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Cherwell District Council
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30 April 2020

0791 Bicester Gateway 1B (outline): 20/00293/OUT

Dear Caroline

Many thanks for your letter dated 23 March 2020 and subsequent liaison in regard to the planning application referenced above, including our video calls on 3 April and 17 April 2020. Thank you also for your positivity in these challenging times. Hopefully your Council will see that our client's proposals are an important part of the future for Oxfordshire post-Coronavirus.

We set out our response below to the points which have been raised. The structure follows the order of your letter for ease of reference. We are generally encouraged by the representations received so far. We are confident that the work we have undertaken since receiving your letter will meet the officers' requirements to allow the Council to support this outline application.

The principle of development

We are pleased that the principle of development appears capable of receiving support. However, since receiving your letter, we have seen the policy objection from your colleagues, which we feel rather overstates the areas for possible contention. I therefore think it is worth starting our response by setting out the compelling case in favour of the proposed 'Innovation Community'. This is supported by the Ramidus Report, submitted with the application and which is, in itself, a statement on the future of the knowledge economy. The Executive Summary of our Planning Statement draws from the Ramidus Report and records:

1. Employment practices are changing. The traditional institutional office is evolving into an offer that is more suited to the challenges of a modern lifestyle, emphasising flexible working, the role of technology, and health and well-being issues. This is especially true in relation to the needs and demands of the knowledge economy.
2. Five years on from the acquisition and promotion of the Bicester Gateway site, this context has led Bicester Gateway Ltd to innovate in order to promote high value employment growth in Bicester; which, in turn, is likely to aid the potential success of the B1 traditional office market (represented largely by the 500,000 sq ft available at Bicester Officer Park) and the emerging technology park being promoted by Albion (Bicester Gateway, Phase 2). Market evidence prepared by VSL supporting the application shows historic take-up of office space in and around Bicester has been low. Other towns in Oxfordshire remain the destination for the majority of (B1) employers.
3. The current proposal, therefore, seeks to deliver a high-quality knowledge economy "Innovation Community" using strong placemaking approaches to land use. These include employment, commercial and residential development uses on a site that straddles the boundary of an employment allocation in the Local Plan.
15. The proposed scheme offers an exciting opportunity to catalyse knowledge economy employment at Bicester Gateway and help to realise the policy intention of Bicester Policy 10. The proposals are

extremely well supported by existing and emerging infrastructure, including Park and Ride, national rail services from Oxford, Oxfordshire and London, the universities and hospitals in Oxford, and the Oxford-Cambridge Arc. It will provide an affordable housing solution for young people that find themselves priced out of Oxford and Bicester housing markets. The proposals will contribute to a critical mass that has the potential to revamp the 'brand' of Bicester from a once tired former industrial/military market town to what is becoming a vibrant, forward looking and innovative location in which to live, work and socialise.

The adopted Local Plan is now becoming dated, but the above themes are reflected in its ambition, as stated in the supporting text extracts below:

B.1 This Plan aims to support sustainable economic growth in the District. Creating a broad ranging, diverse and resilient economy is also a key ambition of the Cherwell Sustainable Community Strategy.

B.2 Increasing the economic competitiveness of Cherwell District is fundamental to providing employment opportunities to reduce the level of out commuting as well as reducing traffic congestion in the District and in neighbouring Districts and so shifting to a more locally self sufficient, sustainable economy.

B.9 Our Economic Development Strategy (2011–2016) identified the following *[not all bullet points included here]*:

- levels of employment are relatively high but not everybody is benefiting
- the skill base of the District needs to be widened
- there remain pockets of deprivation within our overall prosperity
- we have a diverse economy but often with 'lower value' activity similar to the south Midlands
- manufacturing is a particular strength but is often lower skilled locally
- the knowledge economy is growing, but not quickly enough.

B.12 Cherwell has experienced lower growth than some surrounding areas including locations such as Milton Keynes and Warwick. This may be due to a shortage in skills in some areas.

