

Case Officer: Gemma Magnuson

Recommendation: Approve

Applicant: Bicester Hotel, Golf and Spa

Proposal: Erection of new building to accommodate a new cafe, pro shop, indoor practice room, lockers and viewing gallery

Expiry Date: 11 February 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to Bicester Hotel, Golf and Spa, an existing leisure and tourist facility situated in the open countryside to the west of the village of Chesterton. There are no listed buildings within the site or in close proximity, and the site is not in a Conservation Area. A public right of way runs along the access to the site and continues through the car park and across the golf course to the north-west. Protected and notable species the great crested newt has been identified in the vicinity of the site, and there are a number of ponds in close proximity. The site has been identified as forming a part of “possible priority grassland habitat” which is a NERC Act S41 habitat.



2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposed development would involve the erection of a one and a half storey building upon an area of existing car park and golf course to accommodate a café, pro shop, indoor practice room, lockers and viewing gallery. The viewing gallery would be partially outdoors on a terrace with surrounding balustrade. The building would be constructed externally of Cotswold stone walls with slate roof. Openings would be timber and aluminium. A ditch would also be infilled as part of the development.

3. RELEVANT PLANNING HISTORY

3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **1 February 2022**, by advertisement in the local newspaper expiring **3 February 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **18 March 2022**. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. 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. Note amended plans were received on 14 February 2022 and where applicable the latest comments are included.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Chesterton Parish Council – support.

OTHER CONSULTEES

6.3. Campaign to Protect Rural England – no comments received.

6.4. Open Spaces Society – no comments received.

6.5. Ramblers Association – no comments received.

6.6. Thames Valley Police Design Advisor – condition required regarding Secured by Design principles.

6.7. OCC Highway Authority – no objection.

6.8. OCC Rights of Way – no comments received.

6.9. CDC Building Control – Full Plans Building Regulations application will be required.

6.10. CDC Ecology – no comments received.

6.11. CDC Economic Development – no comments received.

6.12. CDC Environmental Health –

Noise: Should any mechanical plant be required for the proposed development prior to the commencement of the development hereby approved, full details of a scheme to acoustically enclose all items of mechanical plant and equipment within the building, including compressor motors and fans. Thereafter, and prior to the first occupation of the building, the development shall be carried out and retained in accordance with the approved details.

6.13. Contaminated Land: *Unsuspected contamination condition.*

- 6.14. *Air Quality: We would like to see the opportunity taken to provide some EV charging points to service the staff and members/visitors to the club.*
- 6.15. *Odour: There is no mention of any extraction system to the proposed café. Should one be required we would like to see details of this and it be agreed with the LPA prior to installation.*
- 6.16. *Light: No comments*
- 6.17. CDC Rights of Way – no comments received.
- 6.18. CDC Licensing – no comment.
- 6.19. CDC Land Drainage - Drainage/Flood Risk. No comments additional to those already made in my response on 18/01/2022. The proposed building will be located over an existing ditch which must be retained, culverted or diverted to maintain continuity between upstream and downstream. If culverted, the culvert size must be consistent with the section of the ditch and anyway not less than 300mm diameter. A Land Drainage consent will be needed for any culverting in addition to any Planning Consent obtained. A Land Drainage consent application should be made showing details of the culverting including the headwalls at each end..

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD 1 – Presumption in Favour of Sustainable Development
- SLE 1 – Employment Development
- SLE 2 – Securing Dynamic Town Centres
- SLE 3 – Supporting Tourism Growth
- SLE 4 – Improved Transport and Connections
- ESD 1 - Mitigating and Adapting to Climate Change
- ESD 3 – Sustainable Construction
- ESD 5 – Renewable Energy
- ESD 6 – Sustainable Flood Risk Management
- ESD 7 – Sustainable Drainage Systems
- ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S26 – Small scale ancillary retail outlets in the rural areas
- C28 – Layout, design and external appearance of new development

- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

7.3. Other Material Planning Considerations

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

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety and right of way
- Flood risk and drainage
- Biodiversity

Principle of Development

8.2. Government guidance contained within the NPPF seeks to support a prosperous rural economy, with planning decisions being required to enable the sustainable growth and expansion of all types of business in rural areas, sustainable rural tourism and leisure development which respect the character of the countryside and the retention and development of accessible local services and community facilities, such as sports venues.

