



# *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

## **SUMMARY PROOF**

of

**THOMAS DARLINGTON**

Leisure and Sports Management BA Hons

Senior Community Infrastructure Officer, Cherwell District Council

## **1. INTRODUCTION**

- 1.1 My name is Thomas Darlington. I hold a BA honours degree in Leisure and Sports Management, and 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 This proof of evidence deals with the golfing considerations in terms of loss of golfing facilities that would arise from the appeal proposals. In this proof I explain why the proposal does not accord with relevant Development Plan policy, national planning guidance, 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.

## **3. APPEAL SITE LOCATION AND PROPOSAL**

### **Appeal Site Location**

- 3.1 The appeal site extends to 18.6 hectares and comprises the western nine holes of an existing 18-hole golf course, currently with 170 club members, which forms part of Bicester Hotel, Golf and Spa (BHGS) near Chesterton, a village southwest of Bicester.
- 3.2 The 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.
- 3.3 There are a variety of 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 low level screening within and around the site.
- 3.4 Some ponds, which are mostly located in a cluster to the northern part of the site have been engineered as part of the design of the golf course landscape. A couple of ditches and a public footpath run through parts of the golf course site.

#### **4. REASONS FOR REFUSAL**

- 4.1 The Council's Planning Committee resolved to refuse the application on 12<sup>th</sup> March 2020 for six reasons [CD3-1], but this Proof of evidence relates purely to the Council's first reason – the loss of golf course provision.

#### **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 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 BHGS site 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 BHGS 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. The merits of that alternative proposal are addressed in the evidence of Paul Almond.
- 5.3 Local Plan Policy BSC10 [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. Support 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 Open Space, Sport & 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 (including 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 at para.5.4 of its Statement of Case [CD12-2] is not accepted for the reasons set out below.
- 5.5 As the proposal would result in a reduction of the golf course provision at this site, the Council 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 would not be met and the loss of half the existing course would 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. The further loss which would arise as a result of the proposed development would result in reduced opportunities for improved health and wellbeing and a loss of active engagement in sport. The Appellant's assertion that the Council's first reason for refusal is "*misconceived*" and could be appropriately addressed through re-provision of 18 holes on a redesign of the retained 9-hole course would be unfeasible, impractical and unsafe and therefore could not be relied upon – refer to the separate Proof of Evidence of Paul Almond.
- 5.7 One-day before the application was refused, the Appellant's representatives suggested that the nine golf holes to be lost could potentially be re-provided through

a reconfiguration of the remaining 9-hole course to provide an 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). Also, England Golf requested a feasibility plan, which has yet to be undertaken or submitted for consideration. At the time, such a belated suggested alteration to the application was considered inappropriate for consideration and contrary to the Council's adopted Negotiating Protocol. Nevertheless, upon receipt of the Appellant's late suggested golf course redesign, I consulted Paul Almond the Council's Street Scene & Landscape Manager and 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, 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 and 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*". In making that assessment, England Golf sought to apply its standard mapping 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*".

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

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

<b>Name</b>	<b>No. of Holes</b>	<b>Driving Range</b>	<b>Distance</b>	<b>Drive-time</b>
<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

5.12 According to AA and RAC route planning internet information concerning road distances and minimum travel times, only Kirtlington, North Oxford and Buckingham golf courses are within a 20-minute drive of the BHGS site. All the others are between about 21-32 minutes drive time, so the base assumption by England Golf as to local facility provision is wrong. Rather than 9 other courses plus a driving range all being local to the BHGS site only 3 actually are within the 20-minute drive time.

5.13 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 of Chesterton and Bicester.

5.14 The England Golf report also suggests than 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, i.e. only about half. However, that assessment took no account of the planned development growth in Cherwell to 2031, including 10,129 new homes at Bicester, 7,319 at Banbury, 5,392 at smaller settlements across the rural area and 4,000 of Oxford's unmet housing needs around Kidlington. That planned growth will double the population size within a 20-minute drive of the appeal site, and hence double demand during the next ten years. The report's conclusion suggesting that local demand for golf is only about half that for 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 This evidence demonstrates that the appeal development 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. The sporting harm that would be caused would be contrary to adopted Development Plan policies, the Council's Open Space, Sport & Recreation Assessment and Strategy 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, I respectfully request that the Inspector dismisses this appeal in respect to the Council's first reason for refusal.