

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

APPEAL BY GREAT LAKES UK LTD

REF: APP/C3105/W/20/3259189

**LAND TO THE EAST OF M40 AND SOUTH OF A4095,
CHESTERTON, BICESTER, OXFORDSHIRE OX26 ITE**

**PROOF OF EVIDENCE OF
CHRIS JB GODDARD BA(Hons) BPL MRTPI MRICS**

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1.0 QUALIFICATIONS AND EXPERIENCE

Chris Goddard will say:

- 1.1** I hold the degrees of Bachelor of Arts (with Honours) in Town and Country Planning and Bachelor of Planning from the University of Manchester. I am a member of the Royal Town Planning Institute and a Member of the Royal Institution of Chartered Surveyors (Planning and Development Division).
- 1.2** I have 33 years' experience in the field of town planning. I am a Board Director at DP9 which is a leading independent planning consultancy. Prior to joining DP9 in 2014 I was National Head of Planning, Development and Regeneration at GVA where I was involved in major urban development projects throughout the UK. Before that I was a Senior Director at CBRE involved in a range of retail and mixed-use developments.
- 1.3** I have advised a wide variety of private and public-sector clients on projects throughout the UK. I have given evidence on planning matters at more than 60 major public inquiries including appeals, call-ins, local plan and compulsory purchase inquiries. These have involved the full range of planning issues raised by all types of major commercial, residential and mixed-use development, including numerous schemes involving retail and leisure developments.
- 1.4** I have very extensive experience of advising on retail and town centre planning matters. I have advised numerous local planning authorities on such matters throughout the UK. Of particular relevance in this case, I advised Cherwell District Council (CDC) on retail/town centre issues for many years, including preparing retail/town centre studies, advising on retail applications, and giving evidence at public inquiries.
- 1.5** I was the principal author of the DETR Practice Guide on Need, Impact and the Sequential Approach, published in 2009, as the precursor to the current PPG guidance and I am very familiar with the sequential test and assessing the impact of new development on the vitality and viability of town centres.
- 1.6** Since joining DP9 I have been responsible for a range of projects predominantly within greater London and the South East of England, including a range of mixed use commercial and residential developments. My most recent and current cases include the Chiswick Curve,

Whitechapel Estate, 15 Clerkenwell Close, Westferry Printworks, the UK Holocaust Memorial and Learning Centre and 'the Tulip' Inquiries.

- 1.7** My current and most recent clients include, the Secretary of State for Housing, Communities and Local Government, Areli Real Estate, Great Portland Estates, Stanhope, Tottenham Hotspur Football Club, The Maddison Square Garden Company, Value Retail (Bicester Village), Scenic Land (Bicester Office Park), Westfield, Battersea Power Station, Delancey, Lendlease, London Newcastle, British Land, Capco, Benson Eliot, UK and European, Regal Homes, Galliard Homes, Cubitt Property Holdings Ltd and Barratt London.
- 1.8** I am very familiar with the Appeal Site and the surrounding area, which I have visited on many occasions. As noted above, I have been actively involved in the area for over 20 years, initially advising CDC on retail/town centre matters and more recently during the last 6 years a number of private sector clients including Value Retail (the owners of Bicester Village which is the major visitor attraction in Cherwell) and Bicester Office Park.
- 1.9** In addition to advising on the continued growth and evolution of Bicester Village, my recent experience of major leisure and visitor destinations includes the new Tottenham Hotspur Stadium, the Tulip (a visitor destination in the City of London), Snoasis (a winter sports-based resort near Ipswich) and a new 20,000 seat live music venue (the MSG Sphere) in Stratford.
- 1.10** I was approached by GW to advise in respect of this Site in late 2017, and have been involved throughout the pre-application, submission and determination stages. As such I am very familiar with the relevant background information in this case.
- 1.11** For the reasons which will become clear from my evidence I have concerns with the way CDC determined this application. However, the purpose of my evidence to this Inquiry is to assist the Planning Inspector to consider the Appeal afresh, based on the evidence and relevant planning considerations at this time.
- 1.12** I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my Professional Institutions and I confirm that the opinions expressed are my true and professional opinions.

2.0 INTRODUCTION AND SCOPE OF EVIDENCE

2.1 On 11th November 2019, Great Lakes UK Limited ('the Appellant' or 'Great Wolf Resorts'(GWR) submitted an application ('the Application') for full planning permission to Cherwell District Council ('CDC') for the development of part of the existing golf course at Bicester Hotel, Golf and Spa (BHGS) on land to the east of M40 and south of A4095, Chesterton, Bicester ('the Appeal Site') to provide a new family-focused leisure resort. CDC marked the application as received on 13th November 2019 after which it was validated and made public on 25th November 2019.

2.2 The description of development ('the Proposed Development') is as follows:

“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”

2.3 The Application was considered by the CDC Planning Committee on 12th March 2020, with an officer recommendation for refusal. The Committee Report and Late Agenda Item Document are CD3-3 and CD3-2 respectively. At the Committee, Members resolved to refuse planning permission. The Decision Notice was issued by CDC on 19th July 2019 (CD3-1). CDC has sought to affirmed continuation with its reasons for refusal at a Supplemental Committee on 10 December 2020.

Scope of the Appellant's evidence

2.4 The Appellant's evidence follows and expands upon its Statement of Case, having regard to the issues identified by the Inspector at the CMC on 14th December, comprising:-

- a) The implications for sports and recreation facilities in the area, in particular golf;
- b) The effect on the safety and free flow of traffic on the highway network;
- c) The effect on the character and appearance of the area;
- d) The implications for drainage and flooding;

- e) Whether the proposal makes appropriate provision for the necessary infrastructure to meet the needs of the development; and
- f) Whether the proposal conflicts with the provisions of the development plan, and if so whether there are any material considerations that would outweigh that conflict.

2.5 The Appellant's evidence is set out in proofs of evidence from:

- a) Nick Rayner of EPR, on the design rationale, and its implementation;
- b) Richard Waddell of BMD, on the landscape design strategy and assessment of landscape visual impact;
- c) Phil Bell of Motion, on matters relating to transportation, namely traffic impacts and sustainable travel;
- d) Richard Bettridge of Motion, on the appropriateness of the proposed drainage strategy;
- e) James Patmore of BMD on Biodiversity Net Gain; and
- f) John Ashworth of Swan Golf Designs Limited, on the need for golf courses and the proposed enhanced provision and increase in golf-related amenity.

