about the adequacy of Southam Road and its ability to cope with additional traffic from the development.

3. Consultations

3.1 **Banbury Town Council** objects to the application for the following reasons;

The amount of traffic resulting from the development onto an already congested road would cause further traffic problems at peak times. Motorists already have difficulty exiting Marley Way onto Southam Road and a busy junction on the opposite side of this road would be both dangerous and cause further congestion. They suggested that, if this development were to take place, consideration should be given to the installation of a roundabout, which would help the traffic moving. Any development should ensure the retention of the trees that currently screen the area from Southam Road. Any development should ensure that the retention of the trees that currently screen the area from Southam Road.

3.2 The **Local Highway Authority** considers that recommending refusal on highway safety grounds would not be appropriate or sustainable at appeal. In summary the comments are as follows;

- Methodology to establish traffic base data is acceptable – however survey needs to be updated to show current traffic movements
- Accident data needs to be updated
- The trip rate assumptions have been checked and are deemed reasonable
- Traffic movements from the approved use (08/02046/F) will be higher than the proposed use therefore in terms of highway safety and capacity an objection on traffic grounds would not be appropriate.
- The access has already been approved through previous applications. Vision is acceptable and appropriate off-site infrastructure is to be provided via a S278 agreement.
- The maximum parking standards are not met i.e. 10 short, however with both uses sharing the parking spaces and parking restrictions along Southam Road it is my opinion that a highway refusal on parking grounds would not be appropriate.
- The 8 disabled parking spaces being provided meet the required standard and are located in appropriate locations.
- The proposed cycle parking is acceptable for the restaurant use; however it is unclear if the hotel is being provided with any. Cycle parking is to be sheltered, secure and to be of a Sheffield style stand
- Drainage of the site is essential and must accord with SUDS
- The development will place additional peak hour demands on the existing transport infrastructure and services within the area therefore a financial contribution towards the transport strategy of Banbury is required.
- Conditions are recommended in the event of an approval

- 3.3 The **Council's Planning Policy Team Leader** has commented only on the formal local policy position, leaving assessment of national planning policy (PPS4) to the case analysis (see below). Though it is important to note that the Development Plan for Cherwell is not up to date in respect of its economic development and town centre policy framework, current Cherwell policy documents, including the non-statutory local plan and the emerging LDF Core Strategy, embody the principles set out in PPS4. Internal policy comments raise no specific local concerns but note some relating to the submitted Planning Statement. In particular there is some uncertainty that the representation of what the Employment Land Review 2006 says and why is correct, though this in itself does not raise a concern with the proposed development. These issues are taken into account in the overall appraisal below.
- 3.4 **Thames Water** recommend standard informatives and conditions relating to waste and surface water drainage.
- 3.5 **Thames Valley Police Crime Prevention Design Advisor** has no objections to the proposal but suggests there is an opportunity to reduce the potential for crime by installing external CCTV. This would be particularly helpful in combating autocrime. The parking bays on the NE boundary are more than 80 metres from the hotel, while about ten of the bays near the SW/NW boundary have no surveillance from active windows.
- 3.6 **The Council's Landscape Officer** commented on the application as submitted but will be providing further comments in relation to amended plans. Initial comments included,
- Suggestions in the Ecological Report for improving biodiversity have been ignored
 - No plans have been made to incorporate the stream into the development
 - Site is next to cemetery so could form a larger site suitable for wildlife if well designed.
 - The native hedges shown on the plans are not suitable for birds due to their size
 - Don't like the trip rails shown on the indicative plans
 - Wild flower seeding is unlikely to grow under existing trees
 - Structure planting species are limited and uninteresting
 - There could be additional tree planting in the grassed areas to replace those which will need to be removed
 - *Tilia cordata* will attract aphids which would not be a good idea in parking areas
 - Proposals lack definition and a strong landscape structure. Use of strong hedgelines, new tree planting and bold structures would give more clearly defined areas and a better visual appearance.

In response to the receipt of amended plan it is considered that most of the concerns have been addressed but more could be done in relation to the planting, however this can be dealt with through a condition.

- 3.7 The **Council's Economic Development Officer** has made the following comments in summary;
- The proposed investment of several millions of pounds into Banbury by a major operator of hotels and restaurants is in principle to be welcomed, although it is important to consider the detail and wider implications of this proposal.
 - Banbury was acknowledged (in 2007) as already operating at near capacity in the business tourism market. Other hotel occupiers include leisure visitors

and those visiting friends and family.

