

Our ref: Q080666 el/jn
Your ref: 20/00293/OUT
Email: emma.lancaster@quod.com
Date: 13 July 2020



Caroline Ford
Cherwell District Council
Bodicote House
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By Email

Dear Caroline

Application Ref: 20/00293/OUT – Bicester Gateway Phase 1B

These further representations are submitted on behalf of Albion Land and follow on from those dated 17 June 2020.

They are made in response to the amendments and further submissions on behalf of Bicester Gateway Ltd (a subsidiary of Bloombridge LLP (“the Applicant”)) which are set out in:

- Correspondence from Maddox Planning, dated 30 June 2020
- Correspondence from Stantec, dated 30 June 2020
- Access Plan - Drawing ref: 46463/5501/001 Rev B; and
- Regulatory Plan - Drawing ref: PL03 Rev C

Albion Land’s **strongly held objections** to the proposed innovation community (“the Proposals” or “the Application”) remain.

For the reasons previously set out, **the proposals will fundamentally undermine the delivery of the Development Plan allocation which the site is part of and, therefore, the Development Plan’s strategic approach to employment delivery and sustainable growth in Bicester.**

The Application still fails to properly consider its relationship and interaction with Catalyst Bicester (and other existing and committed developments). Much reliance is placed on the extant planning consent, without recognition that this Application is a new, separate proposal for a different type and quantum of development and/or that the baseline for determination of these new proposals has moved on due to the passage of time.

As outlined previously, Albion Land’s key concerns are as follows:

- 1. The access proposals are unsafe and will undermine the operation of all phases of development at Bicester Gateway.**



2. **The proposals will not make proportionate contributions towards the delivery of new strategic highway infrastructure, which are necessary to make the development acceptable in planning terms and reasonable in all other aspects.**
3. **The proposals are residential-led and are therefore wholly incompatible with the delivery or operation of a strategic employment area, which is precisely what is intended to be created at Bicester Gateway.**

Highways

The Applicant's response to our previous representations has been considered by David Tucker Associates ("DTA"). The response however does not provide additional evidence to address the issues raised by DTA nor does it offer material changes to the design to address the shortcomings in the proposed access arrangements. As such there remain fundamental concerns and objections from a transport perspective on behalf Albion Land.

Charles Shouler Way

Of critical concern is that the Applicant is now proposing the westbound Charles Shouler Way carriageway onto the Vendee Drive roundabout is narrowed even further, resulting in a two-lane entry rather than three.

Notwithstanding that the narrowing of Charles Shouler Way is entirely at odds with the access strategy that the Applicant has previously promoted (which would have involved widening of this carriageway), its acceptability from a highways safety and operational perspective is not supported by robust evidence to demonstrate compliance with OCC and DMRB design standards, capacity appraisal and independent road safety audit.

The proposed reduction from three to two lanes will reduce traffic capacity. A comprehensive assessment has not been undertaken by the Applicant (inclusive of Phase 2). As such, **it is unclear whether sufficient capacity will remain for the existing, committed, and proposed development at Bicester Gateway.**

Furthermore, **no assessment is made of the access arrangements in conjunction with the Phase 2 accesses** (which now represent an updated planning baseline) or the phasing implications arising.

Strategic Highways Infrastructure

The requested contribution towards the delivery of strategic highway infrastructure is based on a flawed calculation.

Whilst the explanation set out in the OCC email of 24 June is noted, the Applicant should be required to make a contribution which has been calculated on the same basis as Phase 2 of Bicester Gateway, Bicester Office Park and Wretchwick Green. This is the only possible equitable approach.



The formula used for calculating the contributions from these schemes has always been based on estimates of held/committed funding (“Y” in the calculation) and expected growth contributing to the SEPR (“E” in the calculation).

It would not be “double counting” if the Applicant is required to contribute to the SEPR at a rate of £874.86 per peak hour trip because they have not paid (and will not pay) the £367,725 contribution assumed at “Y”.

