

# **Transport Statement of Common Ground (TSoCG)**

Between:

Cherwell District Council (the Local Planning  
Authority)

And

Great Lakes UK Limited (the Appellant)

Appeal ref. APP/C3105/W/20/3259189  
Land to the east of M40 and south of A4095,  
Chesterton, Bicester

LPA Ref: 19/02550/F

9 February 2021

# 1. Introduction

- 1.1 This Statement of Common Ground has been prepared in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (as amended), in relation to the Appellant's appeal under Section 78 of the Town and Country Planning Act 1990, further to the District Council's refusal to grant planning permission in respect of application 19/02550F which is described below in further detail.
- 1.2 A planning application for the development proposal at land to the east of M40 and south of A4095 at Chesterton, Bicester was submitted to Cherwell District Council (CDC) in November 2019 for development proposals comprising:
- "Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping."* ("the Proposed Development")
- 1.3 Planning permission was refused at planning committee in March 2020. The decision notice in relation to the refusal of planning permission lists six reasons for refusal.
- 1.4 This Transport Statement of Common Ground should be read in conjunction with the Main Planning Statement of Common Ground, which includes full details of the site, the surrounding area, the proposal, the planning history and the policy context and other statements of common ground, particularly the separate Transport Statement of Common Ground with the County Council as Local Highway Authority.
- 1.5 The following sections of this statement are set out under the following headings:
- Site Location and Appeal Scheme; and,
  - Technical Matters
- 1.6 The following information has been submitted to CDC and OCC on transport matters on behalf of the Appellant:
- Pre-Application Technical Note Trip Attraction dated 9 July 2019;
  - Pre-Application Technical Note – Day Visitors dated 16 September 2019;
  - Transport Assessment dated 8 November 2019;
  - Framework Travel Plan dated 8 November 2019;
  - Framework Delivery and Servicing Management Plan dated 8 November 2019;
  - Response to Bicester Delivery Team Comments dated 7 February 2020;
  - Response to Chesterton Parish Council Comments dated 7 February 2020;
  - Response to OCC Comments dated 19 February 2020;
  - Response to OCC Comments dated 27 February 2020;
  - Technical Note on Highways Matters dated 4 September 2020; and
  - Response to OCC dated 14 October 2020.
- 1.7 Planning permission was refused by CDC following a planning committee meeting in March 2020. The Decision Notice in relation to the refusal of planning permission lists six reasons for refusal. Two of those reasons for refusal relate to highways and transport matters as follows:
- Reason 2 - The proposed development would result in the creation of a substantial leisure and hospitality destination in a geographically unsustainable location on a site largely devoid of built structures and beyond the built limits of the nearest settlement. It has no access via public transport and would not reduce the need to travel or offer a genuine choice of alternative travel modes over the private motor vehicle. Given the predominant guest dynamic (families with children) the majority of trips are likely to be made via private motor vehicle, utilising minor rural roads. Furthermore, the proposal is for retail and leisure development in an out-of-centre location and no impact assessment has been provided as required by Policy SLE2. The Council do not consider that exceptional circumstances have been demonstrated to justify the development in this location, and as such the proposal is contrary to Policies SLE1, SLE2, SLE3, SLE4 and

ESD1 of the Cherwell Local Plan 2011- 2031 Part 1, Saved Policies T5, TR7 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- Reason 3 - The proposed development fails to demonstrate that traffic impacts of the development are, or can be made acceptable, particularly in relation to additional congestion at the Middleton Stoney signalised junction of the B4030 and B430. As such the proposal is contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy TR7 of the Cherwell Local Plan 2011-2031 Part 1, Policy 17 of the Oxfordshire Local Transport Plan 4 and Government guidance contained within the National Planning Policy Framework.

## 2. Site Location and Appeal Scheme

### Site Location

- 2.1 The Site is located to the east of the M40 and south of the A4095 to the west of the village of Chesterton. The Site currently forms the western part of the Bicester Hotel Golf and Spa site that benefits from a main customer/ visitor access from Green Lane and a secondary access from the A4095, which operates as the service access to the golf course.
- 2.2 The Site is located to the west of Chesterton village and fronts the A4095 to the north east with the M40 to the west. The A4095 is a two-way carriageway operating under the national speed limit of 60mph, from which a new vehicle access will be provided.
- 2.3 To the east of the Site, the A4095 passes through the edge of Chesterton village and links 1km to the north to Vendee Drive. North of this junction, Vendee Drive connects to Howes Lane and the A4095 Bicester ring road, as well as Middleton Stoney Road operating east towards Bicester town centre (3km from the Site) and the B4030 operating west towards Middleton Stoney. To the south east of its junction with the A4095, Vendee Drive joins the A41 providing connections to the wider area including Aylesbury and Oxford, via the A34.
- 2.4 To the west of the Site, the A4095 provides a link to Kirtlington, Enslow and Long Hanborough as well as connecting to the B430. The B430 operates on a north-south orientation between the A43 and Junction 10 of the M40 to the north and the A34 and Junction 9 of the M40 to the south, providing access to the wider strategic highway network.

