

Frontier Park Land Adjacent to the M40 Junction 11 Banbury OX16 3AD

Full application for a mixed-use development including a 240-bed hotel, 4 storey office building, and roadside services including 2 no. hot food restaurant drive-throughs, a coffee shop drive-through, and a petrol filling station with ancillary retail store.

PLANNING STATEMENT

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Primary Author:	Mike Sproston	Initialled:	MS
Contributor:	Gemma Newall	Initialled:	GN
Reviewer:	Matthew Wyatt	Initialled:	MW

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/1 INTRODUCTION

- 1.1. PWA Planning are retained by Monte Blackburn Ltd ('the Applicant') to progress a full planning application for a mixed-use development comprising a 240-bed hotel, 4 storey office building, and roadside services, including 2 no. hot food restaurant drive-throughs, a coffee shop drive-through, and a petrol filling station (PFS) with ancillary retail store ('the proposed development'), at Frontier Park, Land Adjacent to the M40 Junction 11, Banbury, OX16 3AD ('the application site'). The planning application is made to Cherwell District Council ('the Council') and relates to the red edge application site boundary defined on the Site Location Plan (ref. 16.145.03-301-H). It forms part of the site allocated within the adopted Cherwell Local Plan as Banbury 15 – Employment Land North East of Junction 11.
- 1.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the relevant policies of the Development Plan, and moreover that there are other significant material considerations which indicate that planning permission ought to be granted. In addition, the statement will seek to demonstrate that there are no technical reasons which could hinder the grant of planning permission. The following documents form part of this application's submission:
- Drawings:
 - Site Location Plan (ref: 16.145.03.304A);
 - Existing Site Plan (ref: 16.145.03.305A);
 - Phase 3 Site Plan (ref. 16.145.03-301-H);
 - Phase 1 – 3 Site Plan (ref: 16.145.03.303A);
 - Coffee Drive Thru Plan (ref. 16.145.03-601-A);

- Coffee Drive Thru Elevations (ref. 16.145.03-602-A);
 - Hot Food Drive Thru B Plan (ref. 16.145.03-801-A);
 - Hot Food Drive Thru B Elevations (ref. 16.145.03-802-A);
 - Hot Food Drive Thru A Plan (ref. 16.145.03-701-A);
 - Hot Food Drive Thru A Elevations (ref. 16.145.03-702-A);
 - PFS Elevations (ref. 16.145.03-902-B);
 - PFS Plan (ref. 16.145.03-901-B);
 - Office Building Proposed Elevations 1 of 2 (ref. 16.145.02-003-B);
 - Office Building Proposed Elevations 2 of 2 (ref. 16.145.02-004-B);
 - Office Building Ground and First Floor Layouts (ref. 16.145.02-001-B);
 - Office Building Second Floor and Roof Layouts (ref. 16.145.02-002-B);
 - Proposed Hotel Ground and First Floor Layouts (ref. 16.145.03-400-C);
 - Proposed Hotel Second, Third and Fourth Floor Layouts (ref. 16.145.03-401-C);
 - Proposed Hotel Elevations (ref. 16.145.03-802-A)
 - SUN2000-36KTL – Smart String Inverter; and
 - Q.PEAK DUO ML-G9 – 370-399.
- Air Quality Assessment;
 - Transport Assessment;
 - Landscaping Plan – Phase 3 Planting Plan (ref. 3568-18);

- Zone of Theoretical Visibility;
- Landscape and Visual Impact Assessment;
- Flood Risk and Drainage Assessment;
- Biodiversity Report.

1.3. Should the Local Planning Authority (the 'LPA') require anything further to enable the positive and speedy determination of the application, then it is requested that the Agent is contact in the first instance.

/2 SITE DESCRIPTION

- 2.1. The application site lies within the Banbury Grimsbury and Hightown ward and extends to 3.86 hectares, which currently comprises vacant land. The site forms part of a larger site of 12.7ha in total, which has extant consent for B1, B2, and B8 uses and is currently being constructed as Frontier Park. The site, or 'Zone C' has extant outline consent under ref: 19/00128/HYBRID for the development of up to 2 no. commercial buildings having a maximum floorspace of 16,890m² and having a flexible use within Class B2 or B8, and ancillary Class B1 offices.
- 2.2. The immediate area predominantly comprises a mix of commercial, retail and business units, including those approved to the immediate north of the site and those to the west of the site, beyond the M40 Motorway. To the immediate east and south of the site, beyond the defined boundaries, lies the A361 road. Further to the east are open fields with some sporadic development along Banbury Lane.
- 2.3. A Location Plan showing the site within its wider setting is provided with the supporting documents (Ref. 16.145.03.304A), while an image of the site within its closer setting is shown by Figure 1 below.



Figure 1: *Image of the Site Within its Surrounding Context (Source: Google Earth)*

- 2.4. The site forms part of the allocated Strategic Employment site of Policy Banbury 15 – Employment Land Northeast of Junction 11. This strategic allocation is 13ha in size and adjoins the M40 Motorway and Banbury Interchange near Junction 11. The land is allocated wholly for employment uses, spanning B1(a) Offices (now Use Class E), B2 General Industrial, and B8 Storage and Distribution uses, with the overall aim to deliver economic development, jobs, and investment across the site; therefore, making effective use of the local highways and infrastructure network.
- 2.5. The site is located adjacent to the M40 Motorway, which is a major routeway that links the cities of London, Oxford, and Birmingham, runs from Denham to Tanworth. Banbury town centre lies approximately 2km to the southeast of the site.
- 2.6. The site is not within an area identified by the Environment Agency’s flood risk map as being subject to flooding nor is it identified as being located within a mineral safeguarding area. The site also does not lie within any local or national ecological designations.
- 2.7. The site does not contain any listed buildings, nor does it lie within a designated Conservation Area. There are no known Tree Preservation Orders nor any other statutory designations within or immediately adjacent to application site that would preclude the granting of planning permission. No Public Rights of Way (PRoW) affect the site.

/3 PLANNING HISTORY

3.1. Cherwell District Council's planning register indicates that the site has been subject to the below previous planning applications, which all followed the adoption of the Cherwell Local Plan in December 2016.

- **17/00010/SO:** *Screening Opinion for development of strategic development site "Banbury 15" to provide B8 storage and distribution, B1 offices, motorway service area facilities, access and landscaping.* EIA not required 18th April 2017.
- **17/01044/F:** *Development of land to the north east of Junction 11 of the M40 Banbury, to provide a 22,150sqm industrial building (Class B8); two office buildings of 3716sqm each (Class B1); Motorway Services Area with amenity building, Petrol Filling Station (with canopy, fuel pump islands, ancillary convenience store and food to go outlet) and HGV Parking; creation of a new vehicular accesses off the A361 together with associated alterations to the highway; parking and circulation; landscaping, drainage and associated works.* Refused 25th June 2018.
- **19/00005/SO:** *Screening Opinion EIA relating to 19/00128/HYBRID.* EIA not required 15th February 2019.
- **19/00128/HYBRID:** *Part A: Full planning application - the development of a new priority junction to the A361, internal roads and associated landscaping with 2 no. commercial buildings having a maximum floorspace of 33,110m² and with a flexible use [to enable changes in accordance with Part 6 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices; and Part B: Outline planning application - the development of up to 2 no. commercial buildings having a maximum floorspace of 16,890m² and having a flexible use [to enable changes in accordance with Part 6 Class V of the Town and Country*

Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices, with all other matters reserved for future approval. Approved 30th July 2020.