- This proposal does not appear to contribute to increasing the number of conference venues catering to 30+ delegates as the Economic Development Strategy indicates.
- The applicant clearly believes through local experience and research elsewhere that there is scope to increase provision (and competition) at a budget level. This sector has experienced considerable growth across the UK in recent years it is therefore reasonable to consider that construction of the proposed hotel would increase the number of hotel nights spent within the town/district.
- Discussion of budget hotels is not clearly defined, controllable or arguably relevant
- Increased competition is likely to cause concern to existing hoteliers. It may be necessary for other businesses to also identify new opportunities and to adjust and enhance their business models. Resultant beneficiaries will be visitors to the town whom will be provided with additional choice, higher standards and more competitive pricing, likely to result in repeat visits and a *net* increase in the number of hotel nights spent within the town.
- The knock-on result ('multiplier effect') of increasing numbers of overnight guests within the town should also provide opportunities for other businesses accessible by car or on foot, involved in retail and leisure. This could include the cinema, shops, visitor attractions, public houses and restaurants, although the proposed Beefeater will, however, restrict (but not exclude) the benefits of additional expenditure in off-site pubs and restaurants.
- The Beefeater Grill concept focuses upon restaurant food which has been a growth sector, unlike traditional public houses (led by drink sales) such as many of those that have closed recently in Banbury and elsewhere.
- The 'multiplier effect' of the purchasing policies and profits of the Whitbread Group are unclear as to how they would benefit the local economy, although its use of an architect in Sheffield and transport consultants in Hampshire in making this planning application throws some doubt upon any wish to engage closely with local businesses at this stage. This would be an area that the Economic Development Service would wish to assist with.
- Employment will undoubtedly be created – in short-term construction and longer-term in the day-to-day operation of the hotel and restaurant. The suggestion, however, of "70 part-time or full-time jobs" is vague and could be misleading. Given the considerable experience of the Whitbread Group in operating its business model, I would expect to see exact figures of jobs that would be created, and also probable impacts upon other businesses in potential jobs lost. Whilst this might not be palatable, it is important in considering the applicant's submission of the 'jobs created' being a significant supporting factor in its application.
- The site of the proposal is within the established business area of Banbury, being part of the site of the largest employer in the town (Kraft). The existing planning permission for b-class uses provides an opportunity for Kraft to expand and/or suppliers to 'cluster' around this significant employer and others nearby. Unfortunately, demand from such investors has been understandably low during the recession, coinciding with the two years the site has been on the market. Confidence, however, would be expected to return in future, especially to such readily developable sites.
- Whilst the construction of the new access road may help to release the Max Pax building for future development, the applicant's simple conclusion is questionable in that "any redevelopment that creates employment is therefore a positive."

- Having retained this 'recreation' land for many years, it is unclear why Kraft wishes to now change its use to dispose of it so urgently, especially when the proposed use could come into conflict with its own operation. Although the design of the hotel attempts to reduce the impact, hotel occupants may complain about neighbouring industrial activity which could impact upon the ability of the industrial site to operate, for example, at night which would be a serious concern. I would suggest consultation with environmental health to ensure that any development of this site would not, now or in the future, restrict the operation of established businesses.
- Whilst the 'sequential test' of alternative sites includes many sites, including some unlikely candidates, it does not include the former Crest Hotel building (off Christchurch Court) which currently stands empty in the centre of town. I would have expected to see full consideration of this, along with any acquisition of land to front onto Cherwell Street.
- I would also consider it reasonable for the applicant to vary its business model to suit local circumstances and support local objectives, rather than to impose a standard model in a sequentially weaker location.
- I also do not accept that the identification of a hotel site as part of the Canalside development should await a 'masterplan'. Clearly a hotel location around the Canalside would be sequentially preferable and serve to lead further development there.
- In principal, the provision of additional hotel accommodation in Banbury is in support of Cherwell's Economic Development Strategy. The addition of restaurant/public houses is not specifically identified but could be seen to serve the guests of the hotel, especially when alternatives are some distance away.
- The proposed site may be considered "surplus to the Kraft operational requirements" but a hotel operation may come into conflict with the noise and smells generated by neighbouring industrial processes. Furthermore, the site has been granted planning permission for b-class uses but has only been marketed for sale/let during a recession where demand for such sites/premises has been understandably low. It is unclear why this site was not marketed prior to the recession but, as the economy improves one would expect there to be increased demand for this site.
- The sequential test will need careful scrutiny, looking in particular at the former Crest Hotel site. It would be reasonable for the applicant to alter its business model to assist the revitalisation of Banbury Town Centre.
- If having reconsidered all options, no alternative exists now or in the foreseeable future, the proposal would - on balance - be in support of the economic development strategy, providing it would not adversely restrict the future operations of neighbouring industrial occupiers.

3.8 The **Council's Head of Regeneration and Estates** has made the following comments;
15 October 2010

- Bolton Road - currently we are in the process of procuring the consultancy work necessary to produce a Supplementary Planning Document for this site. We need to put in place a robust planning policy framework to ensure a comprehensive approach is taken to the site. Until that SPD has been adopted we will not be sure what uses are proposed, but a hotel is not currently expected to form part of the development. The site is not available at present, and I do not expect the Council to be able to start the process of bringing forward development before 2012, and then a land assembly exercise will be required. I cannot see how the Premier proposals could prejudice the redevelopment of this site.
- Cultural Quarter - Currently this scheme is in abeyance, pending the

