

**APPEAL AGAINST CHERWELL DISTRICT COUNCIL FOR THE
DEVELOPMENT OF**

**LAND AT NORTH WEST BICESTER, CHARLOTTE AVENUE,
BICESTER, OX27 8BP**

SUMMARY PROOF OF EVIDENCE

OF

MARK KIRBY

SUBMITTED ON BEHALF OF FIRETHORN DEVELOPMENTS LTD (THE APPELLANT)

APPEAL

PLANNING INSPECTORATE REFERENCE: APP/C3105/W/23/3315849
CHERWELL DISTRICT COUNCIL REFERENCE: 21/01630/OUT

MAY 2023

1 SUMMARY PROOF OF EVIDENCE

Introduction

- 1.1 My Proof of Evidence ('PoE') has been prepared to address the highways and access putative Reasons for Refusal ('RfR') raised by Cherwell District Council ('CDC') in their capacity as the Local Planning Authority ('LPA') in relation to the Planning Application for the Proposed Development at land at North West Bicester, Charlotte Avenue, Bicester, OX27 8BP ('the Site').
- 1.2 There was no objection raised by Oxfordshire County Council ('OCC') in their capacity as Local Highway Authority ('LHA'). In addition, with reference to the LPA officer recommendation for approval, as set out within the Committee Report dated 09th March 2023, the LPA at that stage did not have any outstanding concerns in relation to highways matters.
- 1.3 Members commented at the CDC Planning Committee on 9th March 2023 that had the Appeal not already been lodged on non-determination grounds, they would have refused Planning Permission, with two of the five putative RfR related to highways and access.
- 1.4 In addition, two separate groups objecting to the Planning Application have been granted Rule 6 Party status in this Appeal, the North West Bicester Alliance ('NWBA') and the Bicester Bike Users Group ('BBUG'), who have raised comments relating to highways and access each as part of their respective Statements of Case ('SoC').
- 1.5 My PoE sets out how the matters raised by the LPA and the Rule 6 Parties are considered to be appropriately addressed within the information already submitted in support of the Planning Application, the additional information provided during the determination period, and as part of the information within this PoE.

Development Proposals

- 1.6 The Planning Application is for the development of up to 530 residential units, and the description of the development (as amended) is as follows:

"Outline Planning Application for up to 530 residential development (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout and scale reserved for later determination."

Summary of Highways and Access Issues Raised by CDC

- 1.7 My PoE addresses the putative RfR in relation to highways and access given by CDC, which are RfR 2 and 3.

Response to Highways and Access Issues Raised by CDC

- 1.8 I consider that putative RfR2 relates to the suitability of Braeburn Avenue to accommodate on-carriageway cyclists and the existing width of Charlotte Avenue and its perceived failure to meet the recommendations of the Department for Transport (DfT) Local Transport Note 'Cycle Infrastructure Design' ('LTN 1/20', July 2020) and various CDC and OCC planning policies and the effect that the width of this road may have on the safety of users of the highway.



- 1.9 My PoE identifies that as OCC accepted the layout arrangement for Charlotte Avenue as approved for the Elmsbrook development, and OCC have signed a Section 38 Agreement in July 2014 approving the layout of both Braeburn Avenue and Charlotte Avenue (which combined form the Elmsbrook Spine Road), and that as the North West Bicester Masterplan was of material consideration in July 2014, which includes the Proposed Development, there would be no material impact on Charlotte Avenue as a result of the implementation and occupation of the Proposed Development.
- 1.10 Notwithstanding the above, technical assessments of the suitability of Braeburn Avenue and Charlotte Avenue to accommodate the increase in total person trips by all modes associated with the Proposed Development, have been undertaken.
- 1.11 Through consultation with OCC, potential highway improvement schemes have been presented to OCC, which has resulted in OCC requesting financial contributions to local infrastructure improvements, which will be addressed by OCC once Charlotte Avenue is adopted.
- 1.12 I consider that putative RfR3 relates to the traffic impact of the Proposed Development on the existing priority junction of Charlotte Avenue with the B4100, suggesting that the Proposed Development would result in a “severe” traffic impact at this existing junction. I note that no justification has been made as to the reasons why the impact of the traffic associated with the Proposed Development would be considered “severe”
- 1.13 The technical assessments contained within the Transport Assessment identified that the existing priority junction could accommodate the predicted increase in traffic in the future year of 2031 when the Proposed Development traffic is combined with that predicted to be associated with background growth at the Elmsbrook Development, and the traffic associated with the adjacent development within the North West Bicester Masterplan.
- 1.14 Notwithstanding the above, OCC requested that a financial contribution be provided towards a traffic signal improvement scheme that could be linked to the recently consented traffic signal improvement scheme at the B4100/A4095 junction.

