

PLACE AND GROWTH INTERNAL MEMORANDUM

From: Planning Policy, Conservation and Design Team

To: Senior Manager – Development Management (Bernadette Owens)

Our Ref: Application Response

Your Ref: 21/02467/F

Ask for: Chris Thom

Ext: 1849

Date: 19/08/2021

APPLICATION FOR PLANNING PERMISSION PLANNING POLICY CONSULTATION RESPONSE

This response raises the key planning policy issues only.
All material planning policies and associated considerations will need to be taken into account.

Planning Application No.	21/02467/F
Address / Location	OS Parcel 0005 And Part OS Parcel 1300 0878 And 7566, Banbury
Proposal	A mixed-use development including a 240-bed hotel, 4-storey office building and roadside services including 2 hot food restaurant drive-throughs, a coffee shop drive-through and a petrol filling station with ancillary retail store.
Key Policies / Guidance	<p>Cherwell Local Plan 2011-2031</p> <ul style="list-style-type: none">• Policy SLE1 - Employment Development• Policy SLE2 - Securing Dynamic Town Centres• Policy SLE4 - Improved Transport and Connections• Policy ESD1 - Mitigating an Adapting to Climate Change• Policy ESD2 - Energy Hierarchy and Allowable Solutions• Policy ESD3 - Sustainable Construction• Policy ESD4 - Decentralised Energy Systems• Policy ESD5 - Renewable Energy• Policy ESD6 - Sustainable Flood Risk Management• Policy ESD7 - Sustainable Drainage Systems• Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment• Policy ESD13 - Landscape Protection• Policy ESD15 - The Character of Built and Historic Environment• Policy Banbury 15: Employment land north east of Junction 11 <p>Adopted Cherwell Local Plan 1996</p> <ul style="list-style-type: none">• Policy TR8: Commercial facilities for the Motorist• Policy TR10: Heavy Goods Vehicles <p>Banbury Masterplan SPD</p>

Key Policy Observations

- The proposal is for a mixed-use development including a 240-bed hotel, 4-storey office building and roadside services including 2 hot food restaurant drive-throughs, a coffee shop drive-through and a petrol filling station with ancillary retail store.
- The application site, which extends to 3.86 ha, is located within the southern part of land allocated for mixed employment generating development (B1, B2 and B8 uses) in the adopted Cherwell Local Plan 2015 - Policy Banbury 15.
- The wider allocated site has extant planning consent for B use classes. The northern part of the wider site is currently being developed for a large warehouse and the application site is vacant.
- The 2015 Local Plan allocates additional employment land for B use classes to help secure sustainable economic growth for the period to 2031.
- Policy SLE1 states that employment development on new sites allocated in the Local Plan will be the type of employment development specified within each site policy.
- Policy Banbury 15 requires a high quality commercial District for the east of Banbury and seeks the delivery of approximately 1,000 jobs in mixed B use classes. The supporting text emphasises that the intention is to deliver land for economic development in the interest of delivering jobs and investment in a highly sustainable location.
- The Banbury Masterplan 2016 states that an improvement in economic activity is important to the long term sustainable development of Banbury.
- Implementation of the permitted employment uses on the wider site to the north of the application site, and the delivery of offices in the application site would help deliver the employment requirements of Policy Banbury 15. However, except for the provision of offices, the application is inconsistent with the Local Plan as it will lead to the loss of land allocated and permitted for B use classes.
- Paragraph B.48 of the 2015 Local Plan states that the provision or the loss of jobs in general terms will be a material consideration for determining planning applications for any use classes.
- The proposal will provide new jobs, however the contribution to job creation this application makes, in combination with the wider site permission and development in the context of the job requirement in policy Banbury 15, should be explained. This should be examined by the Council's Economic Development Officer.
- The government's changes to the Use Classes Order in respect of employment and other uses are recognised. However, the type of employment proposed remains inconsistent with Policy Banbury 15 (except for the proposed offices). The proposed offices are Class E. The hotel is Class C1 and the petrol filling station and drive throughs are sui generis.
- Policy Banbury 15 was subject to a viability assessment as part of the production of the 2015 Local Plan. The justification for the alternative types of jobs proposed should be provided. The benefits of these alternative jobs, and the proposals more generally, need to outweigh the loss of allocated land for B use classes.
- Paragraph B.48 of the Local Plan explains that Policy SLE1 applies to sites which have planning permission. The policy states that employment sites should be retained for employment uses (B use class) unless the applicant can demonstrate an employment use should not be retained. There is a requirement for the site to be marketed and vacant in the long term. Paragraph B.48 states that where any allocated or committed employment sites remain undeveloped in the long term and there is no reasonable prospect of the site being used for that purpose other uses will be considered. The site has not been undeveloped for a long period of time in the context of

	<p>the Plan period to 2031.</p> <ul style="list-style-type: none"> • A viability assessment should be undertaken and consider whether the uses proposed are required from a viability perspective. • A sequential test will be required to meet NPPF and Local Plan policy requirements as main town centre uses, including the hotel and the retail elements, are proposed outside the town centre. If the proposed retail and leisure uses are above the threshold set in Policy SLE2 an Impact Assessment will also be required. • In terms of the proposal for a hotel, while Policy SLE3 supports tourism growth, there is conflict with uses specified by policy Banbury 15. • It is noted that the application material explains that the planning application is not for motorway services, will not be signposted and is to serve a more localised catchment. However, due to the location of the facility and the nature of the land uses proposed the application of Dft circular 02/13 should be considered and determined with the relevant highway authority. • Paragraph 106 (footnote 44) of the NPPF states that the primary function of roadside facilities for motorists should be to support the safety and welfare of the road user. • Saved Policy TR8 requires a need for the release of new sites for petrol filling stations and other commercial facilities to be demonstrated. Para. 5.26 of the 1996 Cherwell Local Plan states that the Council will resist proposals for new petrol filling stations/service areas in the vicinity of the motorway interchange at Banbury which would prejudice the free flow of traffic to and from the motorway. • The NPPF explains how 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. • In considering the highway implications of the proposed development, any potential advantage arising from HGV's not having to access residential and congested areas of Banbury should be considered. • Paragraph 112 of the NPPF states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The development would provide an electric vehicle charging station and hydrogen fuel pump, helping to tackle climate change. The applicant explains there is a lack of local provision locally. The capabilities and scope of this facility should be explored further. • The development of this gateway site should provide opportunities for high profile employment development and for high design standards to be achieved. Policy Banbury 15 requires 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. A "...high quality commercial District for the east of Banbury..." needs to be delivered in implementing the policy. A high level of integration and connectivity with the town is required.
<p>Policy Recommendation</p>	<p>Planning policy objection unless the policy issues identified can be addressed.</p>