

Report of: Head of City Development

To: East Area Planning Committee 5th February 2013

Title of Report: Templars Retail Park, Between Towns Rd, Cowley

Summary and Recommendations

Purpose of Report: This report seeks the views of committee on a variation to legal agreement relating to retail park to allow up to 20% of any individual unit sales area for food sales.

Planning Reference: 12/02855/POM

Key Decision: No.

Portfolio Holder: Colin Cook

Scrutiny Responsibility: Communities & Partnership

Recommendation(s): Committee is recommended to agree to the amendment of a planning agreement relating to the Retail Park so as to permit up to 20% of all units sales area for food sales and delegate the issuing of the Deed of Release to officers.

Background to the Case

1. In May 1986 outline planning permission was granted for the redevelopment of the then Grove Cranes factory site at Between Towns Road to form a retail park consisting of 13,032 sq m gross of retail floor space plus garden centre. The development was to be served by 496 car parking spaces. That permission was followed later that year by a reserved matters permission for the outstanding details.
2. The development when completed traded for many years as the John Allen Centre (JAC) and now as the Templars Retail Park. Since permission was granted the amount of floor space has increased by the insertion of mezzanine levels into many of the retail units. At the same time adjustments to the parking layout over the years has resulted in the total number of public car parking spaces being reduced to 469. A site plan of the retail park is attached at **Appendix 1** to this report.
3. Accompanying the outline planning permission was a legal agreement which secured various financial contributions and off site works, but also restricted the range of goods to be sold to non - food items only.

In the intervening years there have been adjustments to the permitted range of goods which could be sold, but still excluding food sales. The current owners of the site approached the Council as the Local Planning Authority in 2009 with an application to relax the non - food restriction via a “Deed of Release” to permit up to 1,500 sq m of floor space to be used for food sales. This was subsequently approved at the Council’s former Cowley Area Committee in May 2010. A subsequent “Deed of Release” was submitted in February 2011 to permit up to 2500sq m of floor space to be used for food sales. This was approved at the Council’s East Area Planning Committee in July 2011. The 2500sq m will shortly be taken up by Sainsbury’s when that company opens its supermarket on the site within unit 1D.

4. In addition a planning application was submitted in August 2011 (11/02032/FUL) for the refurbishment of Unit 1 which included external alterations, mezzanines, formation of three Class A3 cafe-restaurants and the demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. A proposed site plan of the retail park is attached at **Appendix 2** to this report.

Public Consultation

5. Although the submission is not a planning application, public consultation has been undertaken on the proposal. The comments received may be summarised as follows.
 - 10 Rymers Lane: concerned will increase numbers of lorries and hours of deliveries to the site thus increase in noise, parking and traffic issues on Rymers Lane, also increase risk of vermin associated with food storage.
 - Highway Authority: See below under Highways, Parking and Access section.

Officers’ Assessment

Proposal

6. The proposal is seeking a deed of variation to the legal agreement attached to the 1986 permission (85/00893/NOY) to allow up to 20% food sales in any unit. This will not allow for another food store; only for each unit to use up to 20% of its sales area for food sales. Indeed individual retailers may not necessarily take up the 20% allowance, but they would be able to do so if they wished. The deed of variation is sought to allow retailers such as Poundland to occupy the units which sell a small amount of non-perishable food stuffs

