

MADDOX PLANNING

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Ms C Ford
Planning Department
Cherwell DC

30 June 2020

20/00293/OUT: BICESTER GATEWAY – RESPONSE TO OBJECTION BY ALBION

Dear Caroline

I have now read the objections submitted by Albion, specifically the letter dated 19 June from Quod and the transportation note from David Tucker Associates dated 15 June. There appear to be two fundamental points raised on behalf of Albion:

1. A concern around comprehensive development and place-making.
2. Three key issues stated at the end of Quod's letter.

This letter responds to these two points.

It is somewhat troubling that, despite numerous attempts by the Bloombridge team to engage with Albion and its consultants in the last 12 months, our offers have never been acted on. We maintain our view that a coordinated approach to place-making and use would considerably benefit the delivery of policy aspirations in the Local Plan, notably Bicester Policy 10. It now seems that Albion agree, but are seeking to push the responsibility and cost on to Phase 1B. That cannot be reasonable, nor is this something that the Planning Committee contemplated on 21 May 2020. We are therefore worried that this Committee decision is not robust. The objections from Albion have now re-opened very serious concerns that my clients had put to one side in the last few weeks on a 'live and let live' basis.

The indisputable point (now confirmed by the Albion objections) is that Phase 2 does not provide for the comprehensive development of the Bicester Gateway site as set out in the 29 place-making tests in Policy Bicester 10, notably sustainable accessibility and traffic impact. This is also in direct contrast to the approach endorsed by Committee for the Phase 1 extant planning permission in April 2017 (paragraph 8.31, quoted below). It is hard not to conclude that remedial action is now required.

Comprehensive Development

Our overall impression is that the Phase 2 applications need to go back to Committee because there are clearly points of co-ordination and place-making that are sensitive to Albion and which would benefit from being considered comprehensively, in the round, along with Phase 1B. This would also enable the Committee to debate whether Albion's TA is correct (it assumes the slips required by the extant Phase 1B s106 are in place, and we are not convinced that the stated peak hour trips correlate with the claimed 1500 jobs) and how the

Phase 2 public transport strategy will work in practice, notably in relation to access from the knowledge economy centres in the south (Oxford and Science Vale), given parts of Phase 2 are an unacceptably long walk from the Park & Ride. Moreover, we have seen no scheme to go with the public transport financial contribution of £375,000. These are serious flaws in the resolutions made on 21 May. It follows that it is very likely that the traffic impact of Phase 2 has been under-estimated (or the jobs created over-stated) and this point on impact is consistent with the advice given to Committee in April 2017:

8.30 The traffic impacts associated with Phase 1B of the proposed development are a little more complicated but in essence the expected vehicle trip generation is expected to cumulatively cause severe problems at the A41/Vendee Drive roundabout as well as at the Vendee Drive/Wendlebury Road junction at some point between 2018/19 and 2024. This worsening is, in part, due to increased general background traffic growth on the network as well as the impact of other approved/committed developments in the local area.

Fundamentally, we believe that Albion's objection to Phase 1B has arisen out of transportation failings with the Phase 2 scheme. Our clients are already providing the main elements of sustainable accessibility that benefit the wider site and local community, so it would be unreasonable and disproportionate for our clients to provide more. And, curiously, if our innovation community is not permitted then many of the objections now levied by Albion then become failings of Phase 2. Put another way, the County has asked us to step in and provide improvements to Wendlebury Road in the event that Phase 2 does not go ahead, but there is no reciprocation in the obligations currently proposed on Phase 2 if this comes forward ahead of Phase 1B, for example in relation to Charles Shouler Way, or the A41 slips. Quod's letter of 19 June 2020 now appears to accept these anomalies – but the remedy is to reconsider the assessment of Phase 2 (1500 jobs) not push further obligations on to Phase 1B (425 jobs).

Three Key Issues

Generally the concerns raised in Quod's letter are based on out of date information (eg landscape and drainage) and they also appear to misunderstand the nature of the B1 Use Class (as being compatible with residential, unlike B2 or B8), and also misunderstand the nature of modern business parks, which are now described as mixed use, business communities (eg MEPC) or third generation business parks (eg Arlington) where people 'live, work and play' on the park. This is especially relevant to the knowledge economy and is explained in detail in the Ramidus Consulting report submitted with our application; which must be given due weight.