2.6 My evidence draws upon the evidence of the Appellant's other witnesses and addresses the degree of consistency with the Development Plan, and other material considerations, including the public benefits which the Proposed Development delivers and the way in which they fall to be weighed and the overall planning balance.

2.7 My evidence is set out as follows:

- a) In the next section I describe the Appeal Site and surrounding area, the character and uses of the Appeal Site and adjoining land / uses, and the relevant planning designations and planning history.
- b) In Section 4 I describe the proposed uses and the scale and form of the Proposed Development. I draw on, and adopt, the architectural evidence of Nick Rayner (EPR) which covers detailed design matters, and the evidence of Richard Waddell (BMD) which covers landscape design and visual impact matters.

- c) In Section 5 I briefly describe, insofar as is relevant to the Planning Inspectorate's consideration, the CDC determination process up to its decision to refuse the Application.
- d) In Section 6 I identify what I understand to be the areas of common ground between CDC and the Appellant, and the ongoing process to secure further agreement with CDC and the Parish Councils (Parishes Against Wolf or 'PAW').
- e) In Section 7 I assess the Proposed Development against the relevant provisions of the Development Plan.
- f) In Section 8 I assess the other material policy considerations relevant to the determination of this Appeal as set out in the NPPF;
- g) In Section 9 I address the reasons for refusal and any other matters raised by PAW and other objectors.
- h) In Section 10 I describe the extensive public benefits associated with the Proposed Development.
- i) In Section 11 I carry out the relevant planning balances and set out my overall conclusions.

2.8 My evidence draws upon and adopts the Appellant's architecture, landscape, transport, drainage, biodiversity and golf evidence and this has been informed by the matters set out in the draft Statements of Common Ground ('SoCG') which are subject to ongoing discussions between the relevant parties.

2.9 I also refer to Core Documents (CDs) and a series of Appendices reproduced in a separately bound volume.

3.0 THE SITE AND SURROUNDING AREA

- 3.1** The Appeal Site and surrounding area are described in detail in the Design and Access Statement ('DAS') (CD1-7) submitted with the planning application and in the accompanying design and landscape evidence prepared by Nick Rayner (EPR) (CD12-15) and Richard Waddell (BMD) (CD12-6) respectively.

The Site

- 3.2** The Site extends to 186,000 sqm (18.6 ha) and is comprised of the western 9 holes of the existing 18-hole golf course forming part of the Bicester Hotel Golf and Spa ("BHGS") situated on the western edge of the village of Chesterton and circa just 1.3 km to the west of the town of Bicester.
- 3.3** The Site occupies a strategic location situated immediately to the east of the M40 motorway, which forms its western boundary, and to the South of the A4095, from which the proposed Development would be accessed. There are well established woodland belts along the M40 and A4095 frontages, and the Site has very limited visibility from beyond the immediate vicinity.

Site Designations

- 3.4** The Appeal Site is not subject to any specific land use planning designations or constraints and is currently used for leisure/recreation purposes, in the form of its existing golf course use. The Site is not in the Green Belt, which covers an area to the south west of Bicester ending approximately 3km away from the Site to the south of junction 9 of the M40 where it meets the A34 / A41. This is shown in the DAS and in the evidence of Nick Rayner and Richard Waddell
- 3.5** The Appeal Site does not contain any buildings and therefore there are no listed or locally listed buildings on the Site. It currently forms part of a well-established hotel/spa and golf club complex which has been extended with the support of CDC on several occasions in the past as noted below.
- 3.6** The Appeal Site is not located in a Conservation Area. The Chesterton Conservation Area lies approximately 0.5 km to the east of the Appeal Site at the closest point. As set out in the

evidence of Richard Waddell, there is no inter visibility between Appeal Site and the Conservation Area, either in its existing or proposed state.

- 3.7** The Appeal Site is located wholly within Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)) and as such it has a low probability of flooding. The Appeal Site is also located outside the influence of any other local flood risk elements. This is addressed further in the evidence of Richard Bettridge (CD12-18).
- 3.8** The Appeal Site is not within a specifically designated Archaeological Priority Area, but the Alchester Roman Site is located approximately 2km away. The Site is not within an Air Quality Management Area (AQMA).

The Site and Recent Planning History

- 3.9** BHGS, originally known as Bicester Golf and Country Club, opened in 2002.
- 3.10** Planning permission was granted in July 2003 for an extension to the existing golf clubhouse (to include gym, swimming pool and health and beauty facilities), 52 hotel bedrooms, servicing/access works, and alterations including landscaping to the existing golf course (CDC Reference: 03/0105/F). This permission related to part of the Appeal Site, along with the neighbouring site comprising the other 9 holes of BHGS and the main built part of the active leisure / recreation facility.
- 3.11** Since then, BHGS has been the subject of a series of planning applications, including the October 2013 approval of a two-storey extension to the existing BHGS hotel to provide 51 additional bedrooms (CDC Reference: 13/01102/F) and more recently, in October 2015, an application for a larger extension to form 62 new bedrooms (CDC Reference: 15/01068/F).
- 3.12** Two new homes, Stableford House and Vicarage Farm, have been constructed on land adjoining BHGS. In 2003 CDC granted planning permission for the erection of two dwellings to replace Vicarage farm. In 2010 CDC granted consent to relocate the service entrance to BHGS and the erection of one new dwelling and retention of the existing Vicarage farmhouse. In 2012 CDC granted consent to remove a condition restricting the occupancy of the retained farmhouse to a person solely or mainly employed by the BGHCC.

3.13 Planning permission was subsequently granted for the redevelopment of the former Vicarage House building in January 2014 to comprise a 5-bedroom detached house with detached double garage. The officers' report concluded this would not result in significant harm to the visual amenities of the locality, the neighbouring property, highway safety, trees subject to Tree Preservation Orders or legally protected species.

Summary

3.14 The Site adjoins the M40 motorway and A4095, and forms part of an established commercial leisure use, forming 9 holes of an existing 18-hole golf course as part of the Bicester Hotel Golf and Spa ("BHGS") situated on the western edge of the village of Chesterton and circa 1.3 km to the west of the town of Bicester.