Determining Issues

7. The two key determining issues in this case are planning policy and highways, access and parking issues.

Planning Policy

8. In planning policy terms the summary findings of the Retail Needs Study (RNS) carried out for the Council referred to in the Core Strategy confirms that Oxford is reasonably well provided for food goods. However it does suggest that further provision could reasonably be supported to 2016. In terms of future provision the RNS considered potential new development sites. It identified Crowell Road as a suitable site for future redevelopment to include a food store. However no scheme has come forward or has been discussed in recent times.
9. The Core Strategy also supported raising the status of the Cowley District Centre (with extended boundaries) to that of a Primary District Centre. Its character, its capacity to accommodate further growth (retail and other uses) and its larger catchment area than the other district centres were all reasons why Cowley centre is redesignated as a primary district centre. As such, Cowley Centre is therefore placed higher in the sequential hierarchy than other District Centres. The Core Strategy states that Growth will be focused on appropriate sites such as the multi-storey car parks, Templars Square and Templars Retail Park (John Allen Centre).
10. The retail park was originally not part of the District centre, which to a large extent explains the reason for the terms of the legal agreement i.e. not to allow food sales. The Inspector into the Core Strategy concluded that 'the loss of South Oxford Strategic Development Area was likely to have only a marginal impact on the proposals to develop Cowley Centre since the centre is well placed to serve an enhanced role in the hierarchy of centres, with good accessibility and several potential redevelopment sites.'
11. Since the closure of Sainsbury's and more recently Somerfield within Templars Square the existing food provision has declined within the district centre. It now comprises only the Co-op (1,080 sq m) and Iceland (840 sq m); together with the, as yet unimplemented, variation to allow 2500 sq m of food sales permitted in 2011 at the Retail Park, to be taken up by Sainsbury at unit 1D.
12. In terms of national guidance, through the National Planning Policy Framework (NPPF) the Government is committed to securing economic growth in order to create jobs and prosperity and that the planning system does everything it can to support sustainable economic growth.
13. As the proposed development falls within an established Primary District Centre as identified in the Core Strategy, a range of District centre uses would now be appropriate in principle; which would broadly

reflect Government advice in the NPPF. The proposal falls within the terms of both the local and national policy regime as it applies to retail development. No objection is therefore raised to the proposal in these terms.

Highways, Access and Parking

14. Access to the Templars Retail Park for customers is taken from Between Towns Road at its junction with Crowell Road. This is a signal controlled junction originally funded through the planning agreement accompanying the 1986 permission. In 2006 there were adjustments to the junction to include a second outward bound lane. Service access to the rear delivery area of the Retail Park is taken from a separate point on the east side of Rymers Lane.
15. The car parking provision available for the site is 469 spaces including 22 for disabled users as demonstrated under planning application 11/02032/FUL. Given the food sales proposed for each unit would be considered incidental no additional car parking would be required. In any event there are 4 other Oxford City Council car parks in the area with a total of 862 other car parking spaces which are not fully utilised and the site has good accessibility by public transport.
16. The Highway Authority has considered the proposal and would advise that it does not object given the existing uses on Templars Retail Park site and other facilities in this District Centre, including Templars Square opposite the site. The Highway Authority does not consider that additional traffic is likely to be visiting this type of unit: rather it will be part of an existing trip to the District Centre.
17. Car parking provision for Templars Retail Park site is in place and likely to be improved by the implementation of a permitted parking strategy to free up parking spaces not currently associated with shopping use. In November 2010 planning permission was granted under reference 10/01959/FUL to allow changes to the car park access/egress and a barrier system controlled by a 'pay on foot' car park management strategy. The applicant remains committed to the introduction of car park management, though the precise detailing of the system may vary from what was originally intended. Following further discussions between tenants and the owners it is likely that an alternative system may be introduced. This would not require barriers but instead would enable the current free parking to be offered, but with more effective control over motorists who use the car park for longer periods, such as local employees. This should enable the car park to be managed in a form which displaces long stay car parking to increase the capacity for shoppers, whilst avoiding the concerns raised by retailers regarding charging, and Highways Officers concerning queuing and barrier controls.

18. The applicants have advanced the Car Park Management Plan (CPMP) in conjunction with the retailers and others. It is understood that it is a two stage plan first dealing with the management of the car park during construction and then second after the completion of the development. In each case, a period of free parking will be offered to customers after which penalties will be levied. This will be on the basis of Automated Number Plate Recognition (ANPR). The CPMP has not yet been implemented but will be commenced early in 2013.
19. Servicing arrangements are already in place for the retail park and will remain unchanged. There should be no need for the intended retailers to have staff on the premises to service in-coming deliveries outside normal retail hours. However, in the event that such out of hours servicing is required then condition 23 of Amended Decision Notice 11/02032/FUL (3 February 2012) would prevent deliveries from Rymers Lane into the service area and require “front of house” unloading in the main car park (as Sainsbury’s are permitted to do).