outcome of OCC's capital programme review. However we do hope to be able to move forward early in the new year. A hotel is one of the uses which has been proposed for the site, as being compatible with the other proposed uses, and complementary to the quarter as a whole. However there are two problems with the inclusion of a hotel. Firstly, the site is within the flood plain, and consequently the EA are unlikely to permit development, particularly high risk uses in flood terms such as overnight accommodation, when there are other sites available which are not in the flood plain. Clearly the Kraft site appears to make it very hard to satisfy that test. Secondly, hotel operators want substantial private car parking for their guests, and the Council's vision for the Cultural Quarter is the inclusion of a significant quantum of public car parking spaces. Whilst it might be possible to accommodate a small boutique or budget hotel in the Cultural Quarter, with perhaps 20 private spaces, something akin to the Premier proposal could not be accommodated. If the Premier scheme goes ahead, it might discourage other hotel development on the Cultural Quarter site, but not necessarily, and in any case, that use would be ancillary, rather than a fundamental part of any development scheme. I do not consider this proposal to be prejudicial to the Cultural Quarter overall.

24 November 2010

I should make it clear that my previous response was only intended to comprise my opinion as to the impact which the Premier Inn proposal may have on the proposals which the Council has to promote development on the Cultural Quarter and Bolton Road sites. I do not consider myself to have any great expertise or experience in hotel development generally, or the specific requirements of hotel operators. I think it is also worth mentioning that since my previous email, the Environment Agency has announced that the Banbury Flood Alleviation Scheme will be going ahead next year. This will provide a measure of protection to the Cultural Quarter site. The site will remain designated flood plain, but benefiting from some protection. This may make it somewhat easier to develop that site.

I am not qualified to comment on the question of whether one site is more sequentially preferable to another, or on planning policy issues generally. When the Council market tested the cultural quarter site earlier this year, several proposals were received which incorporated hotel provision. Generally these were smaller than the Premier proposal, and incorporated a degree of reserved parking. Overall these schemes did not meet our brief for the site and as you may be aware, currently the cultural quarter is in abeyance while we wait to hear the outcome of the County Council's capital programme review. However we should learn soon whether they are able to proceed with their elements of the scheme, or whether a re-think is required. As the scheme proceeds we will definitely be considering hotel development as a possible element in a mixed use scheme.

You refer to evidence of budget hotels in other places utilising public car parking. As I say, I have no experience, and am happy to accept that this is the case. There is likely to be the potential for a range of arrangements under which car spaces could be reserved only at specific times, or where hotel guests could have parking fees refunded.

I would agree that the grant of planning permission for a 100 bedroom hotel on the Kraft site is likely to reduce or eliminate demand for an hotel on either the Bolton Road or cultural quarter sites. As our thinking on the Bolton Road site currently does not include an hotel, this does not concern me greatly, although it could reduce our options should circumstances change in the future. So far as the cultural quarter is concerned, the likelihood that we will have to re-think our plans as a result of the County capital review, and the decision on the flood alleviation scheme, both increase the possibility of hotel proposals on this site coming forward.

Consequently it could have a negative impact on this scheme if an hotel scheme was approved elsewhere.

3.9 The **Council's Environmental Protection Officer** has made the following comments;

- Land Contamination
Due to this change of land use to a more sensitive one and the historical (and current) potentially contaminative land use, the risk from land contamination will need to be assessed. As such I recommend applying the full set of contaminated land conditions.
- Air Quality
Southam Road is a busy road and we are undertaking detailed air quality assessment works further towards the town centre to determine whether the air quality objectives are exceeded. This proposed development will introduce new vulnerable air quality receptors and add to the traffic generated in this area, and could result in the national air quality objectives being exceeded and create an air quality management area. An air quality assessment should be undertaken and submitted to the LPA.

3.10 The **Council's Design and Conservation Officer** has made the following comments;

- There is no pedestrian access to the hotel across the grassed area which separates it from Southam Road. I consider that any potential visitor seeking to walk into Banbury town centre will inevitably walk across this area. As this is a desire line, I consider a path should be installed.
- The projecting outdoor seating area at the front of the Beefeater encroaches on the grassed area which separates the development from the road. These works may also require works that affect the easement. I consider the built footprint of the Beefeater should be kept to a minimum and close to the building itself.
- The proposed materials of both buildings will be important to the area. A condition requesting samples should be attached.
- The proposed boundary treatments, especially on the Southam Road frontage will be important to the appearance of the development and therefore a condition requesting details should be attached.
- In design terms it is considered that the proposal to be acceptable in principle with the alterations suggested above. Whilst it may not be the most inspiring of developments it is not out of keeping within this part of Banbury and is honest in the services it provides.

Following the submission of the revised plans the following comments were made;

- As I understand it they have reduced the Southam Road elevation by placing a pitched roof on the projecting section closest to the southern boundary. I consider this is OK, but it does not have the impact the previous scheme had and I think makes the hotel less noticeable, which has its pros and cons. It means the elevation appears rather squat, giving a horizontal emphasis rather than the vertical one we had before. If you have concerns about the height then this revised scheme does address them, however I also consider it has had a negative affect the rest of the elevation. The front of the building is located on the car park facing elevation rather than directly out to the street. Whilst the entrance is directly off the car park I think this gives the impression of the building turning its back on the street and being internal facing. Some signage on the Southam Road elevation, which makes some kind of a statement may help.

