1. **APPLICATION SITE AND LOCALITY** 
   1. The application site is part of Bicester Golf and Country Club which includes a golf course, hotel and other leisure facilities. The complex is relatively large and in 2015 a large extension was permitted to the hotel (15/01068/F). The site is located in the open countryside in a relatively isolated position and is situated to the south west of the village of Chesterton.
   2. The M40 motorway exists immediately to the west of the site.
   3. The land which forms the current application site is currently unmanaged and works appear to have commenced in relation to the construction of the proposed swimming lake.
   4. Planning permission has previously been granted for an assault course on the site (13/01492/F) which does not appear to have been implemented. A large profiled metal building also exists in the northern part of the site. This building was permitted to under 14/01598/F to house an activity hall which would be used for fitness and exercise such as circuit training, a climbing wall and other activities. This building is largely constructed however it is not yet in use.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The current application seeks permission to construct a new swimming lake. This would be situated to the south of the existing building on the site and would be 160 metres long by 30 metres wide. It would have a maximum depth of 3 metres. A new earth bund, from the resulting spoil from the lake, would be situated to the west of the site adjacent to the M40. This would have a maximum height of 2.5 metres and run along the western boundary of the site.
   2. It is also proposed to erect a single storey extension to the southern elevation of the existing activity building to the north of the site. This would be constructed of reconstituted stone with a slate roof. It is intended to be used as a viewing area and reception area for the indoor activity hall and outside activities including the swimming lake.
3. **RELEVANT PLANNING HISTORY**
4. The site has a long and complex planning history. The following planning history is considered relevant to the current proposal:

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| Application Ref. | Proposal | Decision |
| 13/00752/CM | Formation of a 3 metre high bund (MW.0063.13) | Application Permitted |
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| 13/01492/F | Change of Use for the formation of an assault course | Application Permitted |
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| 14/01598/F | Erection of new building to house activity hall adjacent to assault course plus 6 no. covered driving bay ranges | Application Permitted |
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| 15/01068/F | Erection of two storey extension to existing hotel to form 62 new bedrooms (60 net increase) | Application Permitted |
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1. **PRE-APPLICATION DISCUSSIONS**
2. No pre-application discussions have taken place with regard to this proposal.
3. **RESPONSE TO PUBLICITY**
   1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 04.05.2017, although comments received after this date and before finalising this report have also been taken into account.
   2. No comments have been raised by third parties.
4. **RESPONSE TO CONSULTATION**
   1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. CHESTERTON PARISH COUNCIL: **No objection** but raise concerns that since 2002 there have been 17 applications on the site. There is a lack of footpaths to get to the venue. Also further development in The Hale will increase the amount of traffic.

STATUTORY CONSULTEES

* 1. HIGHWAYS ENGLAND: **No objections.**
  2. SPORT ENGLAND: **No comments.**

NON-STATUTORY CONSULTEES

* 1. CDC LANDSCAPE: **No objection subject to landscaping condition and tree protection.**
  2. OCC HIGHWAYS: **No objection.**
  3. OCC MINERALS AND WASTE: **No objection** and request a condition ensuring that no material for the construction of the bunds is imported to the site as this may be classified as the importation of waste.

1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

* PSD1 – Presumption in Favour of Sustainable Development
* SLE2 – Securing Dynamic Town Centres
* SLE3 – Supporting Tourism Growth
* BSC10 – Open Space, Outdoor Space and Recreation Provision
* ESD1 – Mitigating and Adapting to Climate Change
* ESD6 – Sustainable Flood Risk Management
* ESD10 – Protection and Enhancement of Biodiversity and Natural Environment
* ESD13 – Local Landscape Protection and Enhancement
* ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C8 – Sporadic development in the open countryside
* C28 – Layout, design and external appearance of new development
* ENV1 – Pollution Control
* ENV12 – Contaminated Land

1. Other Material Planning Considerations

* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)

1. **APPRAISAL**
2. The key issues for consideration in this case are:

* Principle of development
* Design, and impact on the character and appearance of the area
* Other issues

Principle of development

1. The application site forms part of the wider Bicester Golf and Country Club. Planning permission already exists on the site for the activity hall and assault course. These elements were considered to be ancillary and additional uses to the main hotel and leisure uses on the site. Therefore the principle of additional leisure and fitness uses on the site has already been permitted. The new swimming lake and viewing room would operate alongside these authorised uses and is not considered to result in a significant intensification of the uses on the site. Whilst Policy SLE2 and the NPPF both seek to direct leisure uses to main town centre uses, given the existing provision on the site and this development being linked to this, and the very fact that a large outdoor swimming lake is highly unlikely to be provided in a town centre due to viability and townscape issues, the sequential approach to such a leisure use is considered to be acceptable in this regard. Furthermore given the unconventional nature of the proposed facility it may also result in economic benefits from tourists that would be supported by SLE3 which seeks to support new tourist facilities and this is a benefit weighing in favour of the scheme. For a combination of all these factors, that the ancillary nature of the proposed development, the principle of development is considered to be acceptable.