Conclusion

20. The proposal relates to a retail park which falls within the now Primary District Centre of Cowley where the adopted Oxford Core Strategy 2026 seeks to provide facilities for both food and non-food retailing. Further, it accords with the thrust of the NPPF which seeks to support economic growth at established centres. There are no objections raised by the Highway Authority.
21. Committee is recommended to support the approach to allow up to 20% of all the sales area within each unit to be used for food sales and to delegate Officers to undertake the required Deed of Release to the 1986 planning agreement.

Contact Officer: Lisa Green

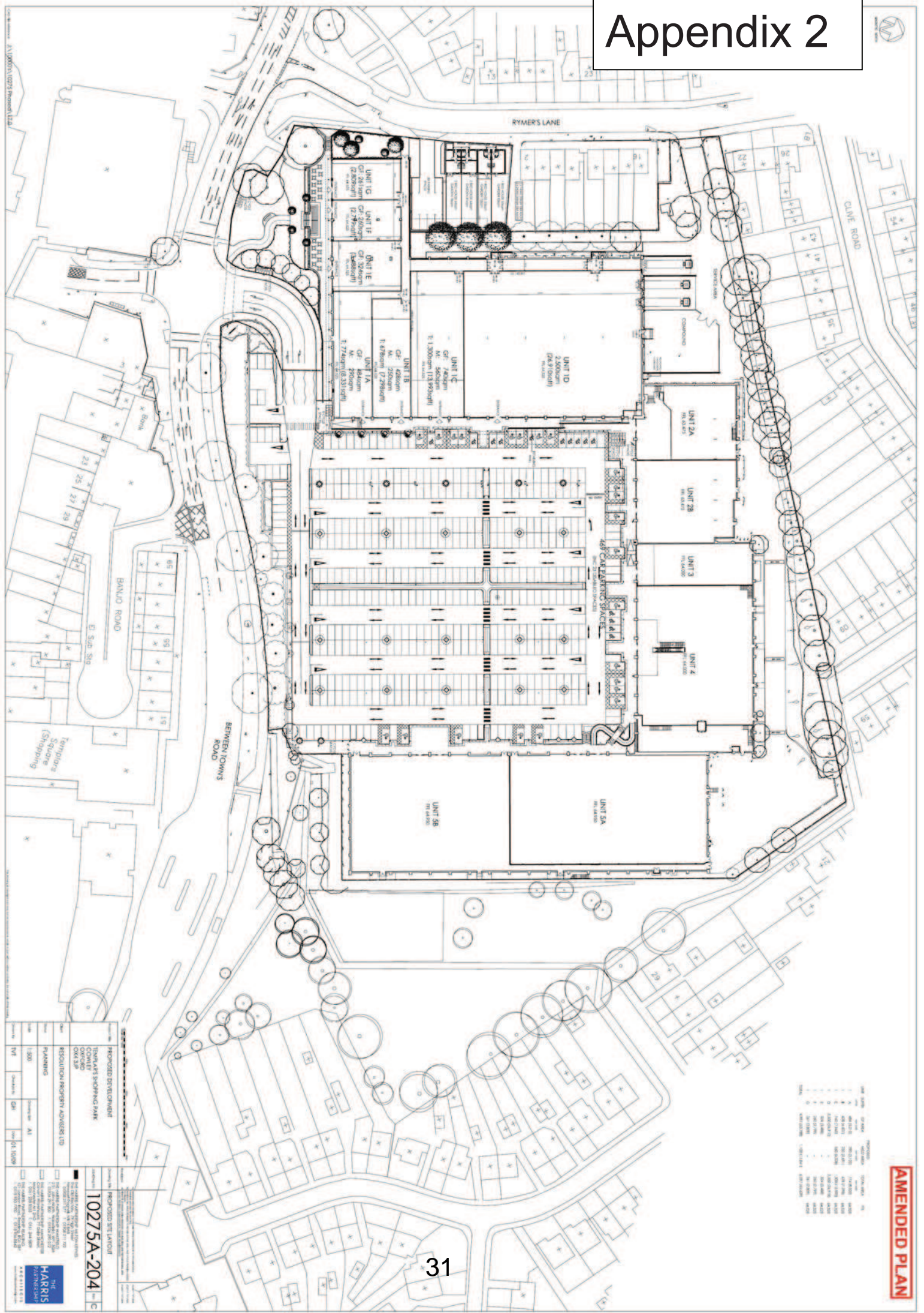
Extension: 2614

Date: 22nd January 2013

Appendix 1



Appendix 2



PROPOSED DEVELOPMENT	
TEENY TART SHOPPING PARK	
OWNERS	
RETAIL/COMMERCIAL PROPERTY ADVISORS LTD	
PLANNING	
Scale	As Shown
North Arrow	As Shown
Drawn by	AI
Checked by	AI
Date	01/10/09