B.14 The population in Cherwell is highly skilled, however the levels of educational attainment are low in some areas. It will be important to ensure that the population is sufficiently skilled to attract companies and investment to Cherwell. We will support proposals to strengthen the skills base of the local economy through new facilities aiming to strengthen training and skills within the District.

B.17 Homeworking is increasing in the District but is slightly lower than the South East average. Superfast broadband provision will be sought as a standard item within new housing and commercial development to support home working and new enterprise throughout the District, including in rural communities. We will support development proposals to enable working from home where appropriate. We will work with suppliers to encourage the provision of superfast broadband across the District. Home and flexible working reduces the need to travel, reducing travel impacts and congestion.

B.29 A number of the strategic objectives of this Local Plan focus on supporting the local economy and fostering economic growth. These include objectives to *[not all bullet points quoted]*:

- facilitate economic growth and a more diverse economy with an emphasis on attracting higher technology industries
- improve the local skills base.

B.31 In terms of the type of employment development the District wants to attract and we will concentrate on:

- advanced manufacturing/high performance engineering
- the Green Economy
- innovation, research and development

The narrative above is strongly supportive of our planning application. Our fundamental case, as proposed in the Ramidus Report, is that Bicester needs to target the "inward innovators" (people). With the right people and skill sets, particularly among young people, then the "inward investors" (employers) will follow. This will quicken the pace of knowledge economy growth. This absolutely supports the intended purpose of Bicester Policy 10, but importantly, the plan also sets out a framework to support innovation, which by definition, cannot be prescribed. At the strategic level, therefore, we believe there is common ground that an 'Innovation Community' in Bicester ought to be supported. It is part of the mix of economic assets that will help to enhance the attractiveness of the town

and build its knowledge economy credentials. It is a proactive response and complementary to the local plan strategy of allocating B1 land for employment – but the very slow take up rates of B1 employment land in Bicester strongly suggest that allocations alone are not enough to meet the policy objectives. We therefore hope we can persuade you to encourage your policy colleagues to take a more positive and balanced view, issuing addendum advice.

There are two key policy elements in the local plan that are relevant to the policy position, being Policy SLE1 and Bicester 10 and, along with some other principles, we now explain how, in our opinion, our proposals are predominantly in accordance with policy – certainly ‘on balance’.

Policy SLE1

In addition to the approach to supporting a sustainable local economy, as quoted above, there are similar levels of support in the supporting text to Policy SLE1; but we accept that, by its very nature, the policy is strictly focussed on achieving B Class employment development and not wider strategic economic or place-making objectives, albeit with some flexibility, and noting that B1 is generally considered to be compatible with residential amenity:

B.38 The Council will, as a **general principle**, continue to protect existing employment land and buildings for employment (B class) uses.

B.42 A **flexible approach** to employment development is set out in this Plan with a number of our strategic sites allocated for a **mix of uses** and many allowing for different types of employment. Employment development will be supported in a number of locations as long as it meets certain policy criteria. In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential properties will not be permitted. **Live/work units will be encouraged** in locations such as Banbury Canal side.

B.48 Policy SLE1 applies to B use class employment development. The provision or the loss of jobs in general terms will be a material consideration for determining proposals for any use classes. The policy applies to sites which have planning permission for employment uses. Where any allocated or committed employment sites in the District 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.

In essence, therefore, SLE1 boils down to a presumption in favour of employment use retention, but this is only a general principle, and this sits alongside a flexible approach, supporting a mix of uses and sustainability but, above all, seeking to bring the knowledge economy and new ideas around the economy to Bicester. This is what the proposed ‘Innovation Community’ will achieve. In terms of SLE1, the core policy test is based on three criteria, as follows:

In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:

- *the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.*
- *the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.*
- *the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.*

In addition, there is a fourth criteria in Policy SLE1, being: “Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.”