Review of Relevant Policies

- 1.15 A review of the relevant policies identified within the RfR has been undertaken and a summary of how these have been addressed, is included within my PoE.

Summary of Highways and Access Issues Raised by the Rule 6 Parties

- 1.16 I note that the majority of the comments raised within the Rule 6 Parties SoC are already addressed within my PoE as part of the response to the CDC putative RfR.
- 1.17 However, I consider that there are a further four transport comments raised by the Rule 6 Parties that are not addressed in my response to the CDC putative RfR, which I regard to be in relation an ‘Alternative Access onto the B4100 from the Eastern Parcel’, ‘Off-site impacts along the A4095’, ‘Public Transport Connectivity’, and ‘Pedestrian and Cycle Connectivity’.

Response to Highways and Access Issues Raised by the Rule 6 Party

- 1.18 My PoE considers the potential for a number of alternative access options to the Eastern



Parcel. However, it is concluded that none of these alternative options are deliverable within land that is either within the control of the Appellant or OCC.

- 1.19 With regards to the potential off-site impacts along the A4095, when it was established that the funding was withdrawn for the Strategic Link Road, OCC raised concerns with regards to the potential traffic impact of the Proposed Development at the key off-site junction of the A4095/Bucknell Road prior to the implementation of the Strategic Link Road.
- 1.20 A number of Technical Notes were prepared to address these concerns, resulting in OCC confirming that the impacts of the traffic associated with the Proposed Development along the A4095 would not be severe.
- 1.21 The Proposed Development is considered to be well located to the existing bus provision. OCC have requested a financial contribution towards improvements to the bus provision, as well as participation in the North West Bicester Bus Forum.
- 1.22 Pedestrian and cycle connectivity to the adjacent area has been considered and the Parameters Plan: Highways and Access, identifies the potential locations from which these connections could be made. It is acknowledged that the some of the roads on the existing Elmsbrook Development have yet to be adopted by OCC, but it is expected that these connections can be delivered in due course.

Response to National Highways and Gagle Brook Primary School

- 1.23 National Highways initially recommended that planning permission not be granted for a specified period of time until further assessment was provided. This further assessment related to the potential traffic impacts of the proposed development on the wider Strategic Road Network (SRN).
- 1.24 Having extended the traffic assessment work to the SRN, National Highways concluded that the level of traffic impact would not result in an objection to the planning application, subject to a planning condition requiring details of a Construction Environment Management Plan and a Travel Plan being submitted to and approved in writing by the Local Planning Authority.
- 1.25 An objection was received from the headmaster of the Gagle Brook Primary School raising concerns over the increase in traffic flows, the under provision of car parking for the school, the lack of road markings in the area, and the perceived concern that traffic flows on Charlotte Avenue would queue back to the school gates from the B4100.
- 1.26 Whilst it is acknowledged that the Proposed Development would result in an increase in traffic flows using Charlotte Avenue, the evidence provided demonstrates that there will not be detrimental impact in terms of the parking provision at the school as parents of the Proposed Development are not expected to drive to the school.
- 1.27 The lack of road markings in the vicinity of the school could be addressed through the local infrastructure improvements that OCC have requested a contribution towards along Charlotte Avenue.
- 1.28 Finally, the extent of the predicted queue on Charlotte Avenue in the future year of 2031 includes an assessment of traffic associated with the Proposed Development, background growth, as well as traffic associated with the adjacent development of the



North West Bicester masterplan. The maximum queue is identified as being approximately 30m from the B4100, and the school gates are identified to be located approximately 400m from the B4100.

Conclusions

- 1.29 I have set out in my evidence a summary of the key transport matters that were given by CDC as putative RfR, in addition to the comments raised by the two Rule 6 Parties.
- 1.30 My PoE addresses each of the CDC putative RfR and provides a response to the additional matters raised by the respective Rule 6 Parties.
- 1.31 In conclusion, based on my professional judgment, if Planning Permission were to be granted for the Proposed Development there would not be an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be considered “severe”. In addition, I believe that safe and appropriate access to the Proposed Development has been demonstrated for all users of the highway network.



