



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Great Lakes UK Limited against Cherwell District Council's refusal to grant planning permission for the redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping at land to the east of M40 and south of A4095 Chesterton Bicester Oxfordshire

Appellant	:	Great Lakes UK Limited
Appeal Site	:	Land to east of the M40 and south of the A4095, Chesterton, Bicester, Oxfordshire, OX26 1TH
Appellant's Agent	:	DP9 Limited
LPA Reference	:	19/02550/F
Planning Inspectorate Reference	:	APP/C3105/W/20/3259189

PROOF OF EVIDENCE

of

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1. INTRODUCTION

1.1 My name is Thomas Darlington. I hold a BA honours degree in Leisure and Sports Management. I am employed by Cherwell District Council as Senior Community Infrastructure Officer in the Council's Leisure & Culture Department.

2. PURPOSE AND SCOPE OF PROOF

2.1 In this proof of evidence, I will deal with the golfing considerations in terms of loss of golfing facilities that arise in this appeal. Further evidence in respect to the Appellant's suggested redesign of the remaining 9-hole course to re-provide 18 holes is given in the evidence of Paul Almond. In this proof I explain why the proposal does not accord with relevant development plan or national planning policy and the Council's adopted Open Space, Sport and Recreation Assessment & Strategy (2018) and any other material considerations, and would be harmful in respect to golf provision in the Bicester sub-area of Cherwell District. I will conclude by setting out why the Council considers the appeal proposal to be unacceptable in respect of golfing impacts.

3. APPEAL SITE LOCATION AND PROPOSAL

Appeal Site Location

3.1 The appeal site extends to 18.6 hectares (186,000m²) and comprises the western nine holes of an existing 18-hole golf course, currently with 170 club members, that forms part of Bicester Hotel, Golf and Spa (BHGS) near Chesterton, a village located to the southwest of Bicester.

3.2 The appeal site is located immediately to the east of the M40 (which runs south to north) and to the southwest of the A4095 (which runs roughly east to west). The BHGS site is located just beyond the western developed edge of Chesterton, with the appeal site comprising the westernmost part of the BHGS site. The eastern edge of the appeal site is approximately 1.3km from the edge of the westernmost part of Bicester and approximately 3km from Bicester town centre.

- 3.3 There are a variety of mature trees, shrubs, grasslands, dense scrub and tall wasteland plants throughout the wider BHGS site. Most of the tree groups form part of the golf course whose purpose is to delineate fairways or to provide a degree of low level screening within and around the site.
- 3.4 Some ponds are mostly located in a cluster to the northern part of the appeal site and have been engineered as part of the design of the golf course landscape. A narrow and shallow ditch runs southeast from the central woodland block towards the Hotel and Spa, parallel to the A4095 and a dry ditch crosses the central part of the site.
- 3.5 A public right of way (Ref 161/6/10) runs through the site entering the golf course off the A4095 to the north and crossing the site in a south-easterly direction before exiting through the BHGS car park.

The Appeal Proposal

- 3.6 The appeal relates to a refused planning application (CDC Ref: 19/02550/F) which sought planning permission for a Leisure resort consisting of:
- A 498-bed Hotel (27,250m²);
 - An Indoor Water Park (8,340m²) with external slide tower (height 22.5m);
 - A Family Entertainment Centre (12,350m²) including an adventure park, food and beverage and merchandise retail facilities, plus Conferencing (comprising 550m²) and back of house facilities;
 - An Adventure Park providing rope course, climbing wall, miniature golf, family bowling, arcade games and an interactive role-playing game;
 - Associated access and landscaping;
 - 902 new parking spaces; and
 - Public parkland (6 hectares) including nature trails and play spaces.

4. REASONS FOR REFUSAL

- 4.1 The Council's Planning Committee resolved to refuse the application on 12th March 2020 for six reasons [CD3-1], but this Proof of evidence relates purely to the Council's first reason, which is as follows:

1. The proposed development by reason of its location would result in the loss of an 18-hole golf course when the Local Planning Authority's evidence indicates the course is not surplus to requirements and there is a need for more provision for golf courses in the Bicester sub-area over the plan period. The evidence and proposals for alternative sports and recreation provision included with the application is not considered sufficient to make the loss of the golf course acceptable. The development is contrary to Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to protect existing sport and recreation provision and enhance the existing provision. It is also contrary to Government guidance contained within the National Planning Policy Framework.

5. THE COUNCIL'S CASE

- 5.1 Planning permission for the proposed development was refused at the Planning Committee meeting on 12 March 2020 for the reasons detailed at paragraph 4.1 above. In December 2020, following receipt of the appeal, The Council's Planning Committee considered an update report that summarised the Appellant's grounds of appeal, including additional information belatedly provided regarding potential alternative golf course re-provision at the Bicester Hotel, Golf & Spa and the recent receipt of an updated 'Facility Planning Report' from Golf England. Notwithstanding the additional representations submitted, the Council resolved to maintain its first reason for refusal concerning golfing matters.