SLE 1 applies to existing employment sites (paragraph B48). The extant approval may trigger this part of the policy insofar as there is an approved (but not delivered) employment use at the site, with two years unexpired. In order to address this, we either wait two years, or we apply the three bullet points in SLE 1, as follows:

- We contend that employment use should not be retained on that part of the site outside Bicester 10, where the Ramidus Report submitted with the scheme demonstrates, with marketing evidence from VSL, how B1 take up has been slow in Bicester and the trend is extremely likely to continue. There is around 70 years supply just in the 500,000 sq ft at Bicester Office Village. Marketing of Phase 1B commenced with the draft allocation in 2014 and Cherwell (Adrian Colwell and Steve Newman) were involved in, for
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example, Bloombridge's pitch to DAF Trucks (which was unsuccessful). Six years later, no offers have been received.

- In simple terms, development is non-viable because the market rents (at c£18 psf) are below what it costs to construct a high quality B1(a) building. In addition, the Ramidus Report summarises the reasons why seeking to retain existing or another employment use is not economically viable. To address other uses before addressing residential, we have considered Use Classes B2 (manufacturing), B8 (storage and distribution and other Sui Generis uses (health club car showroom etc). These uses are expressly not supported in the wording of Bicester 10. The Local Plan makes provision for these uses to come forward in other allocations in the District. Proposing these alternative uses at the application site is therefore likely to undermine policies in the Local Plan. These policies were tested at Examination in 2014 and proposing other employment uses at the application site is likely to prejudice delivery of the Plan as a whole. Residential development on part of the site broadly outside the employment allocation would not prejudice delivery of the policies in the Plan and would assist in housing delivery in the District, subject to meeting other policies in the development plan. Cherwell's AMR (January 2020) records a 4.4 year housing land supply and whilst we are not making a case directly on these grounds, there can be no doubt that the additional 'windfall' housing numbers are likely to prove useful in protecting the villages from five year housing land supply appeals.
- The current proposal would not have a material effect on limiting the amount of land available for employment. There is plenty available – 70 years supply. There is a very modest reduction in employment numbers for Phase 1, as confirmed in the guide in Annexe 1. Importantly, the offer before the Council is a holistic offer that is positioned as a catalyst for the wider allocation of Bicester 10 to be a successful employment generator (the "inward innovator" concept). Therefore, this modest reduction in job numbers is likely to translate into a strong demand for the high quality knowledge economy jobs, i.e. those sought by the Council at the allocation, as well as making an important contribution to housing numbers (that would outweigh the value of retaining the unallocated part of the Phase 1B site in an employment use). It is also useful that the Faccenda Chicken Farm is now proposed for employment development, adding to local employment land supply.

The policy wording in SLE1 also makes reference to having regard to employment uses having an unacceptable adverse impact on the adjacent residential uses. To the contrary, the B1 office and hub space proposed would co-exist side-by-side offering benefits to amenity and quality of life that are hard to achieve elsewhere. The Master Plan illustrates a careful approach to place-making, taking into account all the constraints and opportunities, secured by means of the Regulating Plan. The knowledge economy at Bicester 10 is enhanced by the residential element, angled towards "inward innovators" as a market product attractive to the demographic that is likely to push forward innovation to deliver the wider aims of Bicester 10.

We conclude, on balance, that our proposals satisfy the four criteria in Policy SLE1 and are therefore compliant with this policy – notwithstanding the general principle in favour of retaining allocated and/or consented employment land; in the case of Phase 1B, this would be till July 2022, and there is no prospect of the viability improving by then. We would add that the proposals are endorsed by the supporting text to Policy SLE1, notably the need for a flexible approach.

Overall, we would suggest that the general policy approach needs to be much more nuanced than "allocate and the knowledge economy will come to Bicester" and we are confident that there is no disagreement with Cherwell on this.

Policy Bicester 10

To assist your understanding of jobs provision at the site, Bloombridge has revisited the assumptions made for the original allocation and the extant planning permission comprising Phase 1A (the hotel) and Phase 1B and assessed the numbers on Phase 2 to reach the employment provision at the site with respect to Bicester 10. We enclose the employment figures guide at Annexe 1 for your reference.

