

STATEMENT OF COMMON GROUND

HIGHWAYS AND ACCESS

FIRETHORN DEVELOPMENTS LTD

AND

OXFORDSHIRE COUNTY COUNCIL

IN RESPECT OF THE APPEAL AGAINST THE DECISION OF CHERWELL
DISTRICT COUNCIL FOR THE DEVELOPMENT OF

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

PLANNING INSPECTORATE REFERENCE NUMBER – APP/C3105/W/23/3315849
LOCAL PLANNING AUTHORITY REFERENCE NUMBER – 21/01630/OUT

(Draft V1, 27th April 2023)
(Draft V2, 2nd May 2023)
(Draft V3, 3rd May 2023)
(V4, 5th May 2023)

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1. INTRODUCTION

- 1.1 This [draft] Statement of Common Ground ('SoCG') has been prepared by Velocity Transport Planning ('VTP') on behalf of Firethorn Developments Limited ('the Appellant'), and the Local Highway Authority, Oxfordshire County Council ('OCC').
- 1.2 The SoCG is submitted in relation to the appeal made by the Appellant under Section 78 of the Town and Country Planning Act 1990 ('the Appeal') [Appeal Ref: APP/C3105/W/23/3315849] in respect of an outline Planning Application (Planning Ref: 21/01630/OUT), hereafter referred to as 'the Planning Application' or 'the Proposed Development'.
- 1.3 The Planning Application relates to land at North West Bicester, Charlotte Avenue, Bicester, OX27 8BP ('the Site').
- 1.4 The Planning Application was submitted to Cherwell District Council (CDC) on 5th May 2021 and was validated on 6th May 2021.
- 1.5 Following an earlier deferral by members in the Committee Meeting on 12th January 2023 which led to the appeal being lodged on the basis of non-determination, the application was presented to CDC Planning Committee on 9th March 2023 with a recommendation from CDC Officers for approval (in the event that the Appeal had not already been lodged).
- 1.6 Members commented that had the Appeal not already been lodged on non-determination grounds, they would have refused planning permission, with two of the five putative Reasons for Refusal related to highways and access.
- 1.7 The purpose of this SoCG is to set out the matters agreed between the parties (common ground) and those that are not (uncommon ground), the aim being to focus on the issues that separate the parties in respect of the Proposed Development and narrow the areas of disagreement.
- 1.8 This SoCG has been prepared in accordance with the Government's 'Planning Appeals: Procedural Guide (as updated in December 2022).

2. THE SITE AND PLANNING HISTORY

2.1 The Site is located to the north west of the centre of Bicester and forms part of the strategic allocation for 6,000 dwellings at North West Bicester, Policy Bicester 1. It is 2.5km to the north west of Bicester Town Centre, south east of the village of Bucknell and north west of Caversfield. The land and boundaries of the Site comprise Banbury Road (B4100) and the ongoing construction works associated with the first phase of the North West Bicester allocation (the Exemplar site); completed housing associated with the same development; and fields, hedgerows, and trees to the north, north west, and west. Further to the south lie fields running up to Lords Lane (A4095) which is approximately 550m to the south and currently forms the northern edge of Bicester.

2.2 The land separating the two parcels of the Site comprising the first phase of the North West Bicester allocation (the Exemplar Site, also known locally as Elmsbrook) is part complete and part under construction. The Exemplar Site was granted planning permission by CDC on 10th July 2012 for the following:

“Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.”

2.3 An estate road, the Elmsbrook Spine Road, comprising Charlotte Avenue to the south of the Bus Gate and Braeburn Avenue to the north of the Bus Gate, separates the two parcels of land comprising the Site.

2.4 The Site comprises two parcels of land, with a total area of 23.97ha, made up of an Eastern and Western Parcel. The land is predominantly grassland with fields bounded by hedges with some large trees, woodland, and plantation. The land is classified as good to moderate value (primarily Grade 3b) under the Agricultural Land Classification system.

2.5 The west of the Site contains two distinct areas of woodland, and the most northern area of woodland contains a dry pond. There is a historic hedgerow which runs along the north eastern border of the Site and there is a drainage feature running through the south of the Site. The Site is relatively flat rising gradually to the north west.

2.6 Furthermore, it is agreed that:

- a) The Site is not located within a Conservation Area;
- b) There are two listed buildings in close proximity to the Site - beyond Banbury Road to the east is the Church of St Laurence Grade II* Listed Building, and Home Farmhouse Grade II Listed Building is located approximately 85m to the south east at the closest point to the Site; and
- c) Part of the southern area of the site is in Flood Zone 2 and 3.

PLANNING HISTORY

- 2.7 The Relevant Planning History is set out in Section 4 of the Officer's Report to Planning Committee, as presented to Members on 9th March 2023. This is agreed between parties.

3. DEVELOPMENT PROPOSALS

3.1 The Planning Application, which forms the subject of this Appeal, was submitted in May 2021 in outline with all matters reserved for future approval, with the exception of access. The CDC reference for the Planning Application is 21/01630/OUT.

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

“Outline Planning Application for up to 530 residential dwellings (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.”