- **20/02153/DISC:** *Discharge of conditions 10 (site roads), 11 (Construction Traffic Management Plan), 12 (Construction Method Statement), 15 (Piling Method Statement), 16 (boundary enclosures) & 18 (landscape & boundary features). Partial discharge of condition 13 (surface water drainage scheme) & partial discharge sought for Plot A only of condition 17 (external lighting) of 19/00128/HYBRID. Approved 24th February 2021.*

3.2. Application reference: 17/01044/F is of pertinence to the proposed development, given some of the similarities in the proposed mix of uses to that of the current application. However, the current application differs significantly in that it does not seek consent for a motorway services, that would feature motorway signage and could attract significant increases in traffic. This proposal required significant amounts of hardstanding carparking areas to the west bordering the M40, as well as a PFS and caravan parking which is more akin to a local roadside service area. The proposed roadside services, which includes the PFS and drive-throughs would serve a more localised catchment as well as seek custom from the adjacent uses, which are to be independently operated.

3.3. Application reference: 17/01044/F had ten reasons for refusal attached the decision notice, these included the following: loss of employment land; lack of need of motorway services; road/traffic congestion; road safety issues; design issues; loss of ecological habitats; lack of energy statement; decreases in air quality and lack of satisfactory planning obligations.

/4 PROPOSED DEVELOPMENT

- 4.1. This full planning application is for a mixed-use development including a 240-bed Hampton by Hilton hotel, 4-storey office building, two hot food drive-throughs including a Leon, a coffee drive-through, and a PFS with ancillary shop.
- 4.2. The layout of the site is shown by the Proposed Site Plan (ref. 16.145.03-301-H), with ingress and egress to located off the A361 to the northeast of the site, as approved under application reference 19/00128/HYBRID. The access road runs through the centreline of the proposed development, with separate roads off this spine, to access each of the proposed elements of the scheme. The access arrangements allow for safe and convenient access towards the site and the array of services proposed, with direct access into each part of the site as necessary.
- 4.3. The proposed development will create a new 240-bed hotel, which will be a Hampton by Hilton and is to be located at the southern end of the site, employing approximately 65 people. Hampton by Hilton have specifically identified this site as a location where there is a need for hotel accommodation for a higher market than what is currently being provided for at the nearby Premier Inn.
- 4.4. The hotel will benefit from a total of 143no. carparking spaces to the northeast and a further 24no. carparking spaces to the northwest, in line with the end user's requirements. An HGV/Refuse vehicle turning area will be present to the west of the hotel, which is also where deliveries to the hotel will be made, and where the bin store/recycling will be located. The hotel will also feature a covered secure cycle storage area, as well as a drop off/pickup point for taxis and other vehicles. The hotel will be neutrally coloured, with a blend of white and grey colourings. The windows included will be aluminium framed in grey, with grey brick panels on the ground floor.
- 4.5. The four-storey office building will be located on the west of the site, adjacent to the M40 road and is forecast to create approximately 416 new jobs (based on full time employment figures calculated from the Homes and Community Agency (HCA) Employment Densities Guide). This building will be 56,000ft² and will feature 111no.

carparking spaces, which will be located to the immediate east of said building. A right-hand turn off the central spine road provides safe and convenient access into the site and the carparking area. Similar to the proposed hotel, the materials used within the office will be neutrally coloured, with greys, white, and black used throughout, with grey tinted window frames and grey panelling. The windows above entrance for the office will be blue tinted, with grey frames, while darker composite cladding will be here, to offset the lighter coloured panelling on either side of the entrance.

- 4.6. To the north of the offices, beyond the proposed landscaping buffer, will be a hot food drive thru unit (B) which is proposed to create 30 full time jobs (based on Euro Garages current employment on existing operations of similar facilities). This unit will be accessed from the northeast of the unit, via right-hand turn off the spine road. The access road travels southernly and loops round the rear of the unit from the east, providing safe and convenient access for all. This unit will be 333m² in size.
- 4.7. Further to the northwest of the first hot food drive-through unit is an additional hot food drive-through unit (A) which is proposed to create 40 full time jobs (based on Euro Garages current employment on existing operations of similar facilities). Again, this unit will be accessed off the central spine road, to the northeast, with the drive thru road running from the east of the unit in the east and encircling the building. Carparking for this unit will lie to the east. This unit will be 215m² in size and will have 7no. carparking spaces immediately to the east, one of which will be a disabled bay, while two will be EV Charging points. Both of the hot food drive-throughs units share 52no. carparking spaces, 3no. of which are disabled bays.
- 4.8. Hot food drive-through unit A is single storey, and features glazing around the exterior with aluminium framed windows and doors in grey. This unit will also have a flat roof, grey coloured flat panel cladding and a timber-effect cladding to break up the massing.
- 4.9. One of the hot food drive-throughs will be operated by Leon, which focuses on providing healthy fast-food meals.

- 4.10. To the north of the hot food drive-through unit is a coffee shop drive-through unit (B) which is proposed to create 13 full time jobs (based on Euro Garages current employment on existing operations of similar facilities). This too will be accessed off the central spine road to the east, with the drive thru road running from the south of the unit, around the rear and out to the east. Parking for this unit will be located to the east. A drainage ditch is present to the north of this unit and will be retained. This unit will be 215m² in size and will have 16no. carparking spaces to the east of the unit and 7no. spaces to the south, two of these bays will be for EV Charging and one will be a disabled bay.
- 4.11. Hot food drive-through unit B is single-storey but is slightly different to hot food drive-through A in terms of its design, but carries through some similarities, including glazing, timber effect cladding and flat panel cladding. However, Unit B also contains sandstone, which helps to add some visual interest and break up the build form across the site.
- 4.12. The PFS is to be located to the northeast of the site and is specifically geared towards the promotion of sustainable fuels and is anticipated to create 40 full time jobs (based on Euro Garages current employment on existing operations of similar facilities). In addition to the provision of standard petroleum's, which is the fuel for most vehicles until it is eventually phased out, the site will have an increased provision of electric vehicles charging stations, as well as a hydrogen fuel pump, hydrogen fuel tank and electrolyser. As such, the roadside services are designed so that it is ready for anticipated changes to the market and will also encourage the update of more sustainable travel. Indeed, the Applicant has identified a significant shortage of EV charging points for general public use in the locality and along the surrounding strategic highway network. It is anticipated that the provision of so many charging points, and a modern facility that is able to readily increase provision to meet changing demands is a huge gain.
- 4.13. The PFS will be accessed via a left-hand turn off the central spine road. The PFS will be 930m² in size and will contain 36no. car parking spaces, with 2no. disabled parking

spaces. The PFS will contain 36no. carparking spaces, which are located to the northwest and west of the PFS building. The petrol pumps will be located to the west of the PFS unit, beyond which will lie multiple electric vehicles charging stations. A hydrogen fuel pump and a hydrogen fuel tank and electrolyser are located to the southeast of the PFS. To the south of the PFS are multiple HGV fuelling stations, with two vacuum bays residing to the south of these pumps. Three jet wash bays will be located to the southwest of the PFS. The PFS services will be operated by Euro Garages, one of the country's leading forecourt operators. To the south of the PFS is an EV charging station, which has 20no. bays.