### Proposed Development

- 2.5 The Proposed Development comprises the construction of a new leisure resort incorporating waterpark, family entertainment centre, 498-bedroom hotel, conferencing facilities and restaurant with associated parking and landscaping.
- 2.6 Vehicle access to the Proposed Development will be gained via a new priority junction, with right turn ghost island, from the A4095. The proposed site access junction is shown on Motion Drawing 1803047-03.
- 2.7 A total of 902 car parking spaces will be provided on site for use by staff and guests. This includes a total of 56 disabled accessible parking bays, equating to 6% of the total provision. A minimum of 90 car parking spaces will be provided with electric vehicle charging facilities, equivalent to 10% of bays.
- 2.8 A total of 40 cycle parking spaces will be provided for staff within a secure covered cycle store, close to the staff entrance to the building. A further 40 visitor cycle parking spaces will be provided close to the main guest entrance.
- 2.9 All delivery and servicing activity will be undertaken on site in a dedicated service area to the rear (west) of the Site, accessed from service roads to the south of the Site.

### 3. Technical Matters - Agreed

3.1 The Council in its capacity as local planning authority, agrees the following:

#### Site Layout, Access and Parking

- The Proposed Development will be accessed from a new priority junction, with right turn ghost island, from the A4095, which is considered acceptable in principle by OCC as Highway Authority, subject to detailed design;
- The proposed car parking provision, including disabled accessible car parking, EV charging facilities is considered by OCC as Highway Authority to be acceptable;
- The proposed level of cycle parking provision is acceptable to OCC as Highway Authority;
- OCC as Highway Authority is satisfied with the proposed delivery and servicing arrangements, including refuse collection;
- The proposed diversion of Public Right of Way (PRoW) 6 which passes across the Site is acceptable in physical terms; CDC has concerns with it in respect to the impact on the amenity of users, which is addressed through its landscape and visual impact evidence; and,
- The Proposed Scheme will need to submit a coordinated signage strategy for the development to be agreed by OCC as Highway Authority and thereafter the approved scheme will need to be implemented prior to commencement of development.

#### Sustainable Transport

- The Proposed Development will provide the following package of measures concerning sustainable transport infrastructure which OCC as Highway Authority consider should be secured by S278 agreement, planning conditions and S106 agreement:
  - new footways and foot/cycleway along the A4095 between the Appeal site, Chesterton and PRoW 161/11, and along Green Lane between PRoW 161/6 and Chesterton (as shown on Motion Drawings 1803047-02 and 1803047-03) providing a betterment to existing pedestrian and cycle facilities and will be secured by S278 agreement;
  - a contribution of £70,000 towards improvements to cycles routes between Chesterton and Bicester and this will be secured by S106 agreement;
  - a contribution of £1.6 million towards the provision of a new public bus service between the Site and Bicester, to be operated by OCC, secured by S106 agreement;
  - a contribution to provide two new flag and pole bus stops in Chesterton; and,
  - Sustainable day passes will be available every day (30 sustainable day passes per day) for guests that use sustainable modes of travel to access the Site and these will be offered at discounted rates for local residents.

- In addition to the above, a shuttle bus service for staff and guests forms part of the s106 but this has not been included at the request of OCC as Highway Authority.
- A Framework Travel Plan has been prepared in order to promote sustainable travel choices. OCC as Highway Authority has requested a full Travel Plan to be submitted for approval to support the development.

#### Transport Assessment and Effect of Development

- OCC as Highway Authority has accepted the trip attraction methodology detailed within the Transport Assessment dated 8 November 2019;
- The expected catchment area, distribution and routing of vehicle trips detailed in the Transport Assessment is agreed;
- The proposed site access junction will operate within capacity without material queuing or vehicle delay; and,
- OCC as Highway Authority accept that the Proposed Development will not result in a “severe” impact on the following junctions:
  - A4095/ Vendee Drive priority junction
  - Vendee Drive/ A41 Oxford Road roundabout;
  - A4095/ B430 priority crossroads;
  - B430/ Church Road priority junction;
  - B430/ B430 roundabout (north of A34 interchange);
  - M40 Junction 9; and,
  - M40 Junction 10.

3.2 In relation to the impact of the Proposed Development on the B430/B4030 junction in Middleton Stoney, CDC defers to OCC as Highway Authority but generally agrees the following:

- The baseline and various future year traffic flows utilised within the assessment are appropriate, although OCC noted that the mitigation scheme associated with the Heyford Park Phase 2 proposals could not be relied upon;
- Appropriate consideration has been made of the highway works associated with Heyford Park 1; and
- The LinSig model utilised for the purpose of the assessment is considered generally appropriate by OCC as Highway Authority.

## 4. Technical Matters - Not Agreed

4.1 The Council in its capacity as local planning authority, has the following outstanding objections on highways and transport matters:

- Whether the Proposed Development is in a geographically unsustainable location and whether it would reduce the need to travel or offer a genuine choice of alternative modes of travel over the private motor vehicle;
- Whether the majority of trips are likely to be made by private motor vehicle, utilising minor rural roads;
- Whether the proposals comply with transport policy in relation to the impacts at the B430/ B4030 Middleton Stoney junction;
- Whether the residual cumulative impact of the Appeal Scheme at the B430/ B4030 Middleton Stoney junction in traffic capacity terms is severe; and,
- Whether the Appeal Scheme at the B430/ B4030 Middleton Stoney junction meets design standards and whether it introduces road safety issues.

This Statement of Common Ground is agreed between the following:-

Signed 

Dated: 9<sup>th</sup> February 2021

Andrew Bateson

Team Leader – Major Developments

On behalf of Cherwell District Council (the Local Planning Authority); and

Signed 

Dated: 9<sup>th</sup> February 2021

Philip Bell

Managing Director of Motion on behalf of Great Lakes UK Limited

(the Appellant)