3.15 The Site is not subject to any specific planning designations or constraints. BHGS opened in 2002 and planning permission was granted in July 2003 for an extension to the existing golf clubhouse (to include gym, swimming pool and health and beauty facilities), 52 hotel bedrooms, servicing/access works, and alterations including landscaping to the existing golf course.

3.16 BHGS has been the subject of a series of planning applications including most recently, in October 2015, an extension to form 62 new bedrooms (CDC Reference: 15/01068/F). As such, the Site forms part of an established commercial leisure facility and is in a location where the CDC has previously supported the development of hotel and associated uses.

4.0 THE PROPOSED DEVELOPMENT

- 4.1** The Proposed Development includes the construction of a 498-bedroom hotel, indoor waterpark, family entertainment centre, conferencing facilities and restaurants, with associated access, parking and landscaping. Great Wolf Lodges are designed primarily to cater for children aged 2-12 with their parents, guardians, carers, grandparents and friends.
- 4.2** The Great Wolf Lodge concept is new to the UK and provides an opportunity to cater specifically for such children and their families in a way which is not currently available in this way in the UK. Great Wolf Lodges promote active lifestyle. They are inclusive and accessible, and local management actively engage in the communities in which they locate and contribute to local charities and causes.
- 4.3** The concept of destination leisure resorts and hotels in out of centre locations is well established and understood. Indeed, BHGS itself provides an obvious example, albeit a smaller facility targeting a different but complementary market. Another local example is the nearby Chesterton Hotel, which markets itself as a 'luxury upscale' hotel, 'close to Bicester Village, Oxford and the Cotswolds and 5 minutes away from Bicester Village Station'.
- 4.4** However, these facilities serve a distinct and different market, are not specifically targeted at children and young families, and do not include comparable facilities to the Proposed Development. While different in scale, and the range of facilities on offer, resorts such as Center Parcs provide the closest comparable offer to the Great Wolf Lodge in the UK at present in terms of the waterpark concept. As my evidence demonstrates, the role and benefits of such facilities has been recognized and supported by the Secretary of State.
- 4.5** As leisure destinations, these inevitably serve wider national catchments. As it happens, in many cases such resorts are located in relatively remote locations in open countryside with limited or no access to public transport or local workforces and supply chains. As my evidence and the evidence of others will demonstrate, this not the case for the proposed facility here, which, by comparison, is a far more sustainable location for a destination resort and bears comparisons with other major 'destination' leisure facilities which have been (and continue to be) supported by CDC.
- 4.6** The Appeal Site was chosen in part because of its ideal strategic location on the M40. This gives it ready access to an extensive catchment which it would serve. However, there are a number

of other attributes that make the site particularly suitable and sustainable as a location for a destination leisure resort (as compared with other such destination resorts) and this has guided the Appellant's site selection process. These attributes include:

- the close proximity to a number of other complementary tourist / visitor destinations in the area, including the City of Oxford, the Cotswolds, and Bicester Village and Bicester Heritage/Motion, enabling 'linked trips' for guests;
- the Appeal Site's long-established existing leisure use as a golf course and CDC's previous support for hotel development in this location;
- the location of the Appeal Site close to the rapidly expanding settlement of Bicester (which it will serve as well as provide employment for) with the very good rail services at Bicester offering genuine alternative transport options both for guests and staff alike;
- other important sustainability benefits including easy access to a local workforce and supply chains that can access the site by means other than the private car; and
- the ability of the Appeal Site to accommodate the leisure resort without adverse impacts on the landscape or character of the area.

4.7 The choice of the Site and decision to proceed with the application was also informed by the initial strong support and encouragement from senior CDC officers, as set out in the email from Adrian Colwell, the Executive Director for Place and Growth, on 25th January 2018 which I reproduce as Appendix 1. This states:-

"Bob [Bob Duxbury, the then Head of Planning] and I were very impressed with both your concept, its rationale, the nature of the development and the thinking that you have put into the site specific proposal.

We are interested in positively exploring this with you and look forwards to the PPA being agreed and the consideration of the site issues commencing.

Once the PPA is in, I will make arrangements for you to meet the Leader of the Council - Councillor Wood and our Chief Executive - Yvonne Rees to present your proposal.

I look forwards to working with you to secure the investment in Bicester".

4.8 Full details of the design of the Proposed Development are set out in the evidence of Nick Rayner. He describes the site context, the evolution of the design, the detailed design of the facility itself, and how it relates to its setting. He also explains the operational requirements

for the Proposed Development, which influence the scale and form of the development required.

- 4.9** While architectural and design matters are addressed in detail by others, I consider the Proposed Development is a sensitively planned, high quality design which would prove to be a popular and inclusive destination for visitors, including tourists coming to the area and (by the planned provision for day passes) to local residents, including those from the village of Chesterton.
- 4.10** A key component of the Proposed Development is the extensive landscaping works proposed. This landscape-led approach includes: the provision of a dense landscaped buffer along the perimeter of the Site supplementing what is already present; the provision of a publicly-accessible nature trail area in the north-west quadrant of the Site; landscaping to the proposed car parking; and the provision of an enhanced public footpath
- 4.11** The Proposed Development would be readily and easily accessed off the A4095. The transport evidence demonstrates it will have no significant effects on the local or strategic road network. The Proposed Development includes provision for highway mitigation works where required, albeit there are no significant effects likely to arise.
- 4.12** In contrast to many destination leisure resorts, the Site's proximity to Bicester's two railway stations and the Appellant's commitment to providing dedicated shuttle buses and improvements to local bus services offer realistic and viable alternative sustainable travel options for guests and employees alike.
- 4.13** The proposed shuttlebus will also be available to Chesterton residents, so providing a direct benefit by enhancing their sustainable transport choices. The proposed Development also provides enhanced footpath and cycling routes, a new local nature trail, and a contribution towards additional public transport improvements which will benefit staff, guests and local residents alike.
- 4.14** The Proposed Development will be located on an area currently occupied by 9 holes of an existing golf course, but where the demand for the existing golf course facilities has been dwindling for some time. As the evidence of CBRE, John Ashworth (CD12-9) and the recent Facility Planning Report by England Golf (CD10-13) demonstrates, there is no shortage of golf provision in the wider area.