PROPOSED SITE LAYOUT	
10275A-204	
C	
HARRIS	
10275A-204	
C	

UNIT	AREA	PERMITS	NOTES
1	48.00	10275A-204	UNIT 1A
2	48.00	10275A-204	UNIT 1B
3	48.00	10275A-204	UNIT 1C
4	48.00	10275A-204	UNIT 1D
5	48.00	10275A-204	UNIT 1E
6	48.00	10275A-204	UNIT 1F
7	48.00	10275A-204	UNIT 1G
8	48.00	10275A-204	UNIT 1H
9	48.00	10275A-204	UNIT 1I
10	48.00	10275A-204	UNIT 1J
11	48.00	10275A-204	UNIT 1K
12	48.00	10275A-204	UNIT 1L
13	48.00	10275A-204	UNIT 1M
14	48.00	10275A-204	UNIT 1N
15	48.00	10275A-204	UNIT 1O
16	48.00	10275A-204	UNIT 1P
17	48.00	10275A-204	UNIT 1Q
18	48.00	10275A-204	UNIT 1R
19	48.00	10275A-204	UNIT 1S
20	48.00	10275A-204	UNIT 1T
21	48.00	10275A-204	UNIT 1U
22	48.00	10275A-204	UNIT 1V
23	48.00	10275A-204	UNIT 1W
24	48.00	10275A-204	UNIT 1X
25	48.00	10275A-204	UNIT 1Y
26	48.00	10275A-204	UNIT 1Z
27	48.00	10275A-204	UNIT 2A
28	48.00	10275A-204	UNIT 2B
29	48.00	10275A-204	UNIT 2C
30	48.00	10275A-204	UNIT 2D
31	48.00	10275A-204	UNIT 2E
32	48.00	10275A-204	UNIT 2F
33	48.00	10275A-204	UNIT 2G
34	48.00	10275A-204	UNIT 2H
35	48.00	10275A-204	UNIT 2I
36	48.00	10275A-204	UNIT 2J
37	48.00	10275A-204	UNIT 2K
38	48.00	10275A-204	UNIT 2L
39	48.00	10275A-204	UNIT 2M
40	48.00	10275A-204	UNIT 2N
41	48.00	10275A-204	UNIT 2O
42	48.00	10275A-204	UNIT 2P
43	48.00	10275A-204	UNIT 2Q
44	48.00	10275A-204	UNIT 2R
45	48.00	10275A-204	UNIT 2S
46	48.00	10275A-204	UNIT 2T
47	48.00	10275A-204	UNIT 2U
48	48.00	10275A-204	UNIT 2V
49	48.00	10275A-204	UNIT 2W
50	48.00	10275A-204	UNIT 2X
51	48.00	10275A-204	UNIT 2Y
52	48.00	10275A-204	UNIT 2Z
53	48.00	10275A-204	UNIT 3A
54	48.00	10275A-204	UNIT 3B
55	48.00	10275A-204	UNIT 3C
56	48.00	10275A-204	UNIT 3D
57	48.00	10275A-204	UNIT 3E
58	48.00	10275A-204	UNIT 3F
59	48.00	10275A-204	UNIT 3G
60	48.00	10275A-204	UNIT 3H
61	48.00	10275A-204	UNIT 3I
62	48.00	10275A-204	UNIT 3J
63	48.00	10275A-204	UNIT 3K
64	48.00	10275A-204	UNIT 3L
65	48.00	10275A-204	UNIT 3M
