

**Part Land South West Of Bicester Golf And
Country Club Adjacent To M40 And Akeman
Street Chesterton**

22/01370/F

Case Officer: Katherine Daniels

Recommendation: Approve

Applicant: c/o Agent

Proposal: Installation of security and safety netting associated with the emerging golf training facilities

Expiry Date: 21 July 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The site is located within the open countryside to the west of the village of Chesterton. The site is currently used as a golf course. The M40 is located to the west of the site. The site is screened by a mature hedgerow.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposal is for the construction of golf netting. This will be 10m in height. The netting will encompass the south, west and east of the practice range. This is to prevent golf balls from leaving the site.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

3.2. 19/02550/F – Redevelopment of part of golf course to provide new leisure resort, incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping. Refused. Allowed at appeal.

3.3. 21/04158/F - Variation of condition 2 (plans) of 19/02550/F - 1. Alterations to the Family Entertainment Centre including adjustments to the number and type of leisure attractions. 2. Reconfiguration of the Conference Centre orientation and floor plan to consolidate the guest experience and improve internal circulation. 3. General internal spatial co-ordination in line with operational requirements. Generally, this is local to internal layouts but do affect a small number of external door and window positions. 4. Updates to the landscape design proposal as a result of the building footprint changes and reconfiguration of the Conference Centre and fire tender access to the site. 5. Extension of the Porte cochere as a result of shifting the building southwards 3.6m to allow for a larger drop off / set down point for arriving guest vehicles/buses. 6. Waterpark updates including slide and external terrace paving area modifications. The overall height of the waterslide is maintained below the height of the turret which remains as per the consented scheme. 7. Relocation of Great Wolf entrance statue. 8. Roof updates in line with revised roof access strategy. 9. Minor MEP and utility updates across the site. 10. Waste yard ramp dimensions updated with wider radius ramp and integrated vehicular protection zones. Approved

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 July 2022**. The overall final date for comments was **1 July 2022**.

5.2. 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Chesterton Parish Council – have the following comments:

1. Why is the netting being proposed to go all the way around the course? Surely it is only needed along the top edges of the driving range.

2. Regarding the 10m height, in other courses the netting is tapered in height, starting at a lower height then proceeding up to 10m. This could be beneficial from an aesthetic point of view, whilst achieving the same outcome.

3. Fencing is it going to be colour bending to the landscape

STATUTORY CONSULTEES

6.3. Cherwell District Council (Environmental Health) – Have no objections on noise, contaminated land, air quality, odour or light.

6.4. Oxfordshire County Council (Local Highway Authority) – Do not object to the proposal.

6.5. National Highways – no comments received.

6.6. Crime Prevention Design Advisor – Request additional information in respect to its impact on the M40.

6.7. Crime Prevention Design Advisor – Additional information is satisfactory, however recommends condition regarding the future maintenance of the netting so balls do not go onto the M40.

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 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)

- ESD15 - The Character of the Built and Historic Environment
- SLE 3 Supporting tourism growth

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

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
- Highway Safety

8.2. The Principle of development

8.3. Policy SLE 3 of the CLP Part 1(2011-2031) seeks to support proposals for new or improved tourist facilities in sustainable locations.

8.4. The site has a complex planning history, more recently with the Great Wolf permission. This has reduced the overall size of the golf course, and new parts associated with the golf course have been designed to respond to the S106 agreement requirements (i.e. to agree a golf course scheme and a scholarship scheme). These have been separately approved against the S106. A driving range practice facility forms part of the scheme and the proposal is to provide fencing surrounding this.

8.5. The proposal seeks to improve the facilities on offer, by creating a safe place to practise without worrying about golf balls exiting onto the main roads. This also includes the M40.

8.6. Overall, it is considered that the principle of creating a safe place for golfers should be supported.

8.7. Design, and impact on the character of the area

8.8. Policy ESD 15 of the CLP Part 1 (2011-2031), seeks to ensure development is designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.

8.9. Saved Policy C28 of the CLP (1996) seeks to ensure development is sympathetic to the character of the rural context of that development.

8.10. Concern has been raised by the parish council regarding the overall height of the netting. The netting is see through, with several lattice towers. This will reduce the

overall dominance of the netting, as the appreciation with the wider landscape will still be enjoyed.

8.11. Although the netting will be high, the overall design will not be a domineering feature in the immediate landscape. The character of its rural nature will still be appreciated. The proposal is therefore considered to be acceptable on visual grounds.

8.12. Highway Safety

8.13. Policy ESD15 of the CLP 2011-2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*

8.14. The NPPF advises that development should provide safe and suitable access for all, and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

8.15. The Local Highway Authority do not have an objection to the proposal, which seeks to prevent golf balls on the highway. National Highways have not commented upon the proposal. The Crime Prevention Design Advisor has raised concerns regarding the impact upon the M40 and requested additional information. This additional information confirmed that the netting is an appropriate distance away from the M40 not to warrant a danger to those using the highway. They have responded and although they are satisfied with the additional information, the applicants did not provide details on the future maintenance to ensure that if damage were to occur, it would be quickly resolved to ensure continued safety remains from the netting. Therefore, it is recommended a condition is imposed to ensure the development does not have an adverse impact to highway safety.

8.16. Overall, it is considered the proposal will not result in a detrimental impact to highway safety, provided appropriate conditions are imposed.

9. PLANNING BALANCE AND CONCLUSION

9.1. 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.

9.2. The proposed netting, although tall will not have a detrimental impact upon the character and appearance of the landscape, nor highway safety. The proposal will ensure there are no wayward golf balls onto the highway (both local highway network and the national network). The proposal is considered to accord with Policies SLE3, ESD15 of the CLP Part 1 (2015) and Saved Policy C28 of the CLP (1996).

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 forms and the following plans and documents:
 - Proposed Layout Plan (BISC.506 Rev D)
 - GWR Bicester: Netting Precedent Images.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the first installation of the netting, details of the maintenance of the netting shall be submitted to and approved in writing by the Local Planning Authority. The netting shall be maintained in accordance with the agreed details thereafter.

Reason- In the interest of highway safety and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

Case Officer: Katherine Daniels

DATE: 18th July 2022

Checked By: Caroline Ford

DATE: 21 July 2022