3.3 The Planning Application seeks approval of the following:

a) Amended Development Parameter Schedule and Plans (December 2022) including the following Plans:

- I. Location Plan (drawing ref: 1192-001 Rev J)
- II. Parameter Plan 1 - Maximum Building Heights and Footprint (drawing ref: 1192-003 Rev N);
- III. Parameter Plan 2 - Green Space (drawing ref: 1192-003 Rev N);
- IV. Parameter Plan 3 - Access and Movement (drawing ref: 1192-003 Rev M); and

b) Highways drawings as follows:

- I. Proposed Pedestrian Crossing to Church (drawing ref: 4600-1100-T-004 Rev D);
- II. Site Access A – Access to Eastern Parcel (drawing ref: 4600-1100-T-040 Rev A);
- III. Site Access A & B – Access to Eastern Parcel & Western Parcel (drawing ref: 4600-1100-T-041 Rev A);
- IV. Site Access C – Access to Western Parcel (North) (drawing ref: 4600-1100-T-042 Rev A);
- V. Site Access D – Direct Access to North of the Western Parcel (drawing ref: 4600-1100-T-010 Rev B);
- VI. Site Access E – Proposed Construction Access (drawing ref: 4600-1100-T-011 Rev F); and
- VII. Construction Access Western Parcel (drawing ref: 4600-1100-T-027 Rev B).

3.4 The description of development, and the matters for which approval is sought through the Planning Application, are agreed between parties.

4. PLANNING POLICY AND GUIDANCE

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the relevant development plan, unless material considerations indicate otherwise. The Planning Application which is the subject of this Appeal will therefore need to be considered against the relevant development plan policy documents and other material considerations.
- 4.2 The Statutory Development Plan for CDC currently comprises:
- a) Cherwell Local Plan 2011-2031, Part 1 (adopted July 2015);
 - b) The Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (September 2020); and
 - c) Cherwell Local Plan 1996, Saved Policies (adopted September 2007).
- 4.3 The Officers Report to CDC Planning Committee (paragraph 8.2) listed the relevant development plan policies and is a matter of common ground.
- 4.4 Other relevant policy and guidance documents include the:
- a) National Planning Policy Framework ('NPPF') (July 2021);
 - b) National Planning Practice Guidance ('NPPG') (June 2021);
 - c) Department for Transport (DfT) Local Transport Note (LTN) 1/20 'Cycle Infrastructure Design' (July 2020);
 - d) Oxfordshire County Council (OCC) 'Local Transport and Connectivity Plan' (July 2022);
 - e) OCC 'Parking Standards for New Developments' (October 2022); and
 - f) North West Bicester Supplementary Planning Document ('NWBSD') (June 2016).

5. MATTERS OF COMMON GROUND WITH OXFORDSHIRE COUNTY COUNCIL

5.1 The following are considered to be matters of common ground relevant to highways and access between OCC and the Appellant that are identified from the consultation comments received in response to the Planning Application. These are agreed between parties, subject to the imposition of appropriately worded planning conditions or Section 106 contributions:

- (a) Trip rates, trip generation methodology and traffic data obtained from the Bicester Transport Model (BTM) as presented within the Transport Assessment, Environmental Statement and subsequent supporting Technical Notes is agreed (see OCC consultation response dated 6th July 2021);
- (b) For details on car parking and cycle parking to be addressed and resolved at the reserved matters stage;
- (c) For details on refuse collection to be addressed and resolved at the reserved matters stage;
- (d) That sufficient detail has been provided to demonstrate safe and suitable access to the Proposed Development from the local highway network during the construction and operational phases, in accordance with paragraph 108 of the NPPF;
- (e) Site Access Junctions A to D to be designed to an appropriate standard to achieve Technical Approval from OCC. If the Elmsbrook estate road from which access is to be delivered is yet to be adopted at the time of delivery of any Site Access Junction, Technical Approval to be achieved via a Section 38 Agreement. If the Elmsbrook estate road from which access is to be delivered has been adopted at the time of delivery of any Site Access Junction, Technical Approval to be achieved via a Section 278 Agreement;
- (f) Temporary Construction Access Junctions to the Eastern and Western Parcels to be designed to an appropriate standard to achieve Technical Approval from OCC via a Section 278 Agreement;
- (g) A maximum of 138 dwellings to be accessed from Site Access A;
- (h) A maximum of 69 dwellings to be accessed from Site Access B;
- (i) That the provision for pedestrians, cyclists and vehicles along Charlotte Avenue and Braeburn Avenue is regarded as suitable to accommodate the expected level of demand, subject to the identified Section 106 contributions;
- (j) The provision of a new signalised pedestrian crossing facility located on the B4100 providing improved connectivity to the St Laurence Church, subject to a Section 278 Agreement;
- (k) The off-site impacts of the Proposed Development on the A4095 junctions not being “severe” prior to the delivery of the A4095 Strategic Infrastructure Works, subject to the provision of identified Section 106;
- (l) Participation in the North West Bicester Bus Forum;
- (m) A financial contribution towards bus provision, subject to the identified Section 106 contributions;