3.11 The **Council's Anti-Social Behaviour Manager** made these initial comments;

- In my view the proposed location would not be suitable for the hotel/restaurant as described in the application. In their supporting statement the applicants' agents refer to the site being subject to the 'distinctive coffee aroma' from the adjoining Kraft coffee plant. In my experience this odour can vary in strength between the 'aroma' mentioned to a very strong almost acrid smell of burnt coffee. The later odour would I believe be considered offensive by most people and its presence has resulted in complaints being received by the Council. Whilst the human response to odours can vary significantly I would not consider its presence attractive for diners or occupants of the proposed hotel.
- Located on the same side of the site is the Kraft Foods factory's' liquid effluent treatment plant. This equipment has also from time to time been known to be the source of offensive odours.
- A further factor mitigating against this proposal is the amount of noise produced by the Kraft plant. Again we periodically receive complaints alleging that the discharge of steam under pressure from parts of the factory located on Ruscote Avenue causes disturbance to the occupiers of residential properties located in Nursery Drive and beyond.
- For these reasons I would not consider the proposed site suitable for a hotel/restaurant use.

Following the submission of further information in relation to an agreement between Kraft and Premier Inns and the receipt of an Air Quality and Odour Assessment the Anti-Social Behaviour Manager made the following comments;

- As the focus of the report is based on the information we were able to provide the consultant he has been able to argue successfully that the impact of odour and to a lesser extent noise on the proposed development are slight. Based on our local knowledge our complaint data represents the tip of the iceberg and my feeling is that there are far more odour events than we receive complaints about. This having been said to evidence what can only be considered a hunch at this time would be time consuming and resource intensive and with no guarantee of an outcome is an exercise that we could not undertake within current timescales. Accordingly I have no alternative but to accept the report's findings and can confirm that the arguments presented address our concerns.

- 3.12 The **Council's Arboricultural Officer** has provided written comments which conclude that he has no objections to the principle of the development but requests further information about how existing trees will be protected.
- 3.13 The **Environment Agency** originally objected to the proposal. However following the submission of a revised Drainage Statement, dated October 2010, the objections have been withdrawn. The Statement sufficiently demonstrates that an acceptable surface water drainage scheme is achievable within the constraints of the development. The proposal is acceptable on flood risk grounds subject to the inclusion of conditions.

4. Relevant Planning Policies

4.1 PPS4 – Planning for Sustainable Economic Growth (2009)

This policy document supersedes the following policy documents;

PPG4 – Industrial, commercial development and small firms (1992)

PPS6 – Planning for town centres (2005)

Elements of PPS7, Sustainable development in rural areas and PPG13, Transport

Planning for town centres practice guidance on need, impact and the sequential approach

4.2 South East Plan

SP3 – Urban focus for urban renaissance

NRM9 – Air Quality

BE1 – Management for an urban renaissance

BE4 - The role of small rural towns (market towns)

TSR5 – Tourist Accommodation

4.3 Adopted Cherwell Local Plan 1996

T2 – Within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan.

C28 – Standards of layout, design and external appearance

ENV1 – Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

4.4 Non-Statutory Cherwell Local Plan

EMP4 – Proposals for employment generating development

S1 – Proposals that are likely to generate an increased demand for travel should be located in accordance with a sequential approach

S5a – Proposals for the comprehensive redevelopment of Cultural Quarter

TR2 – Major generators of travel demand should be located in existing centres which are highly accessible by means other than the private car

TR5 – Reducing conflict between vehicles and pedestrians

TR11 – Development likely to attract vehicular traffic

T1 – Proposal for improved facilities for tourists

T2 – New hotels within the built up limits of settlements

EN3 – Development resulting in detrimental levels of noise, smell, fumes etc

EN5 – Impact of development on air quality

D3 – Design, local styles, scale, massing, height etc

D4 – Quality of architecture

D7 – Mixed uses – the functionality and viability of existing uses must not be compromised by new use

D10a – Tall buildings

5. Appraisal

5.1 The application should be considered in relation to the following issues;

- Planning Policy
- Visual impact
- Impact on residential properties and neighbouring land uses
- Highway Impact
- Impact on trees
- Other issues

Each of these issues will be considered in turn.

5.2 Planning Policy

The key policy document in the consideration of this application is PPS4 – Planning for Sustainable Economic Growth. In the absence of an up to date Development Plan the assessment of this case turns mainly on the local application of the national policy in PPS4. As PPS4 is so important to the case, the appraisal sets out some extracts in full.

