

I write in my capacity as a member of the Cherwell District Committee of the CPRE

We have read with interest the application 21/02467/F by Monte Blackburn and would like to register our opposition to it.

The reasons for this opposition are set out below and we strongly recommend that CDC Planning Committee reject the application.

Summary of Grounds for Opposition to the Application

1. The proposal for the hotel and drive through food facilities are not covered by the land usage categories for which the site is authorised i.e., B1 (now E), B2 and B8 in addition to which any such developments would have a significant impact on the volume of traffic circulating on Junction 11 of the M40 and local roads feeding into the roundabout
2. There is no demonstrated need for the proposed petrol filling station and the attendant traffic movements that this will attract will have a significant impact on local traffic patterns. The unnecessary nature of the PFS also contradicts all national and local aspirations to reduction of carbon emissions in fulfilment of the Net Zero carbon emissions by 2050 policy of UK Government and the declaration by Oxfordshire County Council of a climate emergency in the County.
3. Once again, the applicants have come up with a wholly inadequate Transport Assessment with glaring mistakes and, at best, tenuous assumptions.
4. The claims regarding the types of employment on the proposed development still do not meet the stated intended employment types envisaged in the Cherwell Plan for 2011-2031 document or the Banbury Vision and Masterplan document.
5. Detailed comments on the individual points in the proposal are attached separately - See Annex

Discussion of the Individual Grounds for Opposition

1. The Categorisation of the Type of Activity Allowed on the Site.

The applicants point out quite correctly that the previous B1 land use classification has been subsumed into a wider classification of E in SI 2020 No 757 and should be treated as a Class E activity. In terms of the Cherwell Plan this means that the previously granted B1 use of the land automatically becomes a Class E use. However, the legislation does not in any way make any changes to the C class for hotels. Thus, under the Cherwell Plan 2011-21 the allowed uses for the site will now be B2, B8 and E. Class C remains a use not permitted for Banbury 15 under the Cherwell Plan 2011-2031.

The applicants refer to T3 of the saved policies from the Cherwell 1996 plan for land reserved for hotel and associated tourist or leisure-based development, in the vicinity of junction 11 of the M40, Banbury. It should be pointed out that since 1996, such a development took place in 2008 in the form of the then Holiday Inn (now the Premier Inn) adjacent to J11, along with a pub/restaurant, and drive-through food outlet. This would suggest that the intent of that particular item of the 1996 plan has now been fulfilled on the site envisaged and would not, as the applicants suggest, include the site subject to the current proposal. This interpretation of the precise location of T3 envisaged in the 1996 Plan is reinforced by the fact that Para 7.8 of T3 makes a very specific reference to the non-development on the same site of the ground of Banbury XX Cricket Club.

It should also be noted that there is a fast-food outlet located in the Junction 11 vicinity in the applicants' own PFS facility in Ermont Way.

In short it is suggested that the applicants have no grounds for the proposal to build a hotel or PFS and ancillary services on Banbury 15 either by virtue of the revised land use classifications, the Cherwell Plan 2011-2031 or the saved policies from the 1996 plan.

As regards to two hot food drive-through facilities, it is noted that “hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises)” is now a sui generis activity. However, we note that although the applicants have invoked the provisions of the NPPF as justification for several aspects of their application - they have failed to mention that NPPF defines a drive-through restaurant facility as one of a number of main town centre uses as follows:

“Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

We would respectfully suggest that a facility based over two km from the town centre with a major motorway intersection between it and the town centre and which can be accessed only by a single-entry point on a multi-use industrial site, does not constitute a town centre location and would seem not to meet the criteria for a town centre use under the NPPF provisions.

At a time when Banbury has invested heavily and positively to stimulate business within the town centre with the Castle Quay Waterside project, it would be totally counterproductive to mandate yet another out of town facility of this type on the opposite side of the motorway.

From a sustainability perspective there is no discussion of provision for the question of litter and adverse impact of three drive-through facilities on the local environment or the encouragement of specific motorised trips from the town centre or the locality to visit them which would seem to be contrary to the spirit of the climate emergency declared by Oxfordshire County Council.