- 4.14. The PFS is to be single-storey with an angled roof, composed largely of glazing, with merlin grey fascia, cement boarding in 'antelope', and light coloured iso-clad composite panelling. The materials chosen reflect those of the wider site and help the development blend in with the site's semi-rural surroundings.
- 4.15. All the proposed units will contain an external area for bin stores and associated generated waste.
- 4.16. The proposed development will also contain an attractive landscaping scheme, with a mixture of hedgerows, trees, grassed areas and wildflower meadow mixture along the boundaries of the site, fronting onto the adjacent road networks. Internal landscaping throughout the site has been implemented to help to divide the site and break up the built form. The landscaping scheme has been designed in a way to encourage biodiversity across the site, with a mixture of native and non-native species proposed.
- 4.17. It is believed that this access point will provide safe ingress and egress for vehicles and HGV's alike, without causing adverse impacts upon the existing highway network. The site also has good pedestrian links, with designated footpaths and crossing areas throughout the site, to promote sustainable transport across the site. Both Highways England and the Local Highway Authority supported the principle of development of the site under the previously approved application at the site 19/00128/HYBRID.

- 4.18. All the buildings proposed within the planning application site will have a sustainable design, achieving at least a BREAM rating of 'very good' and an EPC rating of A. As such, the application looks to deliver an extremely high quality development scheme that is a benefit to Frontier Park and Banbury.
- 4.19. Overall, the site's surrounding area has been, and continues to be, the subject of economic regeneration and growth, and the proposals subject to this planning application can further strengthen the local economy and complement surrounding land uses.

/5 PLANNING POLICY CONTEXT

Development Plan

- 5.1. 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'*. Said material considerations include any other supplementary / supporting planning documents and government guidance as set out in the National Planning Policy Framework (NPPF) (2019).
- 5.2. The Development Plan for the application site comprises of the Adopted Cherwell Local Plan 2011 - 2031 Part 1 (July 2015) and the Retained Policies of the Adopted Cherwell Local Plan 1996.
- 5.3. As shown within Figure 2 below, the site is located within an employment designation for 'Land Northeast of Junction 11 (M40) under Policy Banbury 15.

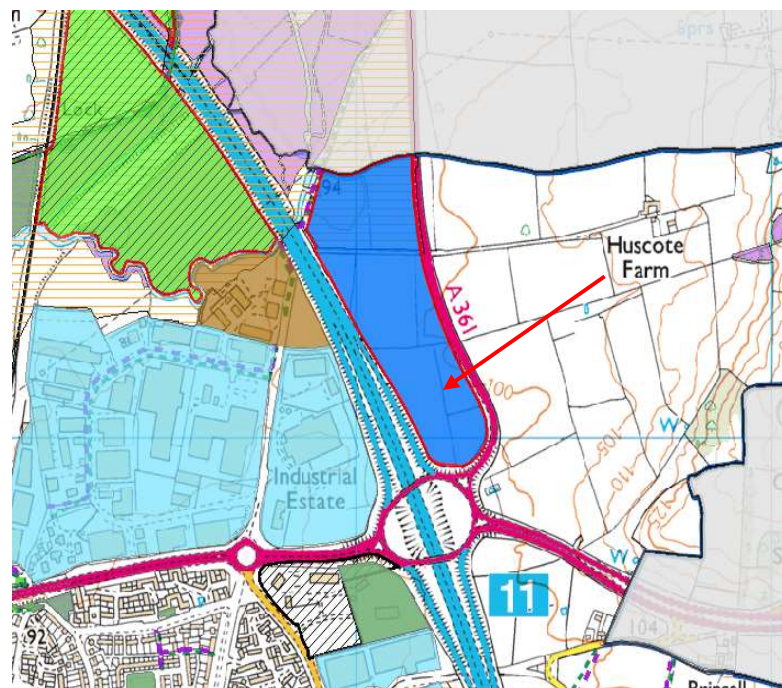


Figure 2: Image Showing the Sites Designation within the Adopted Policy Map.

The Cherwell Local Plan 2011 – 2031 Part One

- 5.4. The Cherwell Local Plan 2011-2031 was Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016). This is the principal document within the Cherwell Local Development Framework, which sets out the policies and objectives relating to the use and development of land within Cherwell and cover the planning period up to 2031.
- 5.5. The policies deemed to be of relevance to the proposed development are documented below:
- **PSD1: Presumption in Favour of Sustainable Development** – reflects the NPPF’s presumption in favour of sustainable development, stating that the Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.
 - **SLE1: Employment Development** - states that employment development on new sites allocated in this Plan will be the type of employment development specified within each site policy. This policy also states that employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. Employment proposals, including those at Banbury, will be supported if they meet the following criteria:
 - Are within the built-up limits of the settlement unless on an allocated site
 - They will be outside of the Green Belt, unless very special circumstances can be demonstrated

- Make efficient use of previously-developed land wherever possible
 - Make efficient use of existing and underused sites and premises increasing the intensity of use on sites
 - Have good access, or can be made to have good access, by public transport and other sustainable modes
 - Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings
 - Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.”
- **SLE2: Securing Dynamic Town Centres** – asserts that Retail and other ‘Main Town Centre Uses’ will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington. The policy goes on to state that an impact assessment will also be required in accordance with requirements in the NPPF. The Council will require an impact assessment if the proposal is over 2000 sq. metres (gross) in Banbury, 1500sq. metres (gross).
 - *Proposals for retail and other Main Town Centre Uses not in these town centres should be in ‘edge of centre’ locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.*
 - *When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.*
- **ESD1: Mitigating and Adapting to Climate Change** – states that measures will be taken to mitigate against the impact of development, with the majority of growth designated within sustainable locations. Development is also expected to reduce the need to travel by personal vehicle.