- 4.15** As originally proposed, the Proposed Development would have retained the 9-hole golf course which is more in tune with the future demands for the game. In response to concerns about the loss of an 18-hole facility, the Proposed Development includes a commitment to provide a reconfiguration and redesign of the remaining 9 holes to provide an enhanced replacement 18-hole facility if required, as detailed in the expert evidence of John Ashworth (CD12-9). Either option would safeguard the future of the golf club which, as noted in the Statement prepared by the Finance Director of BHGS in March 2020 which I attach as Appendix 2 (and included as CD2-8), is otherwise under threat as a matter of viability in its existing form.
- 4.16** These enhancements also include an area of approximately 6 ha on the site which will be provided for public use providing nature trails and areas for both hotel guests and members of the public (including Chesterton residents and school children) to use. The nature trails are intended to provide public amenity (and genuine public open space) offering educational material informing users about the local wildlife and habitats, which are also being enhanced as part of the Proposed Development.
- 4.17** My evidence confirms how the Proposed Development will deliver a wide range of public benefits to the immediate area (including the village of Chesterton and Bicester and its environs) and Oxfordshire more widely, which align with important policy objectives. These include:
- a) supporting the tourist and visitor economy and associated direct and indirect economic benefits (including job creation);
 - b) the delivery of outdoor public amenity space benefits;
 - c) the delivery of enhanced biodiversity; and
 - d) improvements in transport.
- 4.18** I would expect the facts of such benefits to be agreed as part of the SoCG. For the reasons which I expand upon later, I conclude that they should be afforded considerable weight in this case.
- 4.19** In addition to the defined public benefits which will be delivered by the Proposed Development and/or s106 agreement, Great Wolf Resorts has a proven track record of working effectively with and supporting local communities. I attach, as Appendix 3, a series of testimonials provided by the leaders of several local communities where Great Wolf Lodges are located, which illustrate the contribution they have made to the local economy and supporting its local

communities. These include direct and indirect employment and training, strengthening local economies through supporting local supply chains, generating additional trade for local restaurants in nearby town centres, and a commitment to diversity, charities and generally supporting the communities where they are located.

Summary

- 4.20** The Proposed Development includes the construction of a 498-bedroom hotel, indoor waterpark, family entertainment centre, conferencing facilities and restaurants, with associated access, parking and landscaping, designed primarily to cater for children aged 2-12 with their parents, guardians, carers, grandparents and friends. Great Wolf Lodges are inclusive and accessible, and actively engage with and contribute to local communities.
- 4.21** The Appeal Site was chosen in part because of its ideal strategic location on the M40. This gives it ready access to an extensive catchment which it would serve. However, a number of other attributes make the site particularly suitable and sustainable as a location for a destination leisure resort. These include, inter alia; the close proximity to a number of other complementary tourist / visitor destinations in the area, access to local labour and supply chains and excellent rail links; and the long-established existing leisure use as a golf course and CDC's previous support for hotel development in this location.
- 4.22** The Proposed Development will be located on an area currently occupied by 9 holes of an existing golf course. However, the Proposed Development includes a commitment to provide a reconfiguration and redesign of the remaining 9 holes to provide an enhanced replacement facility. In addition, the Proposed Development includes an area of approximately 6 ha on the site which will be provided for public use providing nature trails and areas for both hotel guests and members of the public (including Chesterton residents and school children) to use.
- 4.23** The Proposed Development will deliver a wide range of public benefits to the immediate area (including the village of Chesterton and Bicester and its environs) and Oxfordshire more widely, which align with important policy objectives. These include, inter alia; supporting the tourist and visitor economy and associated direct and indirect economic benefits (including job creation); the delivery of outdoor public amenity space benefits; the delivery of enhanced biodiversity; and improvements in transport. Great Wolf Resorts also has a proven track record of delivering wider economic and social benefits to the local communities it invests in.

5.0 THE APPLICATION PROCESS

Pre-application History and Consultation

- 5.1** I am conscious that the focus of this Inquiry is on determining this Appeal based on the current circumstances and relevant policy and other considerations, rather than to dwell on the process leading to this Inquiry. As such, in this section I largely summarise the process up to the decision to establish the factual position and timeline to demonstrate that the Appellant adopted the approach required by the Framework in the period up to and post submission of the application.
- 5.2** Following the initial support and encouragement from CDC officers and prior to the submission of the Application, the Appellant undertook extensive and detailed pre-application consultation with CDC, Oxfordshire County Council ('OCC') and key stakeholders, including Chesterton Parish Council, the wider local community and statutory consultee groups such as Highways England, Natural England and the Environment Agency.
- 5.3** As noted in the evidence of Nick Rayner, there was no specific CDC Design officer objection the Proposed Development during the pre-application process, with the focus being on how the design would sit within the landscape. This is also apparent from the absence of any particular criticisms design matters contained in the Committee Report, beyond some more generalised assertions about the scale and appearance of the buildings which are dealt with in more detail by Nick Rayner.
- 5.4** Nick Rayner's evidence describes the design evolution of the Proposed Development by the Appellant and how, as part of these pre-application meetings, the proposed height, scale and massing of the Proposed Development have evolved in relation to the existing and proposed, enhanced landscape context, and how was considered and addressed through the thorough and collaborative input from CDC's landscape officer.
- 5.5** The proposed site layout had also been worked through at length in pre-application discussions to ensure the extent and quality of landscaping proposed is appropriate and beneficial. As set out in more detail in his evidence, the scheme continued to evolve through pre-application discussions with (amongst other things) the Appellant lowering the height of the main hotel building and introducing further articulation, so reducing the footprint of the built form, and

breaking up the car park areas, and reducing parking space numbers, in response to the comments received.

- 5.6** Prior to the submission of the Application, two sets of public exhibitions were held. The first took place in June 2019 (14th and 15th at BHGS, Chesterton and 15th at John Paull II Centre, Bicester) and the second in September 2019 (26th at BHGS, Chesterton and 27th and 28th at John Paul II Centre, Bicester). Preview exhibitions were provided to local stakeholder groups in both instances. These events were well attended with over 600 people attending overall (including repeat visitors). The main focus of local residents was on existing highways impacts and how the proposal would affect these.
- 5.7** Other concerns were raised, such as the loss of part of the golf course and the scale of the main building, but a number of respondents welcomed the proposed nature trail and shuttle bus and acknowledged that the Great Wolf Lodge would provide a boost to the local economy.
- 5.8** The detailed feedback received is set out in the Statement of Community Involvement, prepared by Redwood (dated November 2019) (CD1-23). This demonstrates that the Proposed Development has been the subject of extensive pre-application discussions and public consultation in line with best practice and the NPPF.