2. Proposal for a PFS on the site

Petrol stations come under the heading of sui generis development. As regards the petrol station, as we argued vehemently in the 17/01044/F application for this site, there is no need for such a facility on this site and the traffic generation issues referred to then are still valid particularly as they will be compounded by the scheduled HS2 traffic due to begin shortly. The applicants claim that the application is not for a motorway services area (MSA) but the inclusion of a PFS, three eating outlets and a hotel on the same site adjacent to a major motorway junction (signposted or not) suggest that to all intents and purposes it is an MSA and is likely to lead to an equivalent amount of traffic disruption in and around junctions 11 as that which was predicted in objections to the previous application. To use the old analogy ‘if it looks like a duck, walks like a duck and quacks like a duck it probably is a duck’.

The applicants make great play of the provision of the new proposed PFS amenity serving the local community and passing traffic (presumably on the A361). This is somewhat fanciful. The local and transient traffic PFS requirements are already more than adequately met (unless, of course the applicants regard the development as a quasi-MSA!). For the local villages there is access to petrol at reasonable cost in Middleton Cheney and for traffic to and from the motorway there is an accessible PFS (owned by the applicants) on the west side of the motorway which is more easily reached than the proposed new one. There are also multiple PFS outlets in the town centre including at three major grocery stores. Motorway users either way have quick access to petrol in either direction at Junctions 10 and 12 respectively.

Notwithstanding the installation of the electrical charging points in the proposal, building an unnecessary PFS with its attendant potential for greenhouse gas emissions flies totally in the face of the declaration by Oxfordshire County Council of a climate emergency in the County. In the publicity

for that emergency the Council states that it is committed to 'prioritise action on climate change across the council's decision-making, services and activities.'

3. Transport Assessment

The public transport elements of the transport assessment are frankly misleading in several respects. The proximity of a bus stop does not necessarily guarantee the presence of a frequent bus service!

Looking specifically at the 500 service from Brackley to Banbury via Middleton Cheney, the assessment correctly identifies that the service goes through Middleton Cheney every half hour. However, the applicants either do not mention and/or know that it does not go along the A361 where the new proposed bus stop is every half hour - half of the buses continue down the A422 direct to Banbury. They only go along the A361 when they go through Chacombe which is every hour weekdays and not at all on Sunday. The first scheduled buses are relatively late in the morning and early in the evening. According to the updated timetable from Stagecoach effective 29 August 2021, the first through bus from Brackley will come past the development at approximately 7.50 in the morning on weekdays (apart from an earlier bus starting from Middleton Cheney only) and the first from Banbury will come past at about 7.05. The last bus from Banbury will come past the development at approximately 18.50 weekdays, the last one from Brackley at about 18.15. On Saturday the first bus from Banbury will come past at about 8.15 and from Brackley at about 8.00 (apart from an earlier bus starting from Middleton Cheney only). Last buses will come past from Banbury 18.15 approx and from Brackley at 19.00 approx. A copy of the bus timetable effective from 29 August 2021 is attached.

The 200 bus service between Banbury and Daventry does run, as the applicants state, hourly Monday-Saturday with no service on a Sunday but during the week the last service from both Daventry and Banbury is at 18.25 - the earliest buses from Banbury and Daventry are 7.50 and 7.40 respectively.

Given that it can be anticipated that the hotel, PFS and food outlets are likely to be manned on a 2-3 shift basis, these are hardly times convenient for shift changes.

The frequency together with the early and late schedules of both routes and the lack of any bus service on a Sunday on either route can only lead to more reliance on private transport to the site.

The assumptions made about people walking or cycling between the railway station and Banbury are fanciful at the very best. In particular, given that one of the prime intentions of the hotel facility is to serve people going to the Bicester Village attraction, the vision of the 'higher market' clientele that the hotel would seem to be aimed at struggling laden with shopping to walk the 2.0km to the hotel from the station is frankly laughable. It will be another car trip across the already overlaid Junction 11.

The obvious 'lack of homework' by the developers on the local bus routes and timetables together with the gross assumptions in relation to connectivity with the station, calls into question the veracity of the whole the Transport Assessment and also calls into question a lot of the assumptions made by the developers in other areas of the application as a whole.

4. Employment Categories

In some areas, the applicants assert that the Cherwell Plan and associated documents such as the Banbury Vision and Masterplan are outdated (except when they refer to them to try and support their proposals).