The Introduction to PPS4 sets out that leisure facilities such as restaurants and tourism development such as hotels fall within town centre uses. It also sets out that two of the Government's objectives for prosperous economies is to;

- *Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change*
- *Promote the vitality and viability of town centres as important places for communities. To do this the Government wants:*
 - *New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities*
 - *Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure and tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)*
 - *The historic, archaeological heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity.*

5.3 Policy EC10 of PPS4 provides guidance as to how applications for economic development should be considered.

EC10.1 *Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.*

EC10.2 *All planning applications for economic development should be assessed against the following impact considerations:*

- a) *Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change*
- b) *The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured*
- c) *Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*
- d) *The impact on economic and physical regeneration in the area including the impact of deprived areas and social inclusion objectives*
- e) *The impact on local employment*

5.4 The application site is outside of both the Town Centre Shopping Area and the Town Centre Commercial Area as defined in the adopted Cherwell Local Plan 1996. It is a relatively short distance from the edge of the Town Centre Commercial Area which extends as far north as Town Centre House on the junction with Southam Road and Warwick Road and what is now the McCarthy and Stone development on Southam Road. However it is much further from the heart of the Town Centre and its facilities, including uses and activities that relate well to a hotel use and can achieve spin off trade from it. The proposal clearly does not comply with the general principles of PPS4 as it involves the construction of two town centre uses outside of the defined town centre. However EC10.1 above suggests that applications that secure sustainable economic growth should be treated favourably and there are circumstances in which such uses can be permitted outside the town centre, as set out below.

5.5 Policy EC14.3 of PPS4 states that a sequential assessment is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan. The application is supported by a sequential assessment. Therefore, alongside the key policy assessment that needs to be made about the principle of an out of centre development for this use, a subsidiary assessment is on whether an exception to the normal policy approach is justified by immediate economic benefits arising from the development. The sequential assessment considers whether there are any more sustainably preferable sites for a development of this nature and if there aren't whether the development as proposed results in sustainable economic growth that justifies a grant of permission.

5.6 Policy EC15 of PPS4 sets out how sequential assessments should be considered;

EC15.1 *In considering sequential assessments required under policy EC14.3, local planning authorities should:*

- a) *Ensure that sites are assessed for their availability, suitability and viability*
- b) *ensure that all in-centre options have been thoroughly assessed before less central sites are considered*
- c) *ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access*
- d) *ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
 - i. *scale: reducing the floorspace of their development;*
 - ii. *format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
 - iii. *car parking provision: reduced or reconfigured car parking areas; and*
 - iv. *the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals*

EC15.2 *In considering whether flexibility has been demonstrated under policy EC15.1.d above, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, for example where a retailer would be limited to selling a significantly reduced range of products. However, evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted.*

5.7 The sequential test submitted as part of the application adequately covers a range of sequentially more preferable sites within or closer to the town centre. However it concludes that none of the sites are suitable or available for this particular development proposal. However, policy EC15.1.d requires that developers and operators demonstrate some flexibility in terms of the development proposals. The supporting documentation submitted with the application sets out that Whitbread has identified a need for additional budget hotel bedrooms in Banbury and assessed their proposed optimum development at 100 bedrooms in Banbury. However in a town the size of Banbury Premier Inn will only develop a new build alongside a 'partner' restaurant as this has been shown to be the successful business model in such locations and achieves viability. This model therefore requires a larger site than if a standalone hotel was proposed, resulting in many of the sequentially preferable sites being discounted.

- 5.8 The submission does not indicate that any attempt has been made to adapt the business model, only that:
'Whitbread will perfectly happily develop town centre sites for Premier Inn and has done so in provincial towns where suitable sites are available. Indeed, Whitbread has previously considered Banbury House Hotel and Town Centre House as possible conversions.'
- 5.9 Yet Town Centre House was dismissed in the Sequential Test for being too small to convert and not viable to demolish and rebuild but there appears to be no attempt to vary the business model or explain why an alternative model will not work. It is interesting to note that in January 2007 an application was approved for the conversion and extension to Town Centre House to provide a 79 bedroom hotel. Whilst Banbury House Hotel can more easily be dismissed as it is not available it was dismissed with a justification that it was not suitable for conversion to a Premier Inn, without any explanation.
- 5.10 Another site worthy of mention at this stage is Crown House, Christchurch Court. This has been dismissed as not being currently available, the building being too small for the hotel element of the applicant's proposal and there not being sufficient room for a partner restaurant. Notwithstanding the presumption that the site is not currently available there is no explanation as to why an alternative business model would not work. For example, why when located in a town centre is there a need for a partner restaurant?
- 5.11 It is considered that the developer has not done enough to demonstrate flexibility in adapting their model to fit in with any of the sequentially more preferable sites.
- 5.12 Policy EC16 sets out how proposals should be assessed in relation to their potential impacts on the town centres;
- EC16.1 Planning applications for main town centre uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up to date development plan should be assessed against the following impacts on centres:***
- a) 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*
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer*
 - c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan*
 - d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer experience capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy*
 - e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space) in relation to the size of the centre and its role in the hierarchy of centres*
 - f) any local important impacts on centres under policy EC3.1.e*
- 5.13 The policy set out above provides an opportunity to consider how proposals may affect existing town centres. EC16.1.a is particularly relevant in the consideration of how sites such as Canalside, Bolton Road and the Cultural Quarter (former Spiceball site) have been addressed in the sequential test, all of which are sites that

are of particular interest to the Council in terms of their future redevelopment.