Application Determination

- 5.9** Following the publication of the CDC Committee Report, the Appellant wrote to CDC and Members of the Planning Committee seeking clarification on certain matters and the resolution of specific points where agreement could or should be reached, and requested that the item be deferred on the basis that certain consultation responses had only recently been provided to the Applicant, there were outstanding consultation responses, and there were matters which could have been and should have been resolved by further discussions. I reproduce this letter as Appendix 4.
- 5.10** This request was denied, and CDC's Planning Committee resolved to refuse planning permission for the Proposed Development in line with the recommendation of the Planning Officer. Consequently, these matters remain as issues to be determined in this Appeal despite the Appellant's continued efforts to narrow the issues in dispute. I note that CDC has sought to affirm its reasons for refusal, on 10th December 2020, but without engaging with the

Appellant and apparently without regard to further important information, for example the England Golf Facility Planning Report published in December 2020 (CD10-13).

Summary

- 5.11** Following the initial senior CDC officer enthusiasm for the concept and the choice of location, the Appellant entered into extensive pre-application discussions with CDC officers (in accordance with a Planning Performance Agreement), statutory consultees and the local community, included two public exhibitions. The scheme evolved during this process in response to comments received, including changes to the siting, massing and design of the proposed development. This culminated in a CDC decision to refuse the Application, despite a number of matters remaining outstanding and the subject of ongoing consultation.

6.0 MATTERS WHICH ARE UNDERSTOOD NOT TO BE DISPUTED BY CDC

- 6.1** The Committee Report suggests significant areas of agreement between the Appellant and CDC on important matters which do not appear to support some of the generalised assertions found in the reasons for refusal. The Committee Report also identifies several issues where outstanding consultation responses and/or discussions could have further narrowed or removed reasons for refusal.
- 6.2** As noted in the Committee Report (CD3-3) the following consultees have raised no objections to the application: CDC Arboriculture, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Protection (Environmental Health), CDC Licensing, CDC Public Art, Environment Agency, Highways England, Legal Services Rights of Way Officer, Natural England, OCC archaeology, Thames Valley Policy and Thames Water. A number of others had not responded at the time the Application was reported to Committee.
- 6.3** In order to seek to identify the points that are in issue in the reasons for refusal, in this section I consider the specific analysis and conclusions reached on the specific issues at large in this case in CDC's report, and whether they do in fact substantiate the reasons for refusal in this case.

Policy matters

- 6.4** The comments of the CDC planning policy team recorded at paragraph 7.29 of the Report state '*objection 'unless policy requirements are met'*'. The comments themselves indicate that consideration is intended to be given to whether the proposal is in a sustainable location and whether the location can be made sustainable.
- 6.5** The report confirms, at paragraph 7.43, that OCC 'has not specifically identified an objection to the application on the basis of the site's location and accessibility.' The OCC primary concerns, addressed later, relate to a single junction, and the requirement for contributions to public transport infrastructure.
- 6.6** The CDC policy team allege 'general inconsistencies' (paragraph 7.30) and 'potential' conflicts (paragraph 7.31) with policies relating to countryside, local character and landscape, the loss of golf, and a requirement for a '**retail** impact assessment' (my emphasis). However, CDC policy raised no in principle objection, recognising (as they should) that the Development Plan policies set out criteria for judging the acceptability of the Proposed Development, and

the fact that the site is technically out of centre and on land without built form (albeit in established commercial leisure use) does not and cannot result in an 'in principle' reason for refusal.

Alternative sites

- 6.7** While the CDC policy team and OCC identify no 'in principle' policy objection, the Committee Report alleges that as the site is an out of centre location the Proposed Development is 'in principle' inconsistent with local planning policy.
- 6.8** This assertion is not supported by the evidence in this case. The Report acknowledges that the Application was supported by a sequential site assessment and concludes that 'the sites within Cherwell District considered in the sequential test are appropriate and officers are persuaded that it shows the development cannot be accommodated within Bicester (paragraph 9.40). The Report does not identify or suggest there may be any more sustainable sites in Bicester (or any other centre) capable of accommodating the Proposed Development.
- 6.9** In these circumstances, I fail to understand how in purely locational terms a site which CDC accepts complies with the sequential approach, for which support is enshrined in planning policy at every level, can 'in principle' be inconsistent with local planning policy. Clearly I accept there are other policy considerations and criteria to be addressed, as identified by the CDC policy team, which I consider below. However, I consider the claim that the Proposed Development is 'in principle' contrary to policy is unsubstantiated and incorrect.

Landscape

- 6.10** Notwithstanding the reference to landscape in the reasons for refusal, the Application attracted no objections from the CDC Landscape Officer who confirmed that '*the LVIA is a comprehensive and competently written document that complies with GLVIA 3 guidelines*' and '*the site has low landscape sensitivity to change, and a visual effect ranging from neutral to moderate adverse at year one*' (paragraph 7.27).
- 6.11** Paragraph 9.92 specifically confirms '*there is no objection from the Landscape Officer relating to the impact on the wider landscape character*'. Paragraph 9.93 also confirms that '*the wider landscape impact is negligible, especially over the 15-year period and understanding the additional planting mitigation*'. Paragraph 9.134 further confirms that '*the landscaping proposals are largely satisfactory, and there is no objection based on the landscaping*

proposals'.

- 6.12** As such, there is no material in the CDC report to support a reason for refusal based on impact on landscape character.

Loss of golf

- 6.13** The report states that CDC recreation and leisure '*strongly object to the development proposal due to the loss of the 18-hole golf course*' (paragraph 7.33). However, this summary needs to be considered in the context of the assessment itself contained at Paragraphs 9.22-9.28 of the report.

- 6.14** This section more accurately refers to a 'potential loss' and then seeks to refer to the Council's evidence that there would be a deficit in golf course provision if the development were to be approved (paragraph 9.27). However, it also cites ongoing dialogue with England Golf, and a position that '*officers would wish to see firm proposals from the developer for an enhanced and improved facility on the remaining nine holes*', and states that no comments had been received by England Golf on this matter at the time of the CDC decision.