The currency of the Cherwell Plan and associated plans is not a judgement for the applicant to make and they seem to base their assertion largely on the change of reclassification of Class B1 activities to Class E. The latter reclassification merely reclassifies a current activity into a new class and does not invalidate the rest of the Cherwell and Banbury Plans or the basic types of development appropriate

at the site, even within the new classifications. As and until there is a replacement Cherwell Plan, the current one together with the Banbury Vision and Masterplan are the criteria against which this development should be judged. The Cherwell Plan 2011-2031 envisages Banbury 15 ensuring the “economic strengths of Banbury in manufacturing, high performance engineering and logistics can be maintained”. The Banbury Vision and Masterplan envisages for Banbury 15 providing “a new strategic mixed site which should assist in providing for advance engineering and knowledge-based industries” None of the new proposed uses meet these aspirations for the site

Conclusions

1. We believe that the above considerations show that the change of reclassification of previous B1 activities as part of the new E category is immaterial to the acceptability of the site for use involving a hotel. The site still does not have an approval for a Class C use. There are therefore no use classification grounds on which the site can be used for hotel purposes.

While the sui generis principle does include take away drive-through activities, the NPPF (to which the applicants seem to attach such importance) indicates that such activities should be regarded as town centre activities. For the geographical reasons set out, under no circumstances can this site be regarded as a ‘town centre’ location. There is therefore no sustainable argument that the take-away drive-through facilities should be allowed.

2. There is no demonstrable need for a further PFS facility in the locality of the development site and any such facility would be contrary to the spirit of the Oxfordshire County Council declaration of a climate emergency in Oxfordshire

3. In their Transport Assessment, the applicants have once again mis-stated and inaccurately represented the adequacy of the local public transport system demonstrating a significant lack of attention to detail and knowledge of the locality. In this respect it is noteworthy that the consultant preparing this Assessment would appear to be based in Manchester.

4. The job opportunities likely to be provided by this application are not of the types envisaged for Banbury 15 in the Cherwell Plan 2011-2030 and Banbury Vision and Masterplan documents

5. Overall, despite the protestations of the applicants, the new proposal is not fundamentally different from that for this site which was denied by the Planning Committee in 2018. The applicants maintain that the new application is not for an MSA largely on the basis of a lack of signage from the M40. However, the applicants let slip a possibly true indication of their intentions in section 6.45 of their Application Statement i.e. “The offerings across the site are unlikely to generate a significant amount of new vehicular trips, with the vast majority of footfall from motorists off the nearby highway network, including the adjacent M40”

We question the veracity of the premise that there will be a significant use of the facility by the local community or by motorists on the A361 and believe that the real outcome will be the overwhelming majority of the use for the proposed new facilities will be by traffic from the M40 posing all the traffic increase issues that resulted in the refusal of the previous application.

6. We therefore strongly recommend that this application be rejected.

ANNEX - DETAILED COMMENTS ON THE PLANNING STATEMENT FOR THE PROPOSED DEVELOPMENT

Para 5.7 - The saved policy T2 refers to developments within the built-up limits of a settlement - the proposed development can hardly be deemed to lie within the built-up limits of Banbury or any of the other nearby settlements. It lies on open road with a national speed limit of 50/60mph and is separated from Banbury town by the M40 and a major junction of it.

Policy T3 has been fulfilled by the developments referred to above on the Banbury side of J11.

Para 5.9 - The applicant states that "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". For the reasons set out above we believe that the proposed development does not provide an environmentally sustainable option for development of the site"

All the elements proposed in the development are surplus to the needs of the locality and only present issues for the sustainability and environmental well-being of the locality - particularly a significant increase in traffic around and from J11 of the M40 .

Para 5.10 - In our view the proposed development does not meet these criteria - there are no needs in Banbury which this development would address. Several correspondents have already pointed at the glut of empty office space in Banbury which with the changing patterns of home working post-covid will be exacerbated.

Para 5.11- The suggestion of this para is that the Cherwell Plan 2011-2031 plan and the Banbury Vision and Masterplan documents designating uses end envisaged employment types for Banbury 15 are out of date. We submit that these plans are far from out of date and continue to be highly relevant until formally replaced.

Para 6.7 - See comment on 5.11

Para 6.10 - Not so, the proposed development is in direct competition with the new Waterside development in Banbury, the existing Stroud Park development across the M40 and the wide range of similar amenities already in existence in and around Banbury and which are far more beneficial to the commercial wellbeing of Banbury town centre and the surrounding areas than the proposal under consideration.

Para 6.12 - This claim is highly questionable. There are already sufficient drive-through, hotel and petrol station facilities within the locality. Indeed, the applicant themselves has one arguably more accessible and convenient service station facility only half a mile from the proposed new facility - the current proposed PFS will be more inconvenient to access from the A361 and return to the road than their current facility particularly given the increased vehicle activity from their warehouse facilities and the imminent traffic from the HS2 construction. Motorway users have the option of PFS and services at Junction 10 (South) and Junction 12 (North).