66	48.00	10275A-204	UNIT 3N
67	48.00	10275A-204	UNIT 3O
68	48.00	10275A-204	UNIT 3P
69	48.00	10275A-204	UNIT 3Q
70	48.00	10275A-204	UNIT 3R
71	48.00	10275A-204	UNIT 3S
72	48.00	10275A-204	UNIT 3T
73	48.00	10275A-204	UNIT 3U
74	48.00	10275A-204	UNIT 3V
75	48.00	10275A-204	UNIT 3W
76	48.00	10275A-204	UNIT 3X
77	48.00	10275A-204	UNIT 3Y
78	48.00	10275A-204	UNIT 3Z
79	48.00	10275A-204	UNIT 4A
80	48.00	10275A-204	UNIT 4B
81	48.00	10275A-204	UNIT 4C
82	48.00	10275A-204	UNIT 4D
83	48.00	10275A-204	UNIT 4E
84	48.00	10275A-204	UNIT 4F
85	48.00	10275A-204	UNIT 4G
86	48.00	10275A-204	UNIT 4H
87	48.00	10275A-204	UNIT 4I
88	48.00	10275A-204	UNIT 4J
89	48.00	10275A-204	UNIT 4K
90	48.00	10275A-204	UNIT 4L
91	48.00	10275A-204	UNIT 4M
92	48.00	10275A-204	UNIT 4N
93	48.00	10275A-204	UNIT 4O
94	48.00	10275A-204	UNIT 4P
95	48.00	10275A-204	UNIT 4Q
96	48.00	10275A-204	UNIT 4R
97	48.00	10275A-204	UNIT 4S
98	48.00	10275A-204	UNIT 4T
99	48.00	10275A-204	UNIT 4U
100	48.00	10275A-204	UNIT 4V
101	48.00	10275A-204	UNIT 4W
102	48.00	10275A-204	UNIT 4X
103	48.00	10275A-204	UNIT 4Y
104	48.00	10275A-204	UNIT 4Z
105	48.00	10275A-204	UNIT 5A
106	48.00	10275A-204	UNIT 5B
107	48.00	10275A-204	UNIT 5C
108	48.00	10275A-204	UNIT 5D
109	48.00	10275A-204	UNIT 5E
110	48.00	10275A-204	UNIT 5F
111	48.00	10275A-204	UNIT 5G
112	48.00	10275A-204	UNIT 5H
113	48.00	10275A-204	UNIT 5I
114	48.00	10275A-204	UNIT 5J
115	48.00	10275A-204	UNIT 5K
116	48.00	10275A-204	UNIT 5L
117	48.00	10275A-204	UNIT 5M
118	48.00	10275A-204	UNIT 5N
119	48.00	10275A-204	UNIT 5O
120	48.00	10275A-204	UNIT 5P
121	48.00	10275A-204	UNIT 5Q
122	48.00	10275A-204	UNIT 5R
123	48.00	10275A-204	UNIT 5S
124	48.00	10275A-204	UNIT 5T
125	48.00	10275A-204	UNIT 5U
126	48.00	10275A-204	UNIT 5V
127	48.00	10275A-204	UNIT 5W
128	48.00	10275A-204	UNIT 5X
129	48.00	10275A-204	UNIT 5Y
130	48.00	10275A-204	UNIT 5Z

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