

STATEMENT OF COMMON GROUND

HIGHWAYS AND ACCESS

FIRETHORN DEVELOPMENTS LTD

AND

BICESTER BIKE USERS GROUP

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

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(Draft 19th April 2023)

(Draft V2, BBUG update, 3rd May 2023)

(V3, signed, 3rd May 2023)

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- A. Summary of Common Ground with Bicester Bike Users Group

## 1. INTRODUCTION

- 6.1 This Statement of Common Ground ('SoCG') has been prepared by Velocity Transport Planning ('VTP') on behalf of Firethorn Developments Limited ('the Appellant'), and the Rule 6 Party, Bicester Bike Users Group ('BBUG').
- 6.2 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 (CDC ref. 21/01630/OUT), hereafter referred to as 'the Planning Application' or 'the Proposed Development'.
- 6.3 The Planning Application relates to land at North West Bicester, Charlotte Avenue, Bicester, OX27 8BP ('the Site').
- 6.4 The Planning Application was submitted to Cherwell District Council (CDC) on 5th May 2021 and was validated on 6th May 2021.
- 6.5 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 for approval (in the event that the Appeal had not already been lodged).
- 6.6 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.
- 6.7 In addition, two separate groups objecting to the Planning Application have been granted Rule 6 Party status, namely 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').
- 6.8 As this SoCG relates to the matters set out within the BBUG SoC, separate SoCG have been prepared for CDC and the NWBA.
- 6.9 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.
- 6.10 This SoCG has been prepared in accordance with the Government's 'Planning Appeals: Procedural Guide (as updated in December 2022).

## 7.

## 1. THE SITE AND PLANNING HISTORY

7.1 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.

7.2 The land separating the two parcels of the Site comprising the first phase of the North West Bicester allocation (the Exemplar Site) 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.”*

7.3 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.

7.4 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.

7.5 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 is a drainage feature running through the south of the Site. The Site is relatively flat, rising gradually to the north west.

7.6 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

7.7 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.

7.8

## 8. DEVELOPMENT PROPOSALS

8.1 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.

8.2 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.”*

8.3 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).

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

## 9. PLANNING POLICY AND GUIDANCE

- 9.1 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.
- 9.2 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).
- 9.3 The Officers Report to CDC Planning Committee (paragraph 8.2) listed the relevant development plan policies and is a matter of common ground.
- 9.4 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).

## 1. MATTERS OF COMMON GROUND WITH BICESTER BIKE USERS GROUP

9.5 The matters of common ground relevant to highways and access with the BBUG that have been identified from reviewing the SoC are considered to be as follows:

- (a) The need for a detailed investigation of a new permanent vehicle access to the Eastern Parcel via the B4100 (section 7 and 8);
- (b) The need for a cap on the number of dwellings that can access onto Charlotte Avenue from Access A and Access B (section 8) such that the need for a road capacity scheme for Charlotte Avenue can be avoided; and
- (c) A contribution towards pedestrian and cycle infrastructure (Appendix 1 of CDC Committee Report).

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

## 2.



## 6. MATTERS OF UNCOMMON GROUND WITH BICESTER BIKE USERS GROUP

9.7 The matters of uncommon ground relevant to highways and access with the BBUG have been identified by reviewing the SoC and are considered to be as follows:

- (a) That the supporting assessments have not appropriately assessed the suitability of the Elmsbrook Spine Road, particularly along the busiest section of Charlotte Avenue from the B4100 junction to Gagle Brook School (section 4);
- (b) That the proposals do not provide a suitable provision for cyclists and would result in an unacceptable impact on highway safety and the cumulative impacts on the network for non-motorised traffic would be "severe" (section 4);
- (c) That the proposals would result in the removal of street trees along the length of Charlotte Avenue (section 5); and
- (d) That the removal of the build-outs on the bridges that provide crossings for young and vulnerable children, would not be acceptable.

9.8 A summary table of the matters of uncommon ground with BBUG relevant to highways and access is provided at **APPENDIX A** of this SoCG.

Signed on behalf of the Appellant:

A handwritten signature in black ink, appearing to read 'Mark Kirby', written in a cursive style.

Mark Kirby

Dated: 3rd May 2023

Signed on behalf of Bicester Bike Users Group

A handwritten signature in black ink, appearing to read 'Peter Turner', written in a cursive style.

PETER TURNER

Dated: 03/05/2023

**APPENDIX A – SUMMARY OF COMMON GROUND WITH BICESTER BIKE USERS GROUP (RULE 6 PARTY)**

Item	Comment Summary	Common Ground Reached (Y/N)	Status or Resolution Possible?
A1	The need for a detailed investigation of a new permanent vehicle access to the Eastern Parcel via the B4100.	[Y]	A further assessment of the feasibility of a new vehicle access to the Eastern Parcel via the B4100 will be presented as part of the Proof of Evidence
A2	The need for a cap on the number of dwellings that can access onto Charlotte Avenue from Access A and Access B, such that the need for a road capacity scheme on Charlotte Avenue can be avoided.	[Y]	Access A will serve a maximum of 138 dwellings and Access B will serve a maximum of 69 dwellings, as agreed with OCC.
A3	A contribution of towards pedestrian and cycle infrastructure.	[Y]	As noted within the Draft S106 Heads of Terms (included within the Planning Committee report).
A4	That the supporting assessments have not appropriately assessed the suitability of the Elmsbrook Spine Road, particularly along the busiest section of Charlotte Avenue from the B4100 junction to Gagle Brook School.	[N]	To be addressed within Proof of Evidence
A5	That the proposals do not provide a suitable provision for cyclists and would result in an unacceptable impact on highway safety and the cumulative impacts on the network for non-motorised traffic would be "severe".	[N]	To be addressed within Proof of Evidence
A6	That the proposals would result in the removal of street trees along the length of Charlotte Avenue.	[N]	To be addressed within Proof of Evidence