6.16 - See comment on Para 6.12. The question of the T3 provisions of the 1996 Plan are discussed in some detail in the main document

6.19 - While the provision of EV and Charging facilities is desirable it should be the subject of a separate application and not used as a 'sweetener' to seek approval of a totally unnecessary and non-ecologically and sustainably justifiable PFS.

Paras 6.25-6.27 - The current development offers no services or amenities that the local economy has not already got in more convenient locations based on an established actual need and convenience for the potential customers rather than an invented need to suit the aspirations of the developers.

The proposals bring no material benefits to the local community and are of questionable benefit to passing trade on the local network of major roads. The only material impact of the proposed development is an unwarranted increase in local traffic filtering through a single access point on a fast road adjacent to dangerous corner. Together with the warehouse traffic from the same site and the projected HS2 traffic, the impact of the proposed development on the local traffic flow in general and on the access to the M40 J11 in particular, including the development of 'rat runs' through adjacent

villages with inadequate road systems will be as significant as was set out in objections to the previous application.

Para 6.29 - This para shows that this proposal is really an 'MSA application in disguise' despite the developers' protestations to the contrary.

Para 6.31 - This is patently not the case. One has to only look at the seriously detrimental impact on the local landscape that the single building currently under construction is having on the local landscape. This impact is far worse than could ever have been envisaged from the previously consented plans. As the CDC ecology officer points out, there is no supporting evidence in the submission as to the impact of the proposal on the local biodiversity. On the evidence of the state of the current site where development has begun, it is difficult to believe that it will be anything but adverse.

As regards the claimed benefits for local residents accessing the site by foot or bicycle, where are these local residents likely to come from? Chacombe or Middleton Cheney where we already have sufficient services to cater for our local needs or Banbury where local residents will have to walk/cycle two miles under or across a motorway to access services that are already available and more conveniently accessible in the town centre?

6.32 - The potential dangers of the access to the site were pointed out in responses to the previous consultations on the site. This is one of many significant problems with the development as a whole - its location is a potentially dangerous contributor to impaired road safety on this stretch of the A361 and J11 of the M40. Multiple vehicles accessing the A361 by a single access point is a recipe for further mishap on an already hazardous stretch of road.

Paras 6.34 and 6.35 - It is obvious in a single glance at the already emerging first phase that the whole development of Banbury 15 fails and will continue to fail miserably in these aspirations.

Para 6.38 – The development does not enhance the landscape character as it further destroys the rural landscape character to the east of the M40 in addition to the two warehouses currently under construction. There is further loss of greenfield land, both in the immediate vicinity of the site and, when viewed, from the higher ground adjacent to the site in the parishes of Great Bourton, Wardington, Chacombe and Overthorpe.

Para 6.38 – It is petty to state that the four-story hotel is purposely positioned on lower ground at the south end of the site – it's only a matter of a few feet.

Para 6.40 – any landscaping on the site is totally subsumed by the overall size of the hotel and office block – a few hedges will make no impact at all

Para 6.41 – how can the quality of the materials used “positively contribute to the area’s visual appeal” in what is currently a rural setting

Para 6.45 – there is currently no physical evidence of where the new bus stops on the A361 will be. The second sentence gives further evidence that this really a MSA application in disguise. This was turned down on vehicle movement increase grounds last time and should be denied again

Para 6.52 - The proposed site is not complementary to existing services, it is duplicative. Complementary suggests a lack of something in the available services in the local area. There is nothing in this proposal that is not readily available elsewhere either in Banbury or within or adjacent to the rural communities in area. Anyone currently accessing local services located on a basis of need would incur a longer journey - probably in most cases by car - to make use of the projected new facilities which is inconsistent with the developers' claims around sustainability

Para 6.60 - no mention of wildlife impact.



Para 6.63 – how on earth can the visual impacts of this development be considered “slight-moderate” when one can already see the wholly adverse visual impact of the two warehouses approved by application 19/00128/HYBRID (Part A) and currently in construction

Para 6.65 – “This existing development has already established the precedent of development within the open countryside on the east side of the M40”. This cannot be an excuse for the additional development having a “lesser relative impact”. The new application has to be judged on its own merits.

Para 6.68 & 6.69 – Employment levels in Cherwell District are some of the highest in the country at 98.5% compared to the national figure of 95.4%