8.3. Policy SLE1 of the CLP 2015 states that employment development will be focussed on existing employment sites, and that on existing operational or vacant employment sites in the rural areas employment development, including intensification will be permitted subject to compliance with other policies in the Plan and other material considerations. I consider the proposed development to constitute the intensification of an existing use that provides employment opportunities in a rural area.

8.4. Government guidance contained within the NPPF seeks to support the role that town centres play at the heart of local communities, requiring a sequential approach to be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. However, this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

8.5. Policy SLE2 of the CLP 2015 seeks to direct retail and other 'Main Town Centre Uses' (MTCU's) towards the town centres of Banbury, Bicester and the village centre of Kidlington. A sequential test will be applied to retail uses not in the town centres. The proposed development, consisting of leisure, sport, health and fitness and retail uses, is considered to be a MTCU. However, I do not consider the sequential test to be applicable in this case, given the Government guidance contained within the NPPF regarding rural development and as the proposed building would accommodate uses ancillary to the established use of the site as a golf course. I would expect that all facilities would be used by those already visiting the site as opposed to attracting large numbers of additional customers with the intention of visiting the proposed facility alone (any planning permission given here would need to be subject to a condition requiring this). In addition, saved Policy S26 of the CLP 1996 states that proposals for small-scale retail outlets which are

ancillary to existing acceptable land uses will normally be permitted subject to the other policies in the Plan.

- 8.6. Policy SLE3 of the CLP 2015 states that the Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District. The proposed development would improve the offering with regard to golf at an established tourist facility, which accords with the thrust of this Policy. It is for the above reasons that I consider the principle of the proposed development to be acceptable.

Design, and impact on the character of the area

- 8.7. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.8. Policy ESD 13 of the CLP 2015 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.9. Saved Policy C28 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.
- 8.10. When considering the context of the development, the proposed building would constitute a minor addition to the Bicester Hotel, Golf and Spa site. The building would occupy an area of the existing car park and landscaping adjacent to the access to the site. The access to the site is also a public right of way, and as a result, despite the building being concealed from wider views of the site, it would be clearly visible to users of this public right of way.
- 8.11. The choice of traditional local construction materials is welcomed and would be in-keeping with the existing palette of materials used on the main hotel and spa buildings. The viewing terrace will reduce the overall bulk of the building. Whilst the building will be visible from the public domain, I do not consider that this would result in significant harm to the visual amenities of the area given the context, in accordance with the above Policies.

Residential amenity

- 8.12. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 requires all development to consider the amenity of both existing and future development. Saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.

8.13. The building would be positioned in the grounds of Bicester Hotel, Golf and Spa, a sufficient distance from all neighbouring properties to avoid any harm in terms of a loss of amenity or privacy. I note the comments from the Environmental Health Team regarding noise and odour and consider that these can be addressed via condition to avoid harm further afield. I consider the proposed development to accord with the above Policies in terms of residential amenity.

Highway safety and right of way

8.14. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

8.15. Policy SLE4 of the CLP 2015 echoes this, with all development where it is reasonable to do so, being required to facilitate the fullest possible use of sustainable modes of transport including walking and cycling. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in.*

8.16. The proposed building would not be constructed upon the public right of way and a diversion would therefore not be required. The development would result in the loss of existing parking spaces although I note that the Local Highway Authority has raised no objection in terms of highway safety. During my site visit I noted that these are the parent and child parking spaces, and that the site benefits from an existing large car park. I therefore agree with the assessment of the LHA and consider the proposal to accord with the above Policies.