The application site straddles the boundary of allocation Bicester 10 and unallocated land currently subject to planning permission for employment purposes. As a result of paragraph B48 (quoted above) alternative uses at the site (namely the residential element) therefore need to address the four criteria in Policy SLE 1 (completed above). Of the application site, 37% of the area remains inside the allocation and the employment proposals are located in this part of the site. Of the site area, 63% is located outside the allocation and generally this is where the housing element is proposed, with 33 car free units added above (and in addition to) the employment in the 37%. We enclose in Annexe 2 a plan illustrating the employment allocation with reference to the application site.

We conclude that the proposals accord four square with Bicester 10 where employment related uses are proposed on the employment allocation and the residential is proposed generally outside the allocation. For sound master

planning, there are some minor discrepancies. But, overall, there is no conflict with Policy Bicester 10. The employment potential of the 37% area has been optimised.

Other Principles

We have provided further information on the co-work/co-living concept in our draft meeting note minutes. For ease of reference, we include that here. The concept is less complex than it comes across, where we propose residential (C3) on one part of the site and office (B1) on the other. The Hub (amenities) is an intentionally flexible space to bring it all together. The following clarification of Hub space is offered:

- Fluid employment area akin to a hotel lobby or The Perch in Bicester town centre;
- Supports the function of the B1 space on an informal basis with flexible amenity space and work space;
- Provides a 'break-out' work space for:
 - o residents working from home in the development;
 - o employees working in the offices within the development;
 - o those employees at Phase 2 opposite;
 - o local or passing professionals looking to take advantage of a flexible working space;
- Milton Park is a local example with a drive-through Costa, noting that the current application is not drive-through. The Jury's Inn at Peartree also has an extended lobby to host business meetings.

Any controls on residential occupation other than those applied to the element of affordable housing would fetter the scheme fatally and make it unworkable. There is also no policy justification for this. The team has explained that due to the specific nature of the offer (1 and 2 bed apartments), the market would self-govern the large majority of its residential occupants through its specific small scale, affordable nature, the offer of the amenities and the lifestyle at the site. It is possible that a large element of the residential will be taken by a single institution, e.g. as key worker. The non-affordable housing part of the scheme will therefore be market led. The Collective in North London provided the inspiration. See: <https://www.thecollective.com/locations/old-oak>

Officers have sought clarification of the café space via a retail sequential assessment as a 'main town centre use'. The NPPF defines these as:

"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 note that a café use may link to restaurant use in this definition. Paragraph 89 guides on the use of a retail sequential test where it states:

"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 2,500 sqm of gross floorspace)".

The proposed size of the café is 180 sqm. We note that there is no locally set threshold in respect of a sequential test. On this basis we consider there is not any requirement in policy for provision of a sequential test in respect of the proposed café use at the site. However, to provide officers with assurance, the proposed café is sequentially only deliverable on site, since its purpose is to primarily serve future local residents, local employees and generally support the employment and hub functions that are part of this application, as well as the employment uses at Phase 2.

Affordable Housing

Many thanks for providing a list of the Registered Providers linked to Cherwell. We will liaise with these and seek to undertake discussions to reach a position that meets the Council's aspirations. We will come back to you separately on this.

Landscape, visual impact and Arboriculture

We enclose at Annexe 3 a Technical Note to address the massing of Building 2, the proposed multi-storey garage and landscaping proposals. In summary this confirms:

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- Climbing Plants are proposed on the ground floors of some of the building elevations. The confusion appears to have arisen from an unclear key on the landscape master plan. An amended master plan has been submitted to the Council for consideration.
 - The height of Building 2 is important in the "Gateway" concept to Phase 2. Furthermore, the immediate visual effect is softened considerably due to the land take of the agreed roundabout layout at Vendee Drive and Wendlebury Road. While we appreciate Phase 2 is still to be approved, the concept of a roundabout at this location is agreed/necessary, meaning the current route of Wendlebury Road to the east of the proposed location of Building 2 will be realigned, providing a significant landscape buffer and distance/space between the re-routed road and the building.
 - The height of the multi-storey car park and proposed design treatment. The effect of the building massing is again softened on a realignment of Wendlebury Road arising from the Phase 2 roundabout.
 - The current rural nature of Wendlebury Road is set to change considerably as Phase 2 comes forward. There is no policy provision to retain the rural character of this road.