- 5.14 Canalside has, in the Officer's view, appropriately been discounted as being an appropriate site as it forms part of a wider redevelopment site for which the Council wishes to see a comprehensive scheme come forward. Whilst a hotel use may not be an inappropriate element of the wider scheme it is not appropriate at this time to consider piecemeal development.
- 5.15 A site at Bolton Road has been considered in the sequential test but whilst part of the site would be suitable for the proposed development it has been discounted on the basis of it not currently being available. However this is a site being promoted by the Council for redevelopment and a Supplementary Planning Document for the site will be produced. Although a hotel is not currently expected to form part of the development it could potentially be suitable for a hotel and the development of a hotel on the Kraft site could potentially reduce the options available if circumstances change in the future.
- 5.16 The site of the former Spiceball sports centre is mainly within public ownership and is being promoted by the Council as a Cultural Quarter development. Such a development could potentially accommodate a hotel. However this site, whilst acknowledged as being suitable, has been dismissed during the sequential assessment, as it was considered not to be available. Uncertainties about possible future library parking is listed as a reason for the postponement of any progress having been made and uncertainties about a hotel forming part of the overall scheme have led to the conclusion that it cannot be regarded as being reasonably available at the present time. Whilst it is confirmed that this scheme is in abeyance, awaiting the outcome of the County Council's capital programme review as the scheme proceeds the potential for a hotel will be considered as a possible element in a mixed use scheme. It may be that what this scheme needs to kick start its redevelopment is interest from a lead developer to shape and encourage its future development.
- 5.17 The analysis of the sites referred to above demonstrates that there are certainly more sequentially preferable sites which have the potential to accommodate a hotel, but not of the model proposed by the applicants. The provision of a hotel at Bolton Road is not necessarily part of the Council's initial aspirations but it would not be ruled out. A hotel at the Cultural Quarter would fit very well with the Council's aspirations for that area. Whilst progress on developing these sites is currently at an early stage, there are active planning exercises in progress. It is thought that the granting of planning permission for a 100 bedroom hotel is likely to reduce or eliminate the demand for a hotel on either of these sites. This is therefore contrary to Policy EC16.1.a and EC16.1.b above as the development of a hotel and restaurant outside of the town centre may have adverse impacts in terms of the ability to successfully develop town centre sites thus ultimately potentially affecting the vitality and viability of the town centre.
- 5.18 Given this conclusion that adverse impacts may occur the proposal should be considered under Policy EC17 which is set out below. Furthermore this goes against the principle set out in policy EC10.2.d which requires assessment against the impact on economic and physical regeneration in the area which has been demonstrated as being a negative impact. This leads to a conclusion that the application should be recommended for refusal on the basis that the proposal does not comply with policy EC10.2.d and EC17.1.b.

EC17.1 Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be

refused planning permission where:

- a) *the applicant has not demonstrated compliance with the requirements of the sequential approach (Policy EC15); or*
- b) *there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments*

EC17.2 *Where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:*

- a) *the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations; and*
- b) *the likely cumulative effect of recent permissions, developments under construction and completed developments*

EC17.3 *Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of the town centres which take account of the vitality and viability indicators in Annex D of this policy statement and any other published local information (such as a town centre or retail strategy), will also be relevant.*

- 5.19 Policy EC17.2 above provides a wide ranging opportunity for positive and negative impacts of the proposal and other material considerations to be assessed along with the consideration of economic development issues arising from a development. In order to give the proposal full consideration other relevant factors are considered in the remainder of the document.
- 5.20 Allowing a hotel with a partner restaurant in an out of town location may mean that residents of the hotel have no need to visit Banbury town centre itself, thus whilst potentially improving market competition this has the potential to draw trade away from the town affecting its vitality.
- 5.21 There are two areas of consideration in assessing whether the proposal is acceptable in principle. Firstly despite the evidence submitted in the sequential test, should the development of a hotel out of the town centre be permitted when there may be town centre sites which are suitable for hotel developments? Secondly, should a development of this nature be approved when it may direct trade away from the town centre? Both of these scenarios have the potential to affect Banbury's future vitality and viability, contrary to the general thrust of PPS4.
- 5.22 **Visual Impact**
It is clear that the hotel building will be large and a prominent addition to Southam Road. The original design for the building included a 16 metre high corner feature, reducing to 13 metres along the rear western projection and 10 metres along the front elevation. However as this would be the most prominent element when travelling out of the town centre it was considered appropriate to seek some reduction in its height. Amended plans were submitted showing the corner element being reduced by approximately 3 metres and re-orientated so its lowest part is viewed from the south.
- 5.23 The proposed hotel building remains higher than nearby buildings. For example Homebase, opposite, is approximately 10 metres in height; the Kraft buildings directly to the west, whilst large in footprint are only single storey warehouse buildings; other Kraft buildings are much higher but located in the north eastern section of the site; and the Cemetery is relatively undeveloped with the exception of single storey domestic scale buildings on its northern boundary. Despite these differences in scale the hotel building is set 18-20 metres from the highway

boundary and 15 metres from the footpath to the south, reducing the potential of it being overbearing. Whilst the hotel building will be higher than surrounding trees these will offer some screening, softening its impact.