Golfing Impacts – Refusal Reason 1

- 5.2 The proposed development would result in the substantive loss of half of an 18-hole golf course, with the land to remain for Bicester Hotel, Golf and Spa reconfigured to provide either (as originally proposed) just a 9-hole golf course, which would therefore result in the loss of 9 holes from the golf course; or alternatively (as proposed immediately prior to the refusal decision) provide a smaller 18-hole facility, with two holes sharing each fairway.

- 5.3 Policy BSC10 of the Cherwell Local Plan Part 1 2011-2031 [CD5-3], states that the Council will ensure sufficient quantity and quality of open space, sport and recreation provision by protecting existing sites and enhancing existing provision. Supporting paragraph B.159 explains that development proposals that would result in the loss of sites will be assessed in accordance with guidance in the NPPF [CD5-1] and the PPG [CD5-2].
- 5.4 The Council's adopted Open Space, Sport and Recreation Assessment and Strategy (produced on its behalf by Nortoft in October 2018) [CD7-2] identifies that there is likely to be a need for more provision of golf courses in the Bicester sub-area due to the level of housing growth (a doubling in the size of the town) and that existing golf courses should be protected. It forecasts a long term and currently unresolved need for an additional 18-hole golf course or two 9-hole courses plus 8 driving range bays in the Bicester sub-area by 2031. The assessment advanced by the Appellant and referred to inter alia at para.5.4 of its Statement of Case [CD12-2] is not accepted by the LPA for the reasons set out below in paragraphs 5.6 and 5.9-5.14.
- 5.5 As the proposal will result in the reduction of the golf course provision at this site, the Council then has to consider the proposal against paragraph 97 of the NPPF [CD5-1]. This states that existing open space, sports and recreation buildings and land should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
 - c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 5.6 The tests set out at paragraph 97 of the NPPF would not be met and the loss of the existing golf course will result in a worsening in the shortage of golf provision in the Bicester sub-area, an area where deficiencies are already forecast in the Council's Open Space, Sport and Recreation Assessment and Strategy (October 2018) [CD7-2]. The further loss which will arise as a result of the proposed development will result in reduced opportunities for improved health and wellbeing and result in a loss

of active engagement in sport. The Council will demonstrate that the development would conflict with the policies quoted in reason for refusal one. The assertion by the Appellant (at Para.5.4 of its Statement of Case) [CD12-2] that the Council's first reason for refusal is "*misconceived*" and could be appropriately addressed through a re-provision of 18 holes on a suggested redesign of the retained 9-hole course (as referenced at Para.9.5 of its Statement of Case) is contested by the Council as unfeasible, impractical and unsafe and therefore could not be relied upon. This element of the case is addressed in detail in the separate Proof of Evidence of Paul Almond. The Council maintains and its evidence demonstrates that the resultant substantial harm caused by this proposal would not be outweighed by any benefits accruing from the general recreational activities proposed.

- 5.7 One-day before application Ref: 19/02550/F was refused on 12th March 2020, the Appellant's representatives suggested that the nine golf holes to be lost as a consequence of their redevelopment proposals for the land to provide a new leisure resort incorporating waterpark, family entertainment centre, hotel, conference and restaurant facilities and car park could potentially be re-provided through a reconfiguration of the remaining 9-hole course to provide a smaller 18-hole facility with two holes sharing each fairway, plus a suggested s106 obligation to provide enhanced practice facilities and a new scholarship scheme for up to twenty under-16 golfers. I accept that (informally) we had encouraged the Appellant to produce an alternative tee-positioning plan and high-level business plan. However, we had not at the time formally scrutinised what they produced, and caveated the removal of our objection based upon their acceptability. As produced, they are not acceptable (based largely on the points raised already, along with a lack of existing membership consultation), and England Golf also requested a feasibility plan, which has yet to be undertaken or submitted for consideration. At the time, such a belated suggested alteration to an application proposal that was already deemed unacceptable on several grounds was considered inappropriate for consideration and contrary to the Council's adopted Negotiating Protocol. Subsequently, on receipt of the Appellant's late suggested golf course redesign, I consulted Paul Almond the Council's Street Scene & Landscape Manager. I requested his opinion with his extensive golf course management and design experience. His comments on the proposal received were as follows:

1. *This option does not address the loss of the par 36, 3228 yards front nine holes, the additional holes will have to be significantly reduced, meaning it could not be classed as a course suitable for competition as 18-hole courses should have a Par between 69 and 74.*
2. *The addition of second tee boxes on the same hole will slow play down, meaning the time needed to play a round will significantly increase above the average 4 hours to play a normal 18-hole course.*
3. *There seems to be no design in the proposal as to where the additional tee positions have been proposed, Golfers not only have long walks between greens to the next tees, but also have to cross fairways where other golfers will be teeing off or playing.*
4. *Due to the positioning of the additional tee boxes, I feel that Health and Safety is a concern, as golfers could be hit by golf balls being played by the other golfers on the same hole.*