Based on the Stantec trip estimates (see earlier DTA Technical Note), a consistent application of the calculation would result in a contribution of £289,578.66 in connection with the proposals. This is some £80,000+ less than the contribution associated with the extant permission, which it is understood was discounted to reflect that the Applicant was also committing to highway improvement works which are not proposed as part of the current scheme.

It follows that the proposed obligation will not satisfy the NPPF tests since it will not be fairly or reasonably related in scale and kind to the development proposed. This test is set out as a statutory test at Regulation 122 of the Community Infrastructure Levy Regulations 2010. To grant planning permission on this basis would be an err in law.

On-Site Parking

The proposals continue to fail to provide sufficient on-site parking provision. Whereas Phase 2 of the business park (to be delivered by Albion Land) will fully accommodate its parking demand on-site, there is a significant shortfall in parking within the Phase 1b site of circa 120 spaces, despite no longer pursuing car free development.

The consequential displacement of parking onto adjoining developments, including Phase 2 of Bicester Gateway, will undermine the efficient operation of the rest of the allocation and other developments (including the Park and Ride).

This cannot be controlled by condition and has the potential to significantly impair the operation and safety of the local road network, including the national cycle network, and the rest of the Bicester 10 allocation.

Residential-Led Development

Fundamentally, the Application fails to properly consider its relationship with the strategic employment uses that will be located directly adjacent. Not only do **the proposals have the potential to undermine the operation of the proposed employment space across Phase 2 of Bicester Gateway**, including noise sensitive office spaces, they also have the potential to have a significant cumulative noise impact on surrounding existing sensitive receptors. These impacts must be assessed in detail prior to determination of the application.



Whilst it is noted that CDC has a shortfall in deliverable housing land, the objective of meeting housing needs must be considered in the context of all other Development Plan objectives, including meeting strategic employment needs.

Added to this, and as we have previously set out, this site is not a suitable location for residential development; divorced from any existing or proposed residential development and distant from key local facilities.

Whilst the Bicester 10 policy makes explicit reference to reducing out-commuting, the Applicant's current approach pays little such regard to the direction of flow or the benefit from providing accessible local jobs nor the traffic implications of this imbalance from the Local Plan. Residential development in this location would not, therefore, comprise sustainable development and would increase reliance on the private car, not reduce it – which is a key objective of the Development Plan allocation for Bicester Gateway.

Other previously stated concerns in relation to affordable housing provision and the effect of the proposals on job creation also still stand.

Planning Committee

We note that the Application is due to be considered by the Planning Committee on 16 July 2020. This is despite there being a range of objections (strongly held in some cases) from several parties, including OCC Highways.

Whilst the Officer Report indicates it is expected a satisfactory resolution of the outstanding technical matters can be agreed prior to consideration by Planning Committee, in light of the above wide-ranging concerns that are held by Albion Land and time remaining for submission of further information/amendments, this seems highly unlikely.

It will be necessary for Officers to provide a comprehensive response to all of Albion Land's outstanding objections, as detailed above, in their written and verbal updates to Members. It will also be necessary for all relevant consultees and interested parties to have had the proper opportunity to consider any further amendments or information submitted by the Applicant prior to its presentation to the Planning Committee.

Environmental Impact Assessment Regulations 2017

Our previous representations identified a range of concerns in relation to the approach to EIA Screening. These concerns do not seem to have been addressed by further submissions made by the Applicants and nor are they properly considered in the Officer Report for Planning Committee.

Prior to the termination of the application, CDC must satisfy itself that its conclusion was robust and properly reflected the requirements of EIA Regulations.



Summary of Objections

The proposals will fundamentally undermine the delivery of the Development Plan allocation which the site is part of and, therefore, the Development Plan's strategic approach to employment delivery and sustainable growth in Bicester.

The access proposals are unsafe and will undermine the operation of all phases of development at Bicester Gateway.

The Applicant will not make proportionate contributions towards the delivery of new strategic highway infrastructure, which are necessary to make the development acceptable in planning terms and reasonable in all other aspects.

And, by virtue of being residential-led, the proposals are wholly incompatible with the delivery and operation of a strategic employment area at Bicester Gateway.

Yours sincerely



Emma Lancaster
Director

enc. Highways Technical Note
cc. Albion Land