- **ESD2: Energy Hierarchy and Allowable Solutions** – establishes a hierarchy to achieve carbon emission reductions, including:
 - *Reducing energy use, in particular by the use of sustainable design and construction measures;*
 - *Supplying energy efficiently and giving priority to decentralised energy supply; and*
 - *Making use of renewable energy Making use of allowable solutions.*
- **ESD3: Sustainable Construction** - asserts that all new non-residential development will be expected to meet at least BREEAM 'Very Good' standards. The demonstration of the achievement of this standard should be set out in the Energy Statement. This policy also states that all development proposals are encouraged to reflect high-quality design.
- **ESD6: Sustainable Flood Risk Management** – asserts that the Council will take a sequential approach to development, with development located at areas at lower risks of flooding. This policy also states that developments on sites of 1ha or above are required to produce a site-specific FRA.
- **ESD7: Sustainable Drainage Systems (SuDS)** – states that all developments are required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- **ESD10: Protection and Enhancement of Biodiversity and the Natural Environment** – states that protection and enhancement of biodiversity and the natural environment will be achieved, with a biodiversity net gain sought by protecting, managing and enhancing sites.
- **ESD13: Local Landscape Protection and Enhancement** – illustrates that development is expected to respect and enhance local landscape character,

through the restoration, management, or enhancement of the existing landscape.

- **ESD15: The Character of the Built and Historic Environment** – asserts new development is expected to complement and enhance the character of its context through sensitive siting, layout, and high-quality design.
- **Banbury 15: Employment Land North East of Junction 11** – states that the site is 13ha in total and is allocated for mixed employment uses, which should reflect the need for diversity and resilience in the local economy, delivering approximately 1,000 roles, within B1 (Office), B2 (General Industrial), and B8 (Storage and Distribution). In terms of site-specific detail, the policy states:
 - *"Proposals should comply with Policy ESD15;*
 - *A high quality commercial District for the east of Banbury that has high connectivity to major transport routes and is well integrated with the adjacent commercial uses;*
 - *Layout of development that enables a high degree of integration and connectivity between new and existing development, including adjoining employment areas, nearby residential areas and the town centre;*
 - *Provision of new footpaths and cycleways that link to existing networks to link the site with the Banbury urban area;*
 - *Protection of the amenity of the public footpath network including satisfactory treatment of existing footpaths on the site and diversion proposals where appropriate;*

- *Good accessibility to public transport services should be provided to link the site with the Banbury urban area and provide an alternative to travel by car;*
- *Satisfactory access arrangements including a detailed transport assessment and Travel Plan given the location of the site close to the strategic road network;*
- *A high quality, well designed approach to the urban edge which functions as a high profile economic attractor but which also achieves a successful transition between town and country environments;*
- *Development that respects the landscape setting, that demonstrates the enhancement, restoration or creation of wildlife corridors, and the creation of a green infrastructure network for Banbury;*
- *Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments;*
- *A comprehensive landscaping scheme including on-site provision to enhance the setting of buildings onsite and to limit visual intrusion into the wider landscape, particularly given the key views afforded into the site from higher ground in the wider vicinity;*
- *Include planting of vegetation along strategic route ways to screen the noise;*
- *Adequate investigation (through an ecological survey) treatment and management of priority habitats and protected species onsite to preserve and enhance biodiversity;*
- *A high quality design and finish, with careful consideration given to layout, architecture, materials and colourings to reduce overall visual impact;*

- *The height of buildings to reflect the scale of existing employment development in the vicinity;*
- *Take account of the Council's Strategic Flood Risk Assessment for the site;*
- *Full mitigation of flood risk in compliance with Policy ESD 6: Sustainable Flood Risk Management including the use of SuDS (Policy ESD 7: Sustainable Drainage Systems (SuDS)), specifically attenuation SuDS techniques, taking account of the recommendations of the Council's Strategic Flood Risk Assessment;*
- *Adoption of a surface water management framework to reduce run off to greenfield rates;*
- *Demonstration of climate change mitigation and adaptation measures including demonstration of compliance with the requirements of policies ESD 1 – 5; and*
- *An assessment of whether the site contains best and most versatile agricultural land, including a detailed survey where necessary."*

Saved, retained policies of the Adopted Cherwell Local Plan 1996

- 5.6. The saved policies of the Adopted Cherwell Local Plan 1996 remain part of the statutory Development Plan. The saved policies are those that were originally saved on 27 September 2007 and have not been replaced by policies within the Adopted Cherwell Local Plan 2011-2031.
- 5.7. The policies documented below are deemed to be of significance to the proposed development:

- **EMP1: Allocation of Sites for Employment Generating Development** – states that employment generating development will be permitted on the site’s shown within the proposals map, subject to other relevant policies.
- **T2: Proposals for Hotels, Motels, Guesthouses, and Restaurants within Settlements** – asserts that within the built-up limits of a settlement, the provision of new hotels, motels, guesthouses, and restaurants will be generally approved, subject to other relevant adopted policies.
- **T3: Land Reserved for Hotel and Associated Tourist or Leisure Based Development, in Vicinity of Junction 11 of the M40, Banbury** – shows that the land shown on the proposals map in the vicinity is reserved for hotel and associated tourist or leisure-based development.
- **C28: Layout, Design and External Appearance of New Development** – shows that control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design, and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.

Material Considerations

National Planning Policy Framework (NPPF) 2019

- 5.8. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.9. The NPPF sets out Government planning policies for England and how these are expected to be applied. **Paragraph 11** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that a presumption in favour of sustainable development is at the heart of the NPPF.

5.10. For plan-making, this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

5.11. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:
 - Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or
 - Specific policies in the framework indicate development should be restricted.

5.12. Sustainable development is broadly defined in **Paragraph 8** of the NPPF as having three overarching objectives:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to*

improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.13. **Paragraph 15** evidences that plans should address housing and economic needs within distinctive areas.
- 5.14. **Paragraph 20** states that strategic policies set out an overall strategy for the pattern, scale, and quality of development, providing for the needs of all.
- 5.15. **Section 6**, 'Building a Strong, Competitive Economy', demonstrates that planning policies and decision should create the conditions in which businesses can invest, expand with significant weight places on the need to support economic growth and productivity, taking into account local needs and wider opportunities for development.
- 5.16. **Paragraph 82** indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 5.17. **Paragraph 89** states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace).
- 5.18. **Paragraph 109** states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.19. **Section 11** of the NPPF requires decisions to promote an effective use of land and requires decision makers to give substantial weight to the value of using suitable brownfield land for homes and other identified needs (**Paragraph 118**).
- 5.20. **Paragraph 124**, in relation to design, states that good design is a key aspect of sustainable development.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

- 5.21. In 2020, the Government updates the Planning Use Classes Order to remove, the former Classes A1, A2, A3, B1, D1 and D2. In their place, a new Use Class E (commercial, business and service) has been introduced, coming into effect from 1st September 2020. This includes shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.
- 5.22. The changes have been introduced to better help the economy respond to changing circumstances. Whereas Class B1 (offices) had often traditionally been seen as an employment use but uses within Classes A1, A2, A3, D1 and D2 had not, the introduction of Class E in the Applicant's view, significantly expands the types of use that should be recognised by decision-takers as employment generators.