In terms of the three key points stated at the end of the Quod letter:

1. I now understand where the County's recent requests have come from and I am pleased to confirm that, in the last few weeks, we have been able to accommodate the requested changes to the highway, pedestrian and cycling infrastructure, subject to some minor clarifications of the detail (now with the County). But going even further, as now suggested by Quod, is not reasonable – the matters raised are matters for (and failings of) Phase 2.
 2. Contributions towards the highway infrastructure stated headings have been agreed in principle, subject to clarifications on the detail. A response from Rashid Bbosa is now on the application portal. We have also addressed the relevant accessibility concerns raised by David Tucker Associates, guided by advice from Mr Bbosa.
 3. Our application is not residential-led. It proposes a sustainable mix of uses, consistent with the knowledge economy, as explained in the Ramidus Report. The residential is on land that is not allocated for employment by Policy Bicester 10. A further key point, which I think has been accepted, is that residential offers a good way to deliver architecture of a 'gateway' scale, being a very strong place-making objective of the Council and something that was reviewed (alongside landscape impact) in the Committee Report for Phase 1 in April 2017. We have seen no support for 'sheds' on the frontage. In contrast, the Ramidus Report sets out the very strong economic case for the innovation community.
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On a point of detail, I note reference by Quod to a boulevard along Charles Shouler Way (Vendee Drive). There is a clear Committee mandate from April 2017 for Phase 2 to provide this:

8.31 To complicate matters slightly, it is necessary to be mindful of avoiding anything that might prejudice successful delivery of development across the remainder of Bicester 10 in the manner provided for by the allocation policy. The applicant has however demonstrated that there is sufficient land left available either side of Vendee Drive to allow for future widening of the Vendee Drive link so that it can facilitate a more comprehensive highway solution that accommodates more traffic in order to serve development on Phase 2 of Bicester 10. Officers are comfortable that there is nothing within the current proposals that would seem to prejudice the ability to achieve suitable access to a future wider business park.

Albion has pursued a change in access strategy unilaterally and without any consultation with Bloombridge LLP. Nor were Councillors advised of this change in strategy on 21 May. This throws further doubt on the resolution made.

Albion purchased Phase 2 after Policy Bicester 10 was adopted and after the Phase 1B extant consent was granted in July 2017 and were therefore aware from the outset of the points we have raised, being matters of public record (e.g. as quoted above). The strategy for Bicester Gateway has been set for quite some time; and Bloombridge's latest planning application is consistent with this strategy.

Conclusion

I trust this response gives you comfort that the objections raised by Quod and David Tucker Associates have been addressed. There is, however, a broader issue raised by these objections, and that is that the resolution made by Councillors on 21 May 2020 is unsound and would merit reconsideration. We did make it clear at Committee that a deferral would be worthwhile, because there are unanswered questions relating to the impact of Phase 2 and the wider, comprehensive planning of the area, and it now seems that Albion agree with this view. It is wholly wrong for Albion now to try and defer these obligations on to Phase 1B.

Could I therefore please ask you either to request Albion withdraws its objections to Phase 1B and accept its role in delivering comprehensive development or, in the alternative, please take Phase 2 back to Committee, best on 16 July alongside Phase 1B, so that the following three matters are considered in a robust way:

1. The traffic impact of Phase 2 and its relationship with the claimed 1500 jobs and the assumptions in the TA about the A41 slips being already constructed, generally seeking to reconcile these matters with why the severe traffic impacts raised in the April 2017 Committee Report are no longer relevant as pre-commencement matters.
 2. The scope of the public transport scheme for Phase 2, notably how the £375,000 contribution directly relates to a scheme, how this scheme provides bus access to Phase 2 from the knowledge economy to the south (i.e. the all-important 'Knowledge Spine'), and how this money will be spent. Policy is clear that the overall objective is to make the "fullest possible use" and "maximise" public transport, walking and cycling. This has not been evidenced, nor is it clear how the Regulation 122 tests have been satisfied.
 3. Place-making and comprehensive development – it is plain that Albion now agree that this is necessary, but Councillors have not had an opportunity to consider how this can be achieved or why the change in strategy from the Committee decision in April 2017 (paragraphs 8.30 and 8.31) is acceptable. These are key policy matters. There is an opportunity to assess the Development Framework Plan for Phase 2 alongside Regulating Plan and Master Plan proposed by Bloombridge. The co-ordinating benefit of this is a policy matter and remains an important material consideration.
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I am also conscious that Quod made some unprofessional and factually incorrect comments about Bloombridge on 21 May that may have influenced the Committee's decision-making. My clients are reserving their position in this regard.

In short, we have addressed the matters raised by Albion in so far as they relate to Phase 1B, but the deficiencies with Phase 2 are now clear, set out in Albion's advisors' own words, and this means that a further, clarifying Committee resolution for Phase 2 is unavoidable unless Albion withdraw their objections and the above three points are resolved. Your deliberations in this regard will be strongly influenced by advice from the County. I can therefore confirm that Stantec have written to Joy White and Rashid Bbosa seeking a technical explanation of the first two (transport related) points above.

Yours sincerely



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