Flood risk and drainage

8.17. Government guidance contained within the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

8.18. Policy ESD 6 of the CLP 2015 echoes Government guidance, requiring the submission of a Flood Risk Assessment and demonstration that developments will be safe and remain operational (where necessary), and that surface water will be managed effectively on site and that the development will not increase the flood risk elsewhere. Policy ESD 7 of the CLP 2015 requires all development to use sustainable drainage systems for the management of surface water run-off.

8.19. The original proposal included the infilling of the existing ditch, although the plans have since been amended to avoid this. The Land Drainage officer is content with the scheme and I have no reason to disagree with this. I therefore consider that the matter of drainage has been addressed and that the development would not result in an increased risk of flooding elsewhere, in accordance with the above Policies.

Biodiversity

8.20. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a

development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 8.21. Policy ESD10 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.
- 8.22. The Council's Ecology Officer has not provided comments on the scheme and I must therefore assume that no objections are raised. I note the record of great crested newts in the area and that a ditch would be infilled as part of the works, although given that the land to be developed is either hard surfaced or closely maintained as part of the golf course, I do not consider that it is likely to be occupied by great crested newts. I also noted during my site visit that the surface layer of the golf course in this area appears to have been recently removed. However, I have suggested a note regarding this protected species and the legal responsibility of the applicant (separate from the planning process) should a protected species be discovered.
- 8.23. I do, however, consider that the development would present an opportunity for biodiversity enhancement and I have recommended a condition to seek this. It is for the above reasons that I consider the proposal to accord with the above Policies in terms of biodiversity.

Other matters

- 8.24. The request for the development to comply with Secured by Design principles is noted and a condition recommended in order to comply with Government guidance contained within the NPPF that requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.25. I also note the request for a condition regarding unsuspected contamination and I have recommended that this is attached in order to comply with saved Policy ENV 12 of the CLP 1996 that seeks to remove the threat of contamination to future occupiers of the site, and to prevent the contamination of surface or underground water resources.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the proposed development would represent the improvement and intensification of an existing leisure and tourism facility in a rural location. The development is anticipated to create additional employment opportunities, resulting in both economic and social benefits whilst avoiding harm to the environment. The development is therefore considered to constitute sustainable development that accords with relevant local and national planning Policies.

10. 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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, the Design and Access Statement dated Nov 2021 and drawings refs. 1 A and 2 A

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.

3. No development shall commence above slab level unless and until a schedule of materials and finishes for the external walls, balustrade and roof(s) of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include an image of a 1m2 stone sample panel to show the natural stone and mortar to be used. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 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.

4. No development shall commence above slab level unless and until details of how the developer will incorporate Secured by Design principles and/or standards into the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

5. Prior to the installation of any mechanical plant required as part of the development hereby approved, full details of a scheme to acoustically enclose all items of mechanical plant and equipment within the building, including compressor motors and fans, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the building, the development shall be carried out in full accordance with the approved details and shall be maintained as such thereafter.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the installation of any extraction system associated with the café hereby approved, full details including the design and colour/finish of any flues or grilles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the café and shall be retained and maintained as such thereafter.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a

nuisance arising from smells in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. No development shall commence above slab level unless and until a method statement for enhancing the biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

Reason - To conserve and enhance biodiversity in accordance with Policy ESD 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use of the building hereby approved, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwellings and shall be retained as such thereafter.

Reason - To maximise opportunities for sustainable transport modes and to comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. The cafe, pro shop, indoor practice room, lockers and viewing gallery hereby permitted shall be provided solely as ancillary facilities operated in conjunction with and not separate from the main Bicester Hotel, Golf and Spa and shall thereafter be used and operated at all times solely in conjunction with the use of the main Bicester Hotel, Golf and Spa development.

Reason – In the interests of sustainability and preserving the vitality of nearby town centres and to comply with saved Policy S26 of the Cherwell Local Plan 1996, Policy SLE 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Notes

1. The applicant is advised that Section 23 Land Drainage Consent may be required for the proposed development. You are advised to contact 01295 227006 quoting our reference 22/00102/LD for further guidance.

2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.

Case Officer: Gemma Magnuson

DATE: 30 March 2022

Checked By: Nathanael Stock

DATE: 31.03.2022