- 5.24 The restaurant building is much more domestic in scale and will also be set back from Southam Road. It will be more successfully screened by retained trees because of its scale but given the design and nature of both buildings it is not essential that they be hidden from view, but their appearance simply softened by the existing trees which form an important feature along Southam Road.
- 5.25 Whilst the buildings will be an obvious addition to the street scene and will materially alter the appearance of this part of Southam Road it is considered that due to the industrial and commercial nature of the surrounding area they will not cause a demonstrable level of harm. Therefore it is not considered that the design, scale and appearance of the buildings is a reason to refuse the proposal and the proposal can comply with Policy C28 of the adopted Cherwell Local Plan and design policies in the Non-Statutory Cherwell Local Plan.

5.26 **Impact on residential properties and neighbouring land uses**

There is no direct impact on residential properties as the nearest residential properties are located further to the south along Southam Road and to the west at Garden Close and Nursery Drive.

- 5.27 A hotel use is unlikely to affect the use of the cemetery to the south as it is unlikely to result in any noise or disturbance greater than what already exists from the nearby commercial uses and the traffic along Southam Road. The hotel building will be visible from the cemetery and whilst large will be set away from the boundary of the cemetery by approximately 20 metres and partially screened by two rows of trees that line both sides of the public footpath. These each provide some separation and reduce the potential for the hotel to be overbearing for the cemetery and its associated buildings. The cemetery is also to the south of the proposed hotel therefore it is unlikely to suffer significantly from overshadowing.
- 5.28 Some concern has been expressed by local residents and the Council's Anti-Social Behaviour Manager that by introducing a form of 'residential' use and restaurant in close proximity to a factory that produces strong odours and noise that it may result in complaints from visitors to the new uses against Kraft increasing the risk of their business being affected and Kraft being penalised as a result of a potentially inappropriate use being allowed on an adjacent site. However the agent for the application has stated that;

'Whitbread have agreed, as part of their proposed purchase of the site that they will accept the continued industrial and warehousing operations on site and that they cannot make a claim against Kraft as a result of odour or any other matter related to the Kraft operation.'

Consequently, there is no threat to the Kraft operation from the introduction of the proposed use.

The applicants are mindful that the application site is located to the south west of the industrial complex, i.e. the prevailing wind direction takes any odour way from the proposal.

The use as a Beefeater involves short, transitory and entirely discretionary visits by the public. The public can therefore choose whether or not to visit the premises. If there were an odour problem the public would simply choose to go elsewhere. The

applicants do not believe that the public would be inconvenienced in this manner.

The Premier Inn will have a forced ventilation system which would allow filtration if this was ever thought to be necessary. All Premier Inn guests benefit from a “Good Night Guarantee” by which they can claim back the full cost of their overnight stay if they are dissatisfied with the service. It is therefore very strongly in the applicant’s interest to ensure that there are no disturbances to guests, including in this instance from odour. The applicant’s do not believe that the public would be inconvenienced in this manner.

Accordingly, Kraft will not be prejudiced, neither will the proposed operation. The applicants would not be contemplating such a major investment on the site if there was any thought that it might be prejudiced by the presence of Kraft.

AECOM have included an assessment of odour at the site in their report on Air Quality and concluded that there will not be any problems arising from odour and that the site is suitable for the intended development.’

5.29 The Council’s Anti-Social Behaviour Manager has reviewed the information submitted and is satisfied that the impact of odour and noise are slight and initial concerns have been addressed. Therefore Policy ENV1 of the adopted Cherwell Local Plan is complied with.

5.30 **Highway Impact**

Impact on the surrounding highway network is a key concern of many of the contributors who have written in relation to this application. However it is relevant to note that the predicted traffic movement associated with the proposed uses is less than those predicted for the approved scheme for B1, B2 and B8 uses. The Highway Authority considers that in terms of highway safety and capacity an objection on traffic grounds would not be appropriate for this application. If the application were to be approved the applicant’s would be required to pay a financial contribution towards off-site highway improvement work which would include the provision of a right turn lane and acceptable vision splays.

5.31 The parking provision is 10 spaces short of the maximum standard requirement. However these are ‘maximum’ standards and there is a shared element as some customers staying in the hotel will also utilise the restaurant. Therefore it is considered that the proposal provides sufficient spaces.

5.32 Objectors have made reference to an application which was refused for an extension to Avonlea Guest House on the grounds of traffic as evidence that this development should not be permitted on highway safety grounds. However the application to which it is believed they refer was in 1998 (98/00512/F) for a single storey rear extension and the change of use to allow three bedrooms for B&B and the creation of parking spaces. However, the application was refused on two grounds. Firstly that there was insufficient space to allow adequate parking and manoeuvring space and the rear extension would be overbearing for the neighbouring property. It is thought that the principle concern with this proposal was that vehicles could not turn within the site to leave in a forward direction. A later application was subsequently approved for a smaller extension and the use of just two bedrooms for B&B purposes. This example is not considered to be material to the consideration of the Premier Inn proposal due to the difference in scale and characteristics of the access arrangements.