- 6.15** As such, the analysis underpinning the CDC leisure 'in principle' objection was, at the time, incomplete and premature. It relied upon the previous CDC forecast of golf course need and it took no account of the potential for further discussion to improve and secure the better replacement facilities now proposed.

Highways and Transport

- 6.16** Paragraph 9.78 of the report confirms that access and car parking proposals (in terms of required numbers against standards) are considered to be satisfactory. As noted previously, OCC did not raise any in principle objection to the location in terms of sustainability, but identified concerns in respect of the Middleton Stoney junction and requested obligations and contributions to improve the accessibility of the site by sustainable transport modes (see below).

Heritage Matters

- 6.17** The Committee Report confirmed that subject to the Conservation Officers' views, which were outstanding at that stage, there is no sustainable defensible reason for refusal of

planning permission on the subject of impact upon heritage assets. The Written Update (CD3-2) included comments stating that 'it is likely that the setting of the conservation area will be compromised to a degree', but no explanation was provided for these comments, let alone any evidence, and the comments are strongly refuted by the Appellant's evidence and analysis, in particular in the appendix prepared by AOC that is included with Richard Waddell's evidence (CD12-6). However, the CDC Statement of Case does not allege any material impact on the Conservation Area or its setting and this is therefore not a contention that is pursued by CDC. There is no evidence of any such impact as set out in the Appellant's materials supporting the planning application.

Residential Amenity

- 6.18** Paragraph 9.155 of the report concludes that the proposed development will not have a significant detrimental impact upon residential amenity, and 'as such there are no sustainable reasons for refusal on these grounds and the proposal complies with the relevant development plan policies and the NPPF'.

Ecological Matters

- 6.19** Paragraph 9.198 of the report states that 'officers are satisfied, on the basis of the advice from the Council's ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats ..have been met and discharged' and the Council is not raising any objection to the proposal on ecological or biodiversity grounds..

Drainage

- 6.20** It is clear from the Committee report at paragraphs 7.49 that the OCC objection was in fact based on a stated requirement for further information and clarification. Paragraph 9.157 of the report also makes clear that OCC only objected on the grounds of insufficient information and requested further details. At the time of drafting the Committee Report further comments of OCC were still awaited, and as confirmed in the CDC Late Agenda Item (CD3-2) there had been no written update from OCC as the Lead Local Flood Authority at the time of

the decision.

Public Benefits

6.21 The CDC Economic Development team raised no objection to the Proposed Development. Paragraph 7.24 of the report recognises that *'the principle of this development proposal is to be welcomed as part of a broad range of inward investment to provide opportunities for local employment and leisure facilities for an expanding number of households in the town, district and wider region'*.

6.22 Paragraph 9.42 of the report further confirms the Proposed Development:-

'has the potential to generate economic benefits for the local economy and wider region through investment, job creation and local/national tourism. The proposed development would lead to benefits in terms of jobs and expenditure in the local area during the construction (temporarily) and operation of the site. Its location near to Bicester may assist in securing in (sic) Bicester though linked trips with such places as the former RAF Bicester. The applicant explains that 460 full time equivalent jobs will be created with further jobs during the construction phase'.

6.23 Paragraph 9.45 also confirms the proposal will contribute towards reducing out commuting by generating jobs near Bicester which is one of the main aims of the Local Plan and it will provide leisure facilities for Bicester and the wider area which is an expanding population. As I understand the position, CDC does not dispute the quantitative conclusions of the economic assessment which accompanied the Application.

Mitigation of infrastructure Impacts

6.24 Paragraphs 9.203-9.206 of the report reviewed the proposed contributions, including transport and public transport and additional contributions requested by the Parish Council's (now PAW). Paragraph 9.207 concluded that:-

'the above requirements (aside from the Parish Council's requests) meet the relevant tests and are necessary to ensure that the development proposed would not have a detrimental effect on local amenity and the quality of the environment and the need to ensure that all development is sustainable'.

The Appellant's attempts to resolve outstanding matters

- 6.25** It is clear from the summary above that, contrary to the assertion that are a number of 'in principle' objections to the Proposed Development, in fact a number of the Reasons for Refusal were founded on matters which, at the time, required further information, including outstanding responses from statutory consultees. CDC's decision to refuse the application, rather than defer its decision to allow for the receipt of outstanding consultee response and further discussions, simply left those several matters unresolved.
- 6.26** On the 25th June 2020 the Appellant wrote to CDC advising of the intention to submit an appeal and requesting the CDC's response to a number of matters in order to seek to narrow down the issues between the parties. I attach this correspondence as Appendix 5. CDC replied on the 2nd September, providing no substantive response, but instead offering a paid for 'pre-application service'. As noted above, CDC did not engage with the Appellant or request any further information or clarification of its position prior to confirming the original reasons for refusal on 10th December 2020.
- 6.27** The Appellant provided a draft Statement of Common Ground ('SoCG') with its Statement of Case ('SoC') (sent to CDC on 10th September 2020, upon submission of the appeal) setting out areas it considers readily capable of agreement between the Appellant and CDC. No response was received by the deadline set by PINS. The first response was only received on 14th December 2020. This is unfortunate given the Appellant took steps to seek to narrow areas of dispute as long ago as 25th June 2020.
- 6.28** Following the Case Management Conference and CDC's response, I anticipate that topic-based SoCGs on Drainage, Highways, Landscape/Visual Impacts (character & appearance) and an overarching Planning and Miscellaneous Matters SoCG will be issued in advance of the Inquiry.

Summary

- 6.29** In light of the Committee Report and the Statement of Case from CDC, I consider that there are significant areas of agreement between the Appellant and CDC. Specifically, there were no objections on landscape impact from CDC's landscape officer, and no objections on ecology, residential amenity, vehicular access and car parking numbers, and heritage

matters.

6.30 CDC also accepts the Proposed Development would deliver a number of acknowledged economic benefits (although the weight to be attached has been significantly underestimated by CDC) and CDC has accepted that Proposed Development accords with the sequential test and as such there are no more sustainable sites in Bicester. Discussions are taking place between the Appellant, CDC and PAW, and I anticipate that further matters will be agreed and set out in updated SoCG in advance of the Inquiry.