/6 PLANNING POLICY ASSESSMENT

Principle of Development

Difference from Past Applications

- 6.1. It is pertinent to firstly note that the site has extant outline consent for the development of up to 2 no. commercial buildings, with a maximum floorspace of 16,890m². The approved buildings were flexible in their use, operating within Class B2 or B8, while ancillary Class B1 offices were also approved within the same application reference: 19/00128/HYBRID. The proposed access point within the proposals, which is to be located off the A361 to the northeast of the site, was also approved under application reference 19/00128/HYBRID.
- 6.2. Application reference: 17/01044/F is also of pertinence to the proposed development, given that the application site was included within the red edge of the site, while there are also numerous similarities between the two proposals. Nevertheless, application reference: 17/01044/F also contained the land to the immediate north, but this application does not relate to that site. The previous scheme contained significant amounts of hardstanding carparking areas to the west bordering the M40, as well as motorway services, a PFS and caravan parking.
- 6.3. Application reference: 17/01044/F had ten reasons for refusal attached the decision notice, which included the following: loss of employment land; lack of need of motorway services; road/traffic congestion; road safety issues; design issues; loss of ecological habitats; lack of energy statement; decreases in air quality and lack of satisfactory planning obligations.
- 6.4. Policy SLE1 'Employment Development' states that employment development on new sites allocated in this Plan will be the type as specified within the site-specific policy. This policy also establishes a criterion which all development is expected to meet, which includes making efficient use of the site, having good access, having good connectivity to public transport and sustainable forms of transport, and not having an adverse effect

upon surrounding land uses, including residents, as well as both the historic and natural environment. To add to this, Policy EMP1 of the Saved Policies asserts that employment generating development will be permitted on site's as shown on the proposals map, subject to any other relevant policies.

Changes in Policy Circumstances

- 6.5. Policy Banbury 15 relates to the site specifically and identifies the type and quantum of development required. The application site forms part of a greater 13ha employment allocation and is allocated for mixed employment uses, delivering approximately 1,000 roles, through the development of B1 (Office) (now Use Class E), B2 (General Industrial), and B8 (Storage and Distribution) uses. Policy Banbury 15 does however reiterate that the uses across the site should reflect the need for diversity and resilience in the local economy, in line with Paragraph 11 of the NPPF.
- 6.6. The proposed development is mixed-use in its nature and supports economic diversity within the locality. The proposals include a four-storey office block (Class E), which will create 56,000ft² of floorspace, as well as two hot food drive-through units (Class E), one coffee drive-through (Class E), a 240-bed hotel (Class C1), and a PFS with ancillary services (Sui Generis). The proposals therefore predominately relate to the creation of Class E floorspace, which as discussed above should be seen as forms of employment generating uses bearing in mind the reasoning behind the updates to the Use Classes Order in 2020 to ensure flexibility in response to changes in the economy and demands.
- 6.7. Given how Para 11 of the NPPF details how plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change, it is only right for the LPA to adopt a flexible approach to the employment numbers generated at Banbury 15. Indeed, it is arguable that the Banbury 15 Policy is out-of-date by virtue of the specific reference to Use Classes that no longer exist. On that basis, the LPA must assess the proposals in accordance with the presumption in favour of sustainable development, recognising the overall economic, social and environmental benefits that planning permission will secure.

6.8. Furthermore, this proposal seeks to increase the projected employment figures from the previous permission which forecast 430 new full-time jobs (based on full time employment figures calculated from the Home and Community Agency (HCA) Employment Densities Guide). The office element of this proposal alone is proposed to create 416 full time jobs with the other elements forecasted job numbers equating to 188 full time positions being created (based on Euro Garages current employment on existing operations of similar facilities). This is a proposed total of 604 new full-time positions being created which is 174 more positions than would be created via the existing permission.

Impact on Existing Centres

- 6.9. Whilst the proposed development will generate a good proportion of employment-generating uses, it is noted that Policy SLE2 states that retail and other 'Main Town Centre Uses' will be directed towards the local centres, whereby the proposal is greater than 2,000m² (gross).
- 6.10. The planning application has been submitted alongside a Sequential Test, that demonstrates that no other suitable sites within the defined centres of both Banbury and Bicester were found. Notwithstanding the result of this exercise, no single element of the proposal seeks to rival existing provisions within nearby centres, including Banbury.
- 6.11. It is considered that the provision of roadside facilities for Euro Garages (operators of the petrol station and drive-through units) on the application site not only meets the company's business needs, but also represents a suitable site for the proposals in all respects.
- 6.12. Roadside services, in this case the PFS and the drive-through units require a strategic roadside location alongside a major road network to provide essential key, roadside facilities for both commuters and local people. To this end, there is very few existing facilities along the eastern side of the M40. The proposals will therefore encourage drivers to stop and take a rest on their journeys, thus increasing road safety.

- 6.13. The proposed retail space within the PFS will play an ancillary role to this unit and as such will not function as a retail unit in its own right / a stand-alone destination. That said, whilst this is considered integral and ancillary to the petrol filling station use, there is at least some potential for the convenience retail use to have some effect on existing convenience retail offerings in the local catchment area. It must however be acknowledged that the primary role of a PFS is to serve passing motorists, with a largely insignificant secondary role serving local workers and residents as top up / basket shopping.
- 6.14. The rationale behind the proposed retail area is due to recent changes in the use of PFS sites to better serve the needs of the customers and is not uncommon with modern-day fuel operators. It is clear from PFSs nationwide that customers are now seeking a wider range of goods to be sold at service stations, often to avoid the need for additional shopping trips. The enhanced service station facility proposed by this planning application aims to serve the increase in this form of complementary trade. Further to this, it is also well known that with the competition to keep prices down, PFSs on their own rarely constitute viable businesses. It is the ancillary retail operations that augment the sale of fuel so that the whole site can be profitable. It is therefore important that the ancillary operations can perform as effectively as possible to support the petrol sales, hence the current format for retail and ancillary sales which has been proven to work successfully at many other Euro Garages sites across the UK.
- 6.15. The A422 and A361 are both located in proximity to the site, to the west and east respectively. These two roads are popular commuter and travel routes within the local area, particularly for those travelling in and around this part of Banbury. Whilst the applicant is not required to demonstrate a need for the development, it is considered that the site in question is an optimum location for key roadside facilities such as the ones proposed. It will also compliment the other existing Class B2 and B8 uses which are under development at Frontier Park, contributing to the site's overall sustainability.
- 6.16. Further to this, the proposed hotel is also considered to be consistent with the site's location off Junction 11 of the M40; these services will make appropriate use of the

neighbouring strategic highway network. In addition to visitors to Banbury, the operator secured for the hotel (Hampton by Hilton) has specifically identified that it hopes to attract staycation visitors who are travelling to Bicester Village. The operator will furthermore add diversification in the local market, with the proposals providing moderately priced upper midscale facilities, compared to the existing budget hotel to the southwest of the site off Junction 11 at Ermont Way, which was allocated under Policy T3 of the saved policies.

