

13 October 2021

Bernadette Owens  
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Environment and Place Directorate  
Cherwell District Council  
Bodicote House  
Banbury  
OX15 4AA

By email: [Bernadette.owens@cherwell-dc.gov.uk](mailto:Bernadette.owens@cherwell-dc.gov.uk)

Dear Ms Owens,

**Objection to Planning Application Reference: 21/02467/F  
Erection of mixed-use development including a 240-bed hotel, 4-storey office building and roadside services including 2no. hot food restaurant drive-throughs, a coffee shop drive through and a petrol filling station with ancillary retail store  
OS Parcel 0005 and Part OS Parcel 1300 0878 And 7566 Banbury (M40, Inc. 11)**

We act on behalf of Moto Hospitality Ltd.

This letter provides initial comments on behalf of our client on the planning application (reference number 21/02467/F) described in the Supporting Planning Statement as:

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

Our client objects to the proposed development on the grounds that it conflicts with relevant policies of the adopted Cherwell Local Plan 2011-2031 (Part 1) adopted in July 2015.

Moto Hospitality Ltd operates roadside and motorway service areas throughout the UK. The company is well placed to comment on the operational requirements and likely outcomes from the development of roadside services on the road network as a result.

Moto Hospitality’s objections to the planning application relate to the safe operation of the M40 motorway and wider local road network; the contradiction of the use with the Local Development Plan; and the lack of identified need for this type of development for road users.

## Impacts on Highway Safety

The application is described as roadside services and not a motorway service area (MSA). The applicants state that the services will not be signed from the M40 and are proposed to serve the local community and not passing motorway traffic.

Despite this claim, the proposed services are directly adjacent to the M40 and the Banbury Interchange near Junction 11. The proposals specifically involve substantial facilities typically found in MSAs in similar locations adjacent to motorways up and down the country.

The Planning Statement states at Paragraph 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.”*

And at Paragraph 6.16:

*“...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.”*

We would suggest it is disingenuous and misleading for the applicants to suggest that the proposals are not for roadside services or an MSA, merely because they do not wish to request that National Highways sign the facilities from the M40.

Whether or not the development is identified by the applicant as an MSA, traffic movements to and from the site have the potential to negatively impact on the safety and operation of the M40 and the local highway network. The increased congestion and additional vehicular movements arising from the proposals also fail to consider planned traffic impacts in relation to HS2 construction taking place in the area. Congestion on the M40 negatively affects the local road network and local villages when drivers seek alternative routes to avoid congestion on the motorway network.

A Transport Assessment, by Curtins, accompanies the application. Much of the data relied upon in the assessment is projection based due to the impacts of the COVID-19 pandemic on traffic movements and is therefore significantly less reliable than up to date primary data collection.

The development of new roadside services in this location has the potential to generate significant levels of additional traffic on both the A422 and B4252, with the proposed services generating new trips in the area and increasing use of Junction 11 of the M40 to access the services.

Moto Hospitality Ltd does not consider that the applicant is able to demonstrate that the proposed development of roadside services on this site will not adversely impact on the safe and efficient operation of local roads or the M40 and as such it is suggested that there is insufficient information provided at this stage for the application to be determined positively.

### **Proposal is Contrary to Local Plan Site Allocation**

Cherwell Local Plan (2011-2031) Policy SLE1 states that employment development on new sites allocated in the Local Plan must be the type of employment development specified within each site policy. The site, known as “Banbury 15”, is allocated for Class B1 (now Class E(g)), B2 and B8 uses. 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.

Although the proposals would provide new jobs, the proposal would not provide Policy 15 compliant employment uses given that the jobs to be created would stem from proposed Class E offices, a Hotel (Class C1) petrol filling station and drive thrus which would be Sui Generis uses.

The submission lacks information and justification that the jobs to be created would be similar in number and ‘quality’ to those created from policy-compliant employment uses as defined in the Local Plan.

As such, it is Moto Hospitality’s position that the Council does not have sufficient compelling evidence to approve the application in the context that the proposed land uses fail to comply with the adopted Local Plan. Furthermore, the suggestion in the Planning Statement that adopted Banbury 15 Policy is out of date due the change in Use Class Legislation is misleading or a misunderstanding of the way Planning Policy and guidance changes over time. Although use Class B1 has changed to Class E(g) Use Classes B2 and B8 both remain unchanged.

### **Lack of Identified Need for New Roadside Services**

Policy SLE2 states that retail and other ‘Main Town Centre Uses’ will be directed towards the local centres, where the proposal is greater than 2,000 m2.

Although the site is considered to be an urban edge location it is outside any defined retail centre. Therefore, in retail policy terms it would be sequentially less preferable than a town centre, or edge of centre site, within which new retail and restaurant uses would be more appropriate. In addition, the application provides no information or justification for new town centre uses at the site or to the need for roadside services in this location.

On the west side of Junction 11 of the M40 there is already a Premier Inn Hotel, 2no. restaurants and a drive thru coffee shop.

The centre of Banbury, with a thriving retail and service sector is less than 1.5 miles from the site. The town has substantial parking opportunities and is well served by public transport.

The Moto Cherwell Valley Motorway Service Area is located at Junction 10 of the M40, 11.6 miles to the south of the site, a driving time of approximately 19 minutes. This Service Area provides parking for cars and HGVS, EV charging, an amenity building with food and retail opportunities, a hotel and petrol fuelling station.

Warwick Services operated by Welcome Break is located to the north of the site, 13.7 miles away, a driving time of approximately 16 minutes. This facility provides parking for cars and HGVS, EV charging, an amenity building with food and retail opportunities, a hotel and petrol fuelling station.

The planning application fails to identify a Need case for the proposed development in this location and as such we urge the Council to refuse planning permission or request additional information to justify the proposal against the background of the Development Plan and other relevant planning considerations. .

### **Summary**

This letter sets out objections to the proposed scheme for roadside development at Junction 11 of the M40, on behalf of our client, Moto Hospitality Ltd. It is anticipated that additional representations may need to be submitted once National Highways has provided a consultation response to the planning application.

We would be grateful if you could confirm receipt of this letter. If you require any further information, or wish to discuss any matter raised, please contact Jennifer Smith of this firm.

Yours sincerely



**Jennifer Smith MRTPI**  
Director