Design, and impact on the character and appearance of the area

1. Policy ESD13 states development will be expected to respect and enhance local landscape character. Policy ESD15 seeks to ensure new development complements and enhances the character of its context through sensitive siting, layout and high quality design.
2. As the site is located outside the built up limits of any settlement Saved Policy C8 is also relevant and states that sporadic development in the open countryside will generally be resisted. This is considered to broadly comply with the NPPF which seeks to recognise the intrinsic character and beauty of the open countryside.
3. The proposals will be seen in the context of the existing golf course which is already a manmade landscape. The close proximity of the M40 also degrades the landscape character and appearance.
4. In relation to the proposed extension to the activity hall, this is relatively modest in size compared to the existing building and would be an ancillary function of the existing and proposed uses on the site. Whilst the justification for the building to act as a viewing room and reception area in association with the uses is questionable, it would not be prominent in the surroundings, would be within the grounds of the existing use and there are limited public views of the proposal particularly with the proposed landscaping along the bund.
5. The bund is also considered to be acceptable with regards to the impact on the character and appearance of the area. An area of bunding has already been approved to the east of the site under 13/00752/CM by the County Council and this appears to have been partly implemented. The height of the proposed bund would be restricted to 2.5 metres and it is not considered to be out of context given its siting adjacent to the motorway. Subject to appropriate landscaping of the bund to ensure its visual appearance it acceptable, this elements of the proposal is therefore considered to be acceptable.
6. The proposed swimming lake would also not be prominent from views outside of the site. It would be visible from the bridge over the motorway by motorists however their views would be transient. It would not be visible from the motorway given the levels difference between the site and the proposed bunding. Furthermore it would be seen in the context of a golf course which already forms part of a manmade landscape.
7. Overall, on balance, the impact of the development on the character and appearance of the area is therefore considered to be acceptable.

Other issues

1. The proposed development would operate in an ancillary manner to the existing and permitted uses on the site. It is not considered that the proposal would significantly increase vehicular traffic to the site and the Highway Authority has raised no objection to the application. The Highways Agency has also raised no objection to the proposal in regard to the proximity to the motorway.
2. The Minerals and Waste Authority (OCC) has requested a condition to ensure that no materials shall be imported from outside of the application site for the creation of the earth bund. This is to ensure the bund remains an engineering operation and does not involve the importation of waste which would be subject to an application to the Minerals and Waste Authority (OCC).
3. In regard to flood risk the site is located in Flood Zone 1 (the lowest probability of flooding) and is in an area identified as very low risk for surface water flooding. The Environment Agency was consulted however no response has been received. The Lead Local Flood Authority (OCC) has also been consulted and has raised no objection to the application on drainage grounds. Therefore on the basis of the evidence submitted the proposal is not considered to increase the risk of flooding.
4. The LLFA has raised concerns regarding the safety of non-swimmers. This however is considered to be a site management issue rather than a planning issue. Many water bodies around the district are not secured and there is nothing in the design of the current proposal which makes it any more dangerous to non-swimmers.
5. The site is located adjacent to the M40 motorway and therefore air quality is a consideration. The Council has already permitted an outdoor assault course on the application site and an indoor sports activity hall. Therefore the area has already be deemed to be acceptable to be used for outdoor sports. The people using the facility currently proposed are only likely to be on site for a few hours at a time and would not be residing permanently at the site. It is therefore not consider that concerns regarding air quality would be able to be sustained at appeal.
6. Given the proximity of the site to the motorway it is also possible that spoil from the construction of the motorway could have historically been placed on the site. This is considered to increase the risk of pollution being possibly present on the site. It is therefore consider that a condition regarding ground investigation be inserted on any permission.
7. **PLANNING BALANCE AND CONCLUSION**
8. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
9. The proposal will lead to some economic benefits through the provision of a new facility for sport and leisure to support the existing uses on the site. The impact on the surrounding landscape is considered to be acceptable in light of the context of the site. Overall the proposal is considered to comply with the Development Plan and it is therefore recommended that planning permission be granted.

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| 1. **RECOMMENDATION**   That permission is granted, subject to the following conditions:   1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.   Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.   1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location Plan (1:5000), SK.16-652-104, SK.16-652-103B, SK.16-652-101 and SK.16-652-102A.   Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.   1. Notwithstanding condition 2, no development shall take place until details of a landscape scheme have been submitted to and approved in writing by the local planning authority. The scheme shall include:   a) Details of proposed tree and shrub planting including their species, number, sizes and positions, together with the layout of grass seeded or turfed areas.  b) Details of existing trees and hedgerows to be retained as well as those to be removed, including existing and proposed ground levels at the base of each tree or hedgerow and the minimum distance between the base of each tree and the nearest edge of any excavations.  c) Details of the hard surface areas including pedestrian footways and other areas, areas of reduced-dig and steps.  Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the buildings or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.     Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. No material shall be imported from outside the application site for the creation of the earth bund.   Reason - To ensure that the creation of the bund remains an engineering operation within the site and does not involve the importation of waste.   1. If, during development, contamination is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.   Reason - To ensure that risks from land contamination to the future users of  the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. |

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| Case Officer: | James Kirkham | DATE: 4th May 2017 |
| Checked By: | Paul Ihringer | DATE: 8th May 2017 |