Job Creation

- 6.17. The proposed development, although not wholly 'traditional' employment-generating uses, will deliver a significant number of employment opportunities and job roles, with a combined total of 604 total number full time jobs created within this part of the site, and 1,407 full time jobs created at Frontier Park as a whole. The actual scale of employment generated must be regarded an important material consideration. Moreover, the jobs created will not just be limited to 9am-5pm hours and will meet a need, particularly for young people looking for part-time employment and experience in the commercial, hotel, food and drink industries, but also those wishing to make a career in those industries. It is of fundamental importance to make available a range of jobs across the plan period, not just the high-end B-Use opportunities, so as to achieve economic prosperity for all.
- 6.18. Policy Banbury 15 within its supporting text and the development plan as a whole has been written with a degree of flexibility where allocated (and indeed unallocated) employment sites are considered, so as to allow for economic and market trends to play a part, a rationale that is very much echoes Paragraph 22 of the NPPF which seeks to ensure that there are no planning policy barriers to proposals which seek to strengthen the local economy and where there are significant material benefits on offer. It is also highly relevant for the LPA to apply flexibility in light of Paragraph 11 of the NPPF and the recent updates to the Use Classes Order, which expands the amount and type of operations that can be considered to generate employment.

Provisions of EV Charging and Hydrogen Fuels

- 6.19. It is also felt that significant material weight should be attributed to the environmental benefits of a roadside service development which includes a PFS which so much provision for alternative fuels. Whilst these elements make the site future-proof, the increase in the availability of public EV charging points (proposing 20 no. EV charging points) and hydrogen fuel will significantly encourage the take-up of more sustainable forms of private vehicle and HGVs; contributing to the status of Frontier Park as a sustainable location to visit and work. Moreover, it is noted that Banbury still has a significant lack of such facilities. As such, the proposals represent an important step forward in helping to tackle the climate emergency.
- 6.20. Photo Voltaic (PV) arrays will be included upon the roofs of the DTs and PFS building and also on the EV chargers. There are a number of examples shown in the EV Charge Canopy Concept Proposal document submitted with this application. An extract example is detailed below in Figure 3:



Figure 3: Example image Showing an EV Charge Canopy with PV arrays

- 6.21. It is therefore evident that the proposal comprises a modern future proofing approach to local services which will be a standalone development which sits well with the applicants existing investment in the adjacent warehousing development and not in any way comparable to that of the existing EG facilities in Banbury. For example, Figure 4

below is a drone photograph taken of a roadside service facility that has already been delivered at Frontier Park, Blackburn, Lancashire with a similar vision and both well-relates to the more 'traditional' employment uses and is EV charging ready.



Figure 4: *Example image Showing EGs vision for the site taken from the existing EG Frontier Park development in Blackburn, Lancashire*

- 6.22. Taking the above policies as a whole, the proposals comply with the relevant guidance. The commercial uses proposed will not only complement the other more traditional employment uses within the wider site, both existing and planned, but will help to create a mixed, balanced, and sustainable economy for the wider Banbury area. As has been proven on other sites, the development will weather well against existing and future economic trends.
- 6.23. The application site is suitable, available, and deliverable to meet market interest, is in single ownership and it is not considered that there are any alternative sites that could better meet the needs. In addition to the creation of economic floorspace, the scheme will generate both permanent and temporary jobs during the construction phase of the

development with an associated annual wage, the generation of business rates and a total development value. Paragraph 80 of the NPPF makes clear the Government's ambitions for securing economic growth in order to create jobs and prosperity and Paragraph 82 recognises the specific locational requirements of different sectors. The proposals at hand will help to achieve this national drive towards securing sustainable economic growth.

- 6.24. Acknowledging that the only barrier to the proposed non-traditional uses is the site's location within an allocated employment site, the development therefore calls for the application of planning judgement and balance, weighing any disbenefit against the persuasive suite of socio-economic benefits summarised above. Moreover, consideration must be had to the expansion of employment generating uses that are now recognised within Class E and how the specific wording of the Banbury 15 Policy is arguably out-of-date by virtue of the references only to the provisions of Class B1, B2 and B8 uses. As such, the LPA should positively consider the overall economic, social and environmental gains associated with the development.
- 6.25. The fact that a full application has been submitted for part of the proposals could be regarded by the Council as further confidence of the site's attractiveness to the market needs and deliverability of the wider site within the context stated above.
- 6.26. The proposals represent a diversification to the local economy, will bring into use an allocated site in the development plan and should provide a catalyst for future development of the planned urban extension.
- 6.27. In brief, the proposals will provide much needed day-to-day infrastructure / facilities for the local community as well as passing motorists / commuters. The proposed units require a strategic, roadside location such as the one proposed and given a large amount of trade will be derived from passing motorists on the local highway network, it is not considered the proposals will harm the vitality and viability of Banbury's town and other nearby local centres.

Sustainable Development

- 6.28. Considering the NPPF as a whole, it is important to note that Paragraph 7 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Policy PSD1 Presumption in Favour of Sustainable Development reiterates the National Planning Policy Framework. At Paragraph 8 it states that: *"Achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)"*.
- 6.29. In terms of economic benefits, it is considered more than likely that during construction, the development would contribute to the local economy directly through the employment of local companies to facilitate the proposed development. This would include planners and architects/designers, local contractors involved in the physical build, and the local supply chain through the provision of materials. Once occupied by end users, the site will help to generate additional income for the area, utilising its strategic position in proximity to Junction 11 of the M40, with complimentary uses. It is considered that the proposed development would therefore assist in achieving the economic aims of sustainable development.
- 6.30. The social aspect of sustainability is met as the proposal will create a high-quality development for residents and highway users, which will bring a mixture of 'traditional' employment uses through the office development, as well as non-traditional employment opportunities, which complement their surrounds and the site as a whole. The proposed scheme will make efficient use of available allocated employment land for much-needed services, to enhance the overall development of the greater site.
- 6.31. Turning to the environmental aspect of sustainability, the development is an overall improvement, which works with the local character of the area and improves the built environment, with an attractive landscaping scheme enhances biodiversity upon the site. The site also allows for residents to access a range of services and facilities on foot and by bicycle, as well as personal vehicle. The site will also provide an increased

provision of electric vehicles charging points and hydrogen fuel points, which will provide sustainable fuel sources for visitors; encouraging the update of more sustainable forms of private vehicle.

Design

- 6.32. Policy Banbury 15 establishes a criterion for development, which specifically relates to design matters. The criteria specifies that development should have connectivity to transport routes and adjacent commercial uses. As noted previously, the access into the site was approved within a previous application. The site relates to the third and final parcel of the Policy Banbury 15 site, with connectivity throughout the site, and to the adjoining parcels of land. Moreover, the site will connect directly to the A361 road to the immediate east of the site, while Junction 11 of the M40 is in proximity to the site.
- 6.33. Policy Banbury 15 also states that development should create new footpaths and cycleways that link to the existing networks within the local area. Moreover, this policy also states that the site should have good accessibility to public transport services. As part of the previous application relating to the greater site, the client reached a Section 278 agreement, with adequate contributions to satisfy the above, with the proposed development making appropriate use of these.
- 6.34. In addition to this, Policy Banbury 15 states that a high-quality well-designed approach to the urban edge which reflects the transition between town and country environments, which also respects the landscape setting, is necessary at the site. This policy also states that materials used should be of a high-quality design and finish, with consideration also given to the scale, height, and layout of the scheme, to reflect the surrounds.
- 6.35. As aforementioned, the site has been carefully designed to deliver quality, with the materials, layout, height, and scale of the scheme appropriate for the proposed development as well as the surrounding context, as confirmed by the submitted landscape and visual impact assessment.

