

**Our ref:** Q080666  
**Your ref:** 19/01740/HYBRID and 19/01746/OUT  
**Email:** emma.lancaster@quod.com  
**Date:** 3 January 2020

Bernadette Owens  
Cherwell District Council  
Bodicote House  
Bodicote  
OX15 4AA

By email

Dear Bernadette

## Catalyst Bicester – Amendments and Additional Information

Following on from our recent meetings and correspondence, I write to confirm amendments to planning applications 19/01740/HYBRID and 19/01746/OUT.

### 19/01740/HYBRID

Whilst the Local Planning Authority accepted and validated the application in hybrid form, Officers have subsequently expressed concern that there is an area of overlap between the different components of the hybrid submission (i.e. the full and outline applications).

For the reasons set out in previous correspondence, the Applicant's view remains that this approach is lawful and planning conditions could be used to control the mix of uses and amount of development at the site.

However, given the support that Officers expressed for the principle of the uses proposed by both the full (health and racquets club) and outline (flexible B1a and/or B1b and/or B1c) components of the planning applications at our meeting on 27 November, the Applicant has made amendments to the application to enable it to be progressed without further delay.

### Amendments

The amendments are as follows:

- The application boundaries have been amended: the area of overlap between the full and outline components of the submission has been removed – please refer to drawing no. 18022-TP-101 Rev B.
- The area covered by the outline planning application is therefore reduced.
- The Parameter Plans have been updated to reflect these amendments to the outline application.
- There is no change to the detailed component of the hybrid submission.
- Scenario 1 (B1 development across the whole of the site), as presented and tested in all the technical documents and Environmental Impact Assessment (EIA), is no longer possible and is **deleted** from the application.

## Description of Development

The hybrid application now seeks:

- Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas; and associated infrastructure works and
- Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

You will note that the amended description of development above **does not** refer to any specific floorspace. As discussed at our most recent meeting this reflects the outcome of the very recent *Finney*<sup>1</sup> decision, as well as *I'm Your Man*<sup>2</sup>, i.e. the description of development should not be used to control a planning permission, this should be done via conditions.

## Planning Conditions Controlling Amount and Type of Development

In light of the above, the Applicant is fully accepting of a planning condition which limits the amount of B1 development that can take place to a maximum of 16,800sq.m.

As detailed in the application, the Applicant also proposes that B1a (office development) is capped at 5,880sq.m (35% of 16,800sq.m) via a planning condition.

## 19/01746/OUT

The outline planning application covering the area of the poultry farm has been amended to (i) reflect the changes to the hybrid submission and (ii) the outcome of discussions with the Local Planning Authority and Local Highways Authority regarding inclusion of land required for highway works on Wendlebury Road within the application boundary.

## Amendments

The amendments are as follows:

- The application boundary has been amended: the site includes all land required for highway works (including the proposed Wendlebury Road/Vendee Drive roundabout) which is not highway land – please refer to drawing no. 18022-TP-111 Rev B.
- The Parameter Plans have been updated to reflect this amendment.
- Because of the amendments to the hybrid application, Scenario 3 (B1 development across the whole of the hybrid application site and this application site), as presented and tested in all the technical documents and EIA, is no longer possible and is **deleted** from the application.

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<sup>1</sup> Finney vs Welsh Minutes [2019] EWCA (iv 1868.

<sup>2</sup> I'm Your Man Ltd vs Secretary of State for the Environment [1998] All ER(D)418

For avoidance of doubt, whilst the application boundary includes all land required for access works (including the proposed roundabout) that is not within the highway boundary, such that the development could be delivered independently of development on the site covered by the hybrid application, it remains that this is not the Applicant's intention.

### Description of Development

The Applicant requests that the description of development is amended to remove reference to the maximum amount of floorspace that could be delivered, as with the hybrid application.

Again, the Applicant is fully accepting of planning conditions which limit the amount of B1 development to 10,200sq.m and any B1a development as part of this gross floorspace to 3,570sq.m (35% of 10,200sq.m).

### Environmental Impact Assessment

The Development Specification has been updated to reflect the changes to the Parameter Plans and is enclosed.

Whilst the applications have been amended, both the scenarios which are still presented (i.e. Scenario 2 and Scenario 4) have already been tested via the EIA process and its conclusions regarding environmental effects remain fully valid.

### Transport Assessment

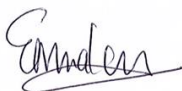
In accordance with the consultation response from Oxfordshire County Council and subsequent discussions at the meeting with yourself and Officers from the Local Highways Authority on 13 December, the Transport Assessment has also been updated.

### Summary

The amendments to the applications accord with our recent discussions and should therefore assist your consideration of the applications. However, if you require any further information or clarification, please do not hesitate to contact me.

I trust you will update the applications accordingly and will reconsult as necessary. I note the highways officers committed to a prompt response to the amended information at our meeting last month.

Yours sincerely



Emma Lancaster  
Associate

Enc As noted  
Cc Albion Land