7.0 THE DEVELOPMENT PLAN

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004, in conjunction with section 70(2) of the Town and Country Planning Act 1990, has the effect that where in making any determination under the Planning Acts regard is to be had to the development plan, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.2** The Courts have considered the meaning of ‘in accordance with the development plan’ on numerous occasions, and most recently in *R(Corbett) v Cornwall Council* [2020] EWCA Civ 508. The case reaffirms that the task of the decision-maker is to consider the development plan as a whole; a breach of a single policy in the plan does not necessarily mean that there is not accordance with the plan when read as a whole; and there is recognition that individual policies may pull in different directions in which case a decision falls to be made as to which policies should be given more weight. These are matters for planning judgment based on a proper understanding of the relevant policies.
- 7.3** The Development Plan for the purposes of this Appeal comprises the Cherwell Local Plan Part 1 (CLP1), adopted by CDC in 2015 (CD5-3), and the saved policies of the Cherwell Local Plan 1996 (CD5-6). CDC adopted a Partial Review of the CLP 1 in September 2020 (CD5-4), although this relates principally to housing need, and the relevant policies of the CLP1 remain unchanged. In this Section I assess the Proposed Development against the relevant Development Plan policies.

Appropriateness of the Proposed Use in this location

- 7.4** The Proposed Development comprises a new family-oriented, water-based leisure resort and hotel. It will deliver a significant positive investment in the local area in terms of job creation and financial spin-offs, and the creation of a new tourist attraction in the District and in the wider Bicester area in particular. The Proposed Development would complement other destinations (such as Bicester Village, Bicester Heritage/Motion and BHGS) and enhance the tourist offer in the wider area.
- i) The Support for tourism and its contribution to the local economy
- 7.5** The CLP1 recognises the *“growing role that tourism has to play in the local economy”* (paragraph B.62 supporting text to policy SLE3) adding that CDC *“will support new tourism*

provision that can demonstrate direct benefit for the local 'visitor' economy and which will sustain the rural economy" (ibid.) and that "... tourism has scope to play a significant wealth-creating role for the District" (paragraph B.63).

7.6 CLP1 states that:

"tourism can help support local services and facilities, provide employment, promote regeneration and help preserve the natural and historic environment. It can include day visits by local people through to visits from overseas. Tourism is a vital component in the make-up of the national economy. Currently tourism is worth over £300 million in Cherwell District and makes a significant contribution towards the development of a sustainable local economy" (paragraph B.64).

7.7 CLP1 Policy SLE3 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".

7.8 I deal with the sustainability of the location (along with Phil Bell of Motion) in more detail below. This policy also provides clear support for the Proposed Development as a new tourist facility which will inevitably increase overnight stays and visitor numbers within the District. As noted later in my evidence, the Proposed Development will deliver a range of direct and indirect benefits to the local visitor economy, including attracting new overnight visitors into the area, supporting the creation of 460 FTE local jobs, and contributing £23m per annum to the local GDV.

7.9 The 'in principle' policy support for new hotels in Policy SLE3, and the benefits of new hotel development have been recognized by CDC in respect of other recent applications. For example, the Committee report in respect of the application by Bicester Heritage for the erection of a hotel comprising 252 rooms and 92 aparthotel suites and 311 parking spaces, dated 25th October 2018 (Appendix 6) notes the proposals would increase visitor numbers to the District and increase overnight stays, and thus accord with Policy SLE3.

7.10 In these circumstances I consider there is very clear 'in principle' policy support for the Proposed Development, subject to other relevant policy considerations, including the

sustainability of the location to which I now turn.

ii) The sustainability of the location

- 7.11** The CLP1 identifies ‘sustainable locations’ for growth more generally (referring to policy ESD1) and states that Bicester and Banbury are *“the most sustainable locations for growth in the District...”* (paragraph C.4).
- 7.12** Strategic Objective 4 (p.35 of the CLP1) seeks to focus development in sustainable locations *“making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages”*. When considering the nature of the development and this context having regard to the Site’s proximity to Bicester as one of two of the *“most sustainable locations”* in the District, and the public transport proposals delivered through the scheme, I consider the Site necessarily should be viewed as a sustainable location for the proposed use.
- 7.13** CLP1 policy SLE3 promotes new tourist attractions and development in Cherwell to capitalise on the fact that *“1.2 million people live within a 30-minute drive time of the District boundary”* (paragraph B.64). As noted previously, this is one of the reasons the location was chosen by the Appellant. It aligns with the way CDC itself promotes the development of new tourist attractions. In the context of a tourism facility which will inevitably include visitors who will travel by car, the site is also genuinely accessible by alternative means of transport which makes it sustainable as a tourist/leisure destination.
- 7.14** Policy SLE3 understandably does not attempt to define or prescribe what constitutes a sustainable location for tourism uses in the way it does for employment (paragraph C.100 or C.154 C.195) or housing development (paragraph C.136, C.138 C.272). Defining sustainable locations for tourism is difficult, given the inherent nature of tourism which by its nature entails discretionary travel, often over considerable distances by road and air, for leisure purposes. In these circumstances, it is informative to consider how CDC has approached this issue in policy formulation and its response to other tourist and visitor attractions.
- 7.15** Bicester Village is CDC’s largest visitor attraction. Originally a greenfield site, since Bicester Village opened in 1995, CDC has continued support to support its expansion, most recently approving phase 4 which opened in 2017, in recognition of its significant contribution to the local tourist economy and the significant local economic benefits it delivers. Bicester Village is

currently served by 2,750 car parking spaces, and it is widely recognized as serving a wider regional, national, and even international catchment.

7.16 By way of illustration of the same point, CDC has very recently supported and approved the development of the tourist facility Bicester Heritage on the former RAF Bicester site. This is an out of centre site located to the north of Bicester, circa 1.5 miles from the edge of the defined town centre boundary. It is emerging as a regional, and potentially national destination for classic car and aeroplane restoration, attracting enthusiasts from a very extensive catchment.