- 6.36. Policy ESD2 states that energy use of developments should be reduced through sustainable design and construction methods, with renewable energy solutions used whereby appropriate. The building materials used within the proposed development are also high-quality and durable, recycling materials whereby appropriate; therefore, ensuring that the development will be appropriate in the long-term. Moreover, it must be recognised how the significant provision of EV charging points at the PFS will help contribute to the promotion of sustainable design.
- 6.37. Adding to the above, Policy ESD3 states that all new non-residential development is expected to meet BREEAM 'very good'. The Applicant is confident that this can be achieved as a minimum for all buildings. Moreover, all buildings will achieve an EPC rating of A.
- 6.38. Policy ESD13 expects development to respect and enhance landscape character. The site does not form part of any local or national landscape designations, with the site designated for further employment development. The proposed development has been carefully designed to work with the existing topography of the site, with the hotel proposed in the southern portion of the site, whereby there is a drop in the topography. Moreover, the scale of the development of thought to be appropriate, while the landscaping within the site and upon the borders will effectively help to break-up the hardstanding and built form, as well obscure views into the site.
- 6.39. Policy C28 of the Saved Policies states that control will be exercised overall all new development, to ensure that the standards of layout, design, and external appearance, are sympathetic to the character of the area. The proposed development is consistent with this policy.
- 6.40. Moreover, the new scheme is an overall betterment in terms of design compared to the outline consent on the site, with the carparking and massing of the buildings broken up across the site with areas of landscaping, while the updated proposals are too a more efficient use of the land available.

- 6.41. The development is of a high-quality design appropriate to the site and its surrounding context, with the scale and massing of the proposal considered to be consistent with the nearby built and planned development. The design of the scheme in terms of layout ensure convenient access for all users of the site. The proposed scale, massing, and siting of the buildings is commensurate to each other and are appropriate to the site's location of a strategic road network. Overall, the scheme incorporates a modern and innovative appearance to all the proposed buildings which together, through their siting and choice of materials, will positively contribute to the area's visual appeal and compliment the wider built form of the Policy Banbury 15 employment allocation.
- 6.42. Materials for the development have been chosen carefully, with each of the proposed buildings neutrally coloured, which helps to create a sense of unity across the site, while adding some diversity. The materials used are appropriate for the proposed uses, while they too respect the vernacular, including the surrounding built development to the north. A design and access statement is submitted in support of this application, which provides a more in-depth review and justification of the materials used.
- 6.43. Overall, new development is expected to be of a good and suitable design, taking into account its surrounds in terms of materials, siting, size, scale and details used, to ensure that it is well-integrated within the landscape. The proposed development will contain a mixture of materials, with the palette carefully selected to reflect the surrounds, while also adding some diversity to the site and the local area as a whole.

Highways

- 6.44. Policy ESD1 states that appropriate measures will be taken to mitigate the impacts of development, with most of the growth designated within sustainable locations. As previously noted, the proposed development forms part of the Banbury 15 Policy and is a designated employment site, which is deemed to be a sustainable location, in line with Policy ESD1.
- 6.45. Moreover, Policy ESD1 also states that development is also expected to reduce the need to travel by personal vehicle. The offerings across the site are unlikely to generate

a significant amount of new vehicular trips, with the vast majority of footfall from motorists of the nearby highway network, including the adjacent M40. The wider site is also accessible by both pedestrians and cyclists, with appropriate facilities and provision for both. This has been improved recently by the Applicant via the delivery of bus stops along the A361, a cycle path from the site that passes beneath the M40 and a cycle link into the town centre.

- 6.46. The proposed development has been designed to ensure that it accords with Policy ESD1, which when read together and in the context of the Development Plan confirms the LPA's commitment to ensuring that new developments are capable of being served by safe access to the local highway network without causing harm to existing amenity or character of the surrounding area and provide safe, secure and convenient routes for movement within the development. Due consideration also needs to be given to Section 9 of the NPPF when considering proposed development in highways terms, which promotes the use of sustainable modes of transport in all new developments.
- 6.47. Policy Banbury 15 also states that development should create new footpaths and cycleways that link to the existing networks within the local area. Moreover, this policy also states that the site should have good accessibility to public transport services. As part of the previous application relating to the greater site, the Applicant entered into a Section 278 Highways Agreement and Section 106 Planning Agreement, with adequate contributions to satisfy the above. The proposed development will make appropriate use of these.
- 6.48. As previously mentioned, the proposals will also include 24no. electric vehicle charging points, which provide further options for passing motorists to refuel, to add to the traditional fuel sources provided within the PFS.
- 6.49. A Transport Assessment is submitted in support of this application. The Assessment provides an independent and comprehensive review of all transport issues relating to the proposed development, including an assessment of accessibility to the site by walking, cycling, public transport and car. It also assesses existing levels of traffic surrounding the site considering the development proposals and the level of trips the

proposed uses are likely to create. Overall, the assessment confirms that the levels of parking proposals are acceptable for the proposed uses on the site.

- 6.50. The proposal intends to utilise the same access as that consented under planning application reference 19/00128/HYBRID. It is believed that this access point will provide safe ingress and egress for vehicles and HGV's alike, without causing adverse impacts upon the existing highway network. The spine road running through the centre of the site will help to provide safe and convenient access into all parts of the site, which are considered appropriate for the proposed usage. The swept path analysis contained within the submitted Transport Assessment confirms that the access proposed is acceptable and safe.
- 6.51. The location of the site is considered logical for the proposed development, utilising the exceptional transport connection links, with the M40 road running adjacent to the site's western boundary, while the A422 and A361 are both located in proximity to the site. The above provide routeways for all users of the site, including cyclists, pedestrians, and private vehicles.
- 6.52. The site will sit alongside the strategic highway network within Banbury, creating uses that are complimentary to the neighbouring uses in proximity to the site. Therefore, the proposal will help to limit the amount of travel to access services by employees and residents of the greater site. This is ultimately in line with the provisions of the NPPF which promote sustainable travel modes.
- 6.53. The Transport Assessment reviewed accidents on the local highway network, which does not indicate any correlations that would suggest that highway condition, layout or design were significant contributory factors in the accidents.
- 6.54. In summary, the Transport Assessment confirms that the proposed development meets the sustainable objectives of the National Planning Policy Framework and its residual traffic impacts are not severe. From a traffic and transportation perspective there are no reasons why the development proposals should not be granted planning approval.

- 6.55. Given the scale of the scheme, an Air Quality Assessment is submitted in support of this planning application. This proposed an Air Quality Mitigation Scheme to reduce impacts upon receptors. Furthermore a Damage Cost Assessment has been undertaken, with a package of operational mitigation measures are proposed.