- (n) A financial contribution towards the provision of pedestrian and cycle infrastructure between the Site and the town centre/stations, subject to the identified Section 106 contributions;
- (o) A financial contribution towards the provision of a new pedestrian/cycle bridge to connect the Site to the adjacent development to the south, subject to the identified Section 106 contributions;
- (p) A financial contribution towards the improvement and enhancement of public rights of way for the residents of the wider North West Bicester area north of the railway, subject to the identified Section 106 contributions;
- (q) A financial contribution towards the improvement of the Charlotte Avenue/B4100 junction to enable a scheme to be designed and modelled in conjunction with the upgraded B4100/A4095 junction, subject to the identified Section 106 contributions;
- (r) A financial contribution towards the improvement of the B4100/A4095 junction, subject to the identified Section 106 contributions;
- (s) A financial contribution towards local road improvements (Charlotte Avenue), subject to the identified Section 106 contributions; and
- (t) A proportionate financial contribution towards the Strategic Highway Improvements that the wider North West Bicester Masterplan would cumulatively impact upon, subject to the identified Section 106 contributions.

5.2 A summary table of the matters of common ground with OCC relevant to highways and access is provided at **APPENDIX A** of this SoCG.

6. MATTERS OF UNCOMMON GROUND WITH OXFORDSHIRE COUNTY COUNCIL

- 6.1 There are not considered to be any matters of uncommon ground with OCC on the basis that no objection was raised to the Planning Application, subject to the agreed conditions and the identified Section 106 contributions.

Signed on behalf of the Appellant:

A handwritten signature in blue ink, appearing to read 'Mark Kirby', with a large, stylized initial 'M'.

Mark Kirby

Dated: 5th May 2023

Signed on behalf of Oxfordshire County Council

A handwritten signature in black ink, appearing to read 'Joy White', with a large, stylized initial 'J'.

Joy White

Dated: 5 May 2023

APPENDIX A – SUMMARY OF COMMON GROUND WITH OXFORDSHIRE COUNTY COUNCIL

Item	Comment Summary	Common Ground Reached (Y/N)	Status or Resolution Possible?
A1	The Trip rates, trip generation methodology and use of BTM data for traffic assessments within Transport Assessment, Environmental Statement and Technical Notes.	[Y]	Agreed with OCC.
A2	Car parking and cycle parking to be resolved at reserved matters stage.	[Y]	Agreed with OCC.
A3	Refuse collection to be resolved at reserved matters stage.	[Y]	Agreed with OCC.
A4	Demonstration that safe and suitable access from the local highway network is deliverable during construction and once operational.	[Y]	Agreed with OCC.
A5	Site Access Junctions A to D to achieve Technical Approval from OCC via a Section 38 Agreement (if the Elmsbrook estates roads are not adopted), or via a Section 278 Agreement (if the Elmsbrook estate roads are adopted)	[Y]	Agreed with OCC.
A6	The Temporary Construction Access Junctions to achieve Technical Approval from OCC via a Section 278 Agreement	[Y]	Agreed with OCC.
A7	A maximum of 138 dwellings to be accessed from Site Access A	[Y]	Agreed with OCC.

Item	Comment Summary	Common Ground Reached (Y/N)	Status or Resolution Possible?
A8	A maximum of 69 dwellings to be accessed from Site Access B	[Y]	Agreed with OCC.
A9	Demonstration the provision for pedestrians, cyclists and vehicle users along Charlotte Avenue and Braeburn Avenue is suitable.	[Y]	Agreed with OCC.
A10	The provision of a new signalised pedestrian crossing facility located on the B4100 providing improved connectivity to the St Laurence Church are agreed in principle, subject to a Section 278 Agreement	[Y]	Agreed with OCC.
A11	Off-site impacts of Proposed Development prior to A4095 Strategic Infrastructure Works will not result in a "severe" impact.	[Y]	Agreed with OCC.
A12	Participation in the North West Bicester Bus Forum	[Y]	Agreed with OCC.
A13	A proportionate financial contribution towards bus provision	[Y]	Agreed with OCC.
A14	A proportionate financial contribution towards the provision of pedestrian and cycle infrastructure between the Site and the town centre/stations	[Y]	Agreed with OCC.
A15	A proportionate financial contribution towards the provision of a new pedestrian/cycle bridge to connect the Site to the adjacent development to the south	[Y]	Agreed with OCC.

Item	Comment Summary	Common Ground Reached (Y/N)	Status or Resolution Possible?
A16	A proportionate financial contribution towards the improvement and enhancement of public rights of way for the residents of the wider North West Bicester area north of the railway	[Y]	Agreed with OCC.
A17	A proportionate financial contribution towards the improvement of the Charlotte Avenue/B4100 junction to enable a scheme to be designed and modelled in conjunction with the upgraded B4100/A4095 junction	[Y]	Agreed with OCC.
A18	A proportionate financial contribution towards the improvement of the B4100/A4095 junction	[Y]	Agreed with OCC.
A19	A proportionate financial contribution towards local road improvements (Charlotte Avenue)	[Y]	Agreed with OCC.
A20	A proportionate financial contribution towards the Strategic Highway Improvements	[Y]	Agreed with OCC.