5.33 Based on the advice of the Local Highway Authority it is considered that there are no grounds relating to highway safety on which the application could be

recommended for refusal. Policy EC10.2.b of PPS4 is largely complied with as the development proposes sufficient parking for cars and bicycles and although the site is out of the town centre there are footpath links to the site should visitors choose to walk and there are some bus routes that run and stop along Southam Road.

5.34 **Impact on trees**

In general the proposal will not result in the loss of any trees of particular significance. The only slight concern was the potential impact on a particular group of trees and the appearance of the group after the removal of two trees from that group. However the trees concerned were scheduled to be removed under the previous consent for B1, B2 and B8 development. As the situation has not changed significantly since the previous approval there are no justifiable reasons to now prevent those particular trees from being removed.

5.35 All the trees along the frontage of Southam Road are proposed to be retained and trees along the southern boundary are outside of the applications site therefore do not form part of the proposal. This means that the screening and softening affect provided by the trees will continue to serve this purpose.

5.36 **Other issues**

A number of letters of objection refer to an application for the change of use of The Woolpack Inn, Horse Fair, Banbury into 8 flats and mews cottages. The application (10/00397/F) was approved in May of this year. The officer's assessment of the application did not consider the viability of the existing business as there are no local policies which prevent the loss of public houses in town centres. The application was approved for reasons other than viability.

5.37 Other letters of objection express concern that the hotel will result in an over-supply of budget hotel rooms, affecting the viability of existing guest houses, hotels and B&B's. Similarly it is feared that the construction of a new restaurant will also affect existing similar facilities. However one of the Government's objectives (as set out at Para. 5.2 above) is to encourage competition between retailers and enhanced consumer choice therefore it would not be appropriate to refuse the application on the grounds of market demand and competition. But what this proposal is likely to do is redirect economic growth out of the town centre when PPS4 promotes the vitality and viability of town centres.

5.38 The development will result in an increase in direct employment, firstly through the construction phase then later through the day to day running of both the hotel and restaurant facility. However letters of objection express concern that the level of employment will firstly, not be as high as the submission suggests due to the way in which such business models operate and secondly result in job losses elsewhere as a result of other smaller existing businesses ceasing to trade. However this partly relates to competition between competing (or complimentary) businesses and planning legislation does not permit applications to be determined on the grounds of market competition. Furthermore the additional Planning Statement submitted by the agent has set out the breakdown of staff employment numbers and there is no reason to dispute that the hotel and restaurant will provide in the region of 70 jobs.

5.39 **Conclusion**

Based on the above assessment it is considered that the decision on this application rests on judgements about both the principle of the development and the detailed analysis of other material considerations. Whilst the proposal in its physical form is unlikely to cause harm to the character and appearance of the area and objections are not strong enough to support a refusal on environmental health grounds it is considered that the overall principle of the development cannot be

accepted due to the implications of allowing a hotel and restaurant out of the town centre where there are sites which are suitable for hotels. The proposal has the potential to affect the future development of town centre sites and the vitality and viability of the town centre, contrary to the principles of PPS4.

5.40 The applicants were obviously disappointed to learn that the application was likely to receive a negative recommendation and have set out some of their concerns in recent correspondence.

5.41 In a letter from the applicant's agent the following statement is made;
'In the event that your recommendation [of refusal] should prevail Whitbread will either:

- a) simply cut their losses which means that the investment, new employment and benefit of improved hotel facilities in the town will be lost, or*
- b) an appeal will be sought on this sole point.*

It seems to me that the former would be a very significant loss to the town, particularly at a time when there are very few investors willing to undertake new development and create new jobs.

In the case of the latter you will be required to demonstrate the availability, within a reasonable timescale, suitability and viability of the sites you have listed.'

5.42 It is considered that there are sequentially more preferable sites to the application site, the future development of which could be affected by the development of a hotel and restaurant on the application site. The agent's letter goes on to dispute the availability and viability of these sites. The correspondence from the applicant's agent is attached as an appendix to this report for information. However this does not contain any information sufficient to justify a change to the recommendation.

6. Recommendation

Refusal for the following reason;

The development of a hotel and restaurant at this out of town centre location does not accord with the national policy imperative to direct uses of this kind to locate in established town centres where they can be easily accessible to all modes of transport and can also increase trips to complementary service, cultural and retail uses in those centres. In this location the development also has the potential to affect future economic prospects for redevelopment sites within the town centre, thus prejudicing the future regeneration, improvement and vitality and viability of the town centre as a whole. Furthermore the development will discourage visits to the town centre, and as a result damage the vitality and viability of the town centre. The development is therefore contrary to policies and guidance within PPS4: Planning for Sustainable Economic Growth and Policies S1 and D7 of the Non-Statutory Cherwell Local Plan 2011.

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