Flood Risk and Drainage

- 6.56. Policy ESD6 states that the LPA will take a sequential approach to development, with development expected at lower risk sites, while all sites over 1ha in size are expected to provide a site-specific Flood Risk Assessment. Policy ESD7 shows that the LPA want SuDS to be implemented to help control surface water run-off and where else they can be used.
- 6.57. As part of the previously approved application (19/00128/HYBRID) which includes the land to the immediate north of the site, multiple drainage ditches have been created, as shown on the Proposed Site Plan (ref. 16.145.03-301-H). These help to capture excess surface runoff water on the site, while also providing ecological habitats on site.
- 6.58. The site sits within Flood Zone 1 whereby the risk of flooding is at its lowest and the proposed development will not increase the risk of flooding elsewhere. Therefore, the proposed development will have minimal impact upon Flood Risk, which is consistent with both local and national level planning policies.
- 6.59. The application has nevertheless been submitted alongside a Flood Risk Assessment and Drainage Statement, setting out how the site is safe from flooding and surface and foul water can be drained.

Biodiversity and Landscaping

- 6.60. Policy ESD10 illustrates that the LPA want all development to promote a biodiversity net gain across the site, conserving and whereby possible, enhance biodiversity potential. The proposed development contains a significant amount of landscaping, which will encourage on-site biodiversity, through the planting of native and non-native shrubs, hedgerows, and trees. The layout of the scheme has been carefully designed

to ensure the retention of as much vegetation as possible across the site, to keep these habitats in place. Furthermore, the aforementioned drainage ditches on the site also encourage biodiversity potential, particularly for more aquatic species.

- 6.61. Policy Banbury 15 also relates to biodiversity and landscaping, asserting that development of this site should enhance, restore, or create wildlife corridors. Moreover, the wording of this policy shows that applications should be supported by an ecological survey, to support the treatment and management of priority habitats and protected species onsite to preserve and enhance biodiversity.
- 6.62. The submitted ecology survey demonstrates that there will be no significant harm to protected species or habitats. As such, it is in compliance with relevant policies.

Visual Impacts

- 6.63. Policy Banbury 15 also states that applications should be supported by landscape visual impact assessments, to quantify the impact of the proposed development upon the landscape and surrounding area. The submitted LVIA and ZTV confirms that post mitigation, the landscape effects of the development on the wider landscape will be slight-moderate, and for the site itself, landscape effects will be moderate.
- 6.64. Moreover, the LVIA confirms that the rural residential settlement is at a sufficient distance as to be not significantly affected and urban residential settlement is visually and physically separated by the adjacent industrial areas on the northern and eastern fringes of Banbury. Consequently, it is considered that the landscape effects on settlement will be negligible.
- 6.65. In terms of cumulative impact, the LVIA confirms that due to the proposals scale (size/mass and height of buildings), the existing/approved neighbouring development will have a far greater landscape and visual impact on its surroundings than this new development. The proposed development will be seen entirely in the context of the large commercial warehouse buildings and its visibility will be obscured by them when viewed from the north. This existing development has already established the precedent of development within the open countryside on the east side of the M40 in

this locality. Any further development in this location and of the scale proposed will have a lesser relative impact.

- 6.66. In summary, the LVIA confirms that the scheme presents a well-designed approach to the urban edge that sensitively transitions to the countryside in accordance with the policy requirements.

Heritage

- 6.67. Policy ESD15 shows that development is expected to complement and enhance its surrounding character via appropriate siting, layout, and high-quality design. The proposed development site is not in proximity to any designated heritage sites, both locally and nationally, while there are also no nearby scheduled monuments. The proposed development is therefore determined to be in accordance with both Policy Banbury 15, Policy ESD15 and Section 16 of the NPPF.

The Planning Balance

- 6.68. This section of the Planning Statement has set out how the proposed development can be judged as acceptable in the context of the Development Plan and the NPPF. It is considered that the site is located within an area where development will be supported in principle and the development provides of a mix of uses that will support and compliment the employment aspirations for the Banbury 15 site. The proposals largely comply with relevant development plan policies as listed above and it is considered there are significant, overriding material benefits from all parts of the proposed development as the uses are all significant employment generators.
- 6.69. The proposed development of this site offers the opportunity to deliver employment opportunities to the area whilst helping to boost the local economy both during and after the construction phase of development. The proposed development represents a compatible land use to the surrounding area, will not result in any adverse impacts on the existing employment land, nor or any natural or built features, and can be accessed in a safe and convenient manner without the need for any significant disturbances. It is considered that the scheme would be consistent with the thrust of NPPF policy.

Being in conformity with the development plan, NPPF would indicate that the application should be approved without delay.

- 6.70. The proposed development of this site offers the opportunity to deliver employment opportunities to the area whilst helping to boost the local economy both during and after the construction phase of development. The proposed development represents a compatible land use to the surrounding area, will not result in any adverse impacts on the existing employment land, nor or any natural or built features, and can be accessed in a safe and convenient manner without the need for any significant disturbances. It is considered that the scheme would be consistent with the thrust of NPPF policy. Being in conformity with the development plan, NPPF would indicate that the application should be approved without delay.

/7 CONCLUSION

- 7.1. PWA Planning are retained by Monte Blackburn Ltd to progress a full planning application for a mixed-use development including a 240-bed hotel, 4 storey office building, two hot food drive-throughs, a coffee shop drive-through, and a petrol filling station (PFS), at Frontier Park, Land Adjacent to the M40 Junction 11, Banbury, OX16 3AD.
- 7.2. This Planning Statement has reviewed the scheme against relevant Development Plan policy as well as other relevant planning guidance, including the National Planning Policy Framework and updates to the Use Classes Order.
- 7.3. The proposed development is a high-quality scheme that would generate key benefits, which are deemed relevant to the determination of the application. These should be awarded significant weight in the planning balance. These include but are not limited to:
- The creation of a sustainable, mixed-use development within an area that is already allocated for employment;
 - The delivery of over 1,000 jobs across the Frontier Park site, as per policy aspirations;
 - The provision of a mix of uses, for which there is a need and that will support existing employment commitments to the north of the site;
 - A significant number of EV charging points and hydrogen fuel pumps to meet an existing undersupply of public facilities in Banbury and that ultimately encourages the transition towards the use of alternative fuels;
 - The provision of roadside service facilities which encourage drivers to stop and take a break, thus promoting highway safety; and

- Buildings that achieve high ratings for sustainability and design, as well as fitting appropriately into the landscape setting.
- 7.4. On the above basis, it is considered that the proposals represent a sustainable development that is consistent with adopted planning policy and secured economic, social and environmental gains. Moreover, there are deemed to be no harmful impacts resulting from the proposed development.
- 7.5. For the reasons identified within this statement, planning permission for the proposed development should be granted.



www.pwaplanning.co.uk

2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669
info@pwaplanning.co.uk
www.pwaplanning.co.uk