In terms of arboricultural matters, the proposal seeks to remove three Ash trees at the north-west corner of the site adjacent to the junction of the A41 and Vendee Drive. These are identified on an amended version of the parameters plan, enclosed at Annex 4.

Trees located in the south-west corner of the site, on the opposite side of the redundant slipway to the A41, have not been surveyed. No development proposals exist in this area. We clarify the position in the plan enclosed at Annex 5, which we are calling "reserved land". Since no development is proposed here a tree survey serves no purpose and, we suggest, is not required.

We enclose a short arboricultural impact assessment (AIA) at Annex 6 which confirms the impact of the removal of these trees on the landscape and includes consideration of the "reserved land", in accordance with policy.

Considerable biodiversity uplift is proposed in terms of tree planting, introduction of native species and rich landscaping, above both the existing situation and above the extant consent.

Transport

The highways authority has raised eight broad points in its objection to the scheme. We enclose a Technical Note from our highways consultants, PBA Stantec, at Annex 7, which addresses these points fully and reflects accurately the extensive pre-app discussions that have taken place and not currently reflected in the highways response. There is no basis for a highways objection.

Drainage

We enclose a note from our drainage engineers, Alan Wood, at Annex 8, to address the drainage concerns in accordance with policy and in accordance with comments received from statutory consultees. Given the demonstration of acceptability, we suggest controlling drainage matters using the same or similar conditions as attached to the extant scheme ref: 16/02586/OUT, namely Conditions 15, 16 and 17.

Ecology

We enclose an amended net-gain calculator for biodiversity at Annex 9, prepared by our consultants, Ecology Solutions. We note that ecology officer, Charlotte Watkins, has now acknowledged that the on-site scheme is better and delivers more off-site enhancements and is therefore appropriate. In order for a like-for-like comparison to be made, including all the same assumptions, the same version of the calculator has been used as per the extant scheme (approved 2017).

Archaeology

I am pleased to confirm that our consultant archaeologists, Cotswold Archaeology (CA), is in the process of concluding very positive discussions with Richard Oram, County Archaeologist. At the time of writing, I can confirm that our proposed solution for the one outstanding item, namely the area "to be confirmed" on the archaeological constraints plan, is close to agreement. The solution suggested provides full control to officers via an agreed written scheme of investigation (WSI) for trial trenching to be undertaken, post approval of the current application, secured by appropriately worded conditions, prior to the submission of any reserved matter applications. The benefit to authorities using this approach is to protect archaeology and reserve the final layout of any buildings as subject to the outcome of the trial trenching. We enclose a summary email at Annex 10 from CA to our client, setting out what has been agreed in principle with Richard Oram. The final position will be communicated to you separately, potentially by Richard Oram.

Other matters

Residential parking is proposed as undercroft parking underneath the residential buildings.

The play area required is accepted for the residential element and is provided on site. We indicate this on an amended Master Plan, enclosed at Annexe 11.

We thank officers for their input to the proposals to date and will continue to work positively with the Council to reach a resolved position on any outstanding matters.

If you have any comments or queries in regard to the above please do let me know.

Yours sincerely



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List of Annexes

1. Job Creation Guide, by Bloombridge LLP
2. Bicester Policy 10 and application site-split, by Space Strategy
3. Technical Note on the massing of building 2 and the multi-storey car park, by Space Strategy
4. Amended regulating plan, ref: PL03A, by Space Strategy
5. Reserved land plan, ref: PL05, by Space Strategy
6. Arboricultural impact assessment, by Cordle Design
7. Highways Technical Note, by PBA Stantec
8. Drainage addendum, by Alan Wood & Partners
9. Biodiversity Impact Assessment matrix, by Ecology Solutions
10. Archaeology update email, dated 20 April 2020, from Cotswold Archaeology
11. Amended indicative masterplan, ref: PL04A, by Space Strategy