5.8 More recently, I am aware that the Appellant’s agents liaised further with England Golf and encouraged them to produce an update Facility Planning Report for BHGS and surrounding areas, dated December 2020 [CD16-B1]. That report concluded that there was a “*relatively low demand for golf*” in the area when compared to the average for the South East region. It also concluded that “*there is a high level of golf provision within the area in comparison to the demand, with a good number of traditional 18-hole courses*”. When making that assessment, England Golf sought to apply its standard mapping report methodology, which is a statistical data engine that identifies golfing demand (i.e. all golfers and golfing facilities) “*within a 20-minute drive*” of any “*club, Local Authority or Region*”. Due to the existence of what it described as nine other 18-hole courses within a 20-minute drive time of the appeal site, England Golf concluded that the local area was already sufficiently provided for, should the loss of 9 holes be agreed on this site.

5.9 The Council’s evidence is that the conclusions of that new England Golf report were based on erroneous assumptions because in fact only three of the nine 18-hole courses referenced are actually within a 20-minute drive time of BHGS.

5.10 The golf facilities referred to in the report that are all claimed to be within a 20-minute drive of BHGS are:

Name	No. of Holes	Driving Range	Distance	Drive-time
<u>Within Cherwell District</u>				
Kirtlington Golf Club	27	Y	8.7km	10.20 mins
North Oxford Golf Club	18	N	15.4km	15.23 mins
Tadmarton Heath Golf Club	18	Y	31.0km	32.45 mins
Rye Hill Golf Club	18	Y	29.0km	30.35 mins
Studley Hill Golf Club	18	Y	21.6km	22.37 mins

Hillside Farm Driving Range	0	Y	25.7km	26.65 mins
<u>Elsewhere within 20-minutes</u>				
Waterstock Golf Club	18	Y	25.0km	20.12 mins
The Oxfordshire Golf Club	18	Y	24.5km	27.32 mins
Buckingham Golf Club	18	Y	18.7km	19.23 mins
Hinksey Heights Golf Club	18	N	24.9km	21.55 mins

- 5.11 According to AA and RAC route planning internet information concerning road distances and minimum travel times only the Kirtlington, North Oxford and Buckingham golf courses are within a 20-minute drive of the BHGS appeal site. Waterstock near Thame is almost but not quite within the prescribed drive time; and all the others are between about 22-32 minutes drive time, so the base assumption of the England Golf report as to local facility provision is wrong. Rather than 9 other courses providing 197 golf holes plus a further driving range all being local to the BHGS appeal site only 3 courses providing 53 holes are within the 20-minute drive time; about one-third.
- 5.12 From a sustainability perspective it would be wrong to seek to satisfy golf demand from the Bicester sub-area in locations remote from Bicester and encourage travelling most often by private car to facilities significantly more than 20-minutes drive time (on average 22 minutes and 5 seconds) of Chesterton and Bicester.
- 5.13 The England Golf report suggests that within its nine defined profiles of population demand, the demand figures for Cherwell District ranged between 2,656 and 2,997, when compared to 5,662 and 6,494 across the South East of England, i.e. only about 46% - 47%. However, that assessment took no account of the planned development growth in Cherwell to 2031, which includes 10,129 new homes at Bicester, 7,319 at Banbury, 5,392 more at smaller settlements across the rural area and 4,000 of Oxford's unmet housing needs, which are to be accommodated around Kidlington.
- 5.14 This planned growth will effectively double the population size within a 20-minute drive time of the appeal site, and hence double demand, during the next ten years. The report conclusion, which suggests that local demand for golf is only about half that within the rest of the South East region is therefore unsound.

6. OVERALL BALANCE

- 6.1 In light of all the above, this development proposal would be contrary to Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 and not in accordance with the potential exceptions to general presumption against development listed in NPPF, para.97.

7. CONCLUSIONS

- 7.1 The National Planning Policy Framework (NPPF) at paragraph 14 states that, at its heart, is “a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”.
- 7.2 The Council’s evidence demonstrates that the development of the appeal site in the manner proposed would fail to deliver a sustainable development by causing significant harm to golf facility provision in the Bicester sub-area of the District either through the loss of 9 holes in an area where provision is already sub-standard or through unacceptable and unsafe re-provision with the accommodation of 18 holes in a re-design of the residual 9-hole course, with two holes sharing each fairway. The sporting harm that would be caused would be contrary to adopted Development Plan policies, the Council’s adopted Open Space, Sport and Recreation Assessment and Strategy (October 2018) and relevant national policy as set out in the NPPF and national guidance set out by Sport England and England Golf.
- 7.3 For these reasons, the Inspector is respectfully requested to dismiss this appeal with respect to the Council’s first reason for refusal.