7.17 The Committee report in respect of the proposed hotel at Bicester Heritage (Appendix 6) concludes that the site is:

'considered to be a sustainable location, on the edge of Bicester Town centre. With motor car manufacturing in Oxford and much of the UK's motorsport industry, particularly F1 businesses, located in surrounding areas (particularly Banbury, Brackley and Silverstone) Bicester is ideally located to provide a hub for classic car businesses and enthusiast. Therefore, a hotel in this part of the District and close to a sustainable settlement is considered to comply with Policy PSD1.' (paragraph 8.5)

7.18 The Report goes on to state that

*'The proposal for a new hotel, **in a sustainable location such as on the edge of Bicester** (my emphasis) is also considered to comply with the objectives of the NPPF and NPPG, in particular sections relating to building a strong, competitive economy (Paragraph 8.8).'*

7.19 As 'one of its kind' the Bicester Heritage development is clearly targeted at a wider sub regional, regional and potentially national target catchment which I would anticipate would be largely car borne. The site itself is well beyond the limits of what would be regarded as an 'edge of centre' location (ie 2-300m) for the purposes of encouraging linked trips.

7.20 Most recently, in November 2020 CDC resolved to approve planning permission for a major mixed-use development, including a 'creative city' visitor destination and other leisure uses at the former RAF site at Heyford Park (CDC Ref 18-00825-HYBRID), circa 6 miles outside Bicester, which the report describes as a 'somewhat isolated rural location'. The Committee Report states, inter alia, that: *'tourism will be used as part of the Councils aim to achieve a sustainable local economy and sustainable tourism is a strategic objective in the CLP2031'* (paragraph 9.260).

- 7.21** The CDC apparent 'in principle' objection to the sustainability of the Appeal site for a resort hotel/visitor destination is inconsistent with these policies and its approach to these other sites and it is misplaced. Although Bicester Village and Bicester Heritage are physically closer to Bicester Town centre, they are also both 'out of centre' locations, serving extensive, largely car borne catchments. The respective distances of all of these sites from Bicester Town centre are not material where they are, or can be made, accessible by alternative means of transport.
- 7.22** A more detailed consideration of transport and accessibility is set out in the evidence of Phil Bell. This describes the provision of a new fully accessible shared footpath / cycleway into Chesterton village, a free-to-use shuttle bus to / from the resort and through and to Chesterton and Bicester (connecting to the mainline railway stations), and contribution to the existing public bus service, so providing genuine options for hotel guests, day pass visitors and resort staff to travel by non-car modes.
- 7.23** The development will therefore also provide opportunities for local residents to travel more sustainably as the path / cycleway, shuttle bus and public bus improvements will be available to them and will contribute to the overall sustainability of the location.
- 7.24** Seen in this proper context, I consider the Site is a highly sustainable location for a destination leisure resort of the type proposed. It is on the edge of a growth settlement, where tourism is encouraged to serve an extensive catchment. It is ideally located for that catchment. The Proposed Development will also be genuinely accessible by alternative means of transport, particularly when compared to other resort type destinations such as Center Parcs, offering people a real choice to travel other than by car.
- 7.25** The Proposed Development will also provide facilitate what are defined as sustainable transport modes in the NPPF, including making specific provision for low emission or ultra-low emission vehicles as described by Phil Bell as well as being likely to result in significant car-sharing in any event. On this basis, I consider the Proposed Development clearly accords with CLP1 policy SLE3.
- iii) The principle of development in the Open Countryside
- 7.26** A further consideration in terms of the appropriateness of the proposed use is saved policy T5 of the 1996 Local Plan. Whilst this policy is over 20 years old (and superseded by the CLP1 and

the NPPF), it states that *“beyond the built-up limits of a settlement the provision of new hotels ... will generally only be approved when such proposals would: be largely accommodated within existing buildings which are suitable for conversion or for such use; or totally replace an existing commercial use on an existing acceptably located commercial site”*.

7.27 The policy goes on to say that *“proposals to extend existing hotels, motels, guest houses and restaurants will be acceptable provided they conform to the other relevant policies in this plan”*.

7.28 In this respect, I note that CDC has already previously supported the expansion of the BHGS. Although the GWR would be a separate, albeit complementary, facility to BHGS, the Site is already subject to the commercial use of BHGS and the co-location of these leisure uses, in an established leisure destination, is clearly relevant in this case. The established use of the Site is for commercial leisure purposes.

7.29 The premise for the policy in terms of protecting the open countryside in this respect should be read with the supporting text clearly acknowledging that:

“such proposals will need to be evaluated on the basis of their individual merits and the degree to which they conflict with other policies in this plan ... [recognising] ... that there may be exceptional circumstances that would justify setting aside policy T5 to allow the development of facilities of this kind” (paragraph 7.17).

7.30 The supporting text goes on to say that in the Green Belt (which the Site is not) such development is not accepted and that there is a general requirement that such development is adequately served in terms of roads and access and that it can be *“readily assimilated in the rural landscape without undue harm to its appearance and character”* (ibid).

7.31 This Site is outside of a defined settlement (so therefore technically in Open Countryside, albeit part of an existing leisure use), but it is very well located on the edge of a rapidly growing and expanding settlement. The Proposed Development, as a new hotel (and resort), will in fact be replacing an existing commercial leisure use activity on the Site (ie part of the golf course). It is also located next to the M40 which clearly forms part of the context and setting.

7.32 Furthermore, as set out in the evidence of Richard Waddell of BMD (CD12-7), the Site is almost entirely shielded from view currently, and the Proposed Development would not result in any ‘undue harm’ to the landscape (being the relevant policy test). On this basis, I find no basis for any ‘in principle’ policy objection to the Proposed Development, nor any conflict with any

policies controlling or preventing development in the Open Countryside.

iv) The principle of a 'main town centre use' in this location.

- 7.33** The Proposed Development comprises an indoor waterpark and hotel resort. This would fall within the broad definition a 'main town centre use' in the NPPF which includes leisure, entertainment, sport and recreation and hotel uses (Annex 2: Glossary). As the Site is an out of centre location, Policy CLE2 requires the application of the sequential test and consideration of whether the proposed development would have a 'significant adverse impact' on one or more of the factors in the NPPF.
- 7.34** The sequential test, as set out in Policy SLE2 and Paragraph 86 of the NPPF, requires applications for main town centre uses to be considered for location in centres, then in edge-of-centre locations and then out-of-centre locations. Paragraph 87 adds that when considering edge and out of centre sites, "*preference should be given to accessible sites which are well connected to the Town Centre*".
- 7.35** The Planning Statement which accompanied the Application included a comprehensive sequential site assessment in accordance with the relevant policy requirements and practice guidance. As noted in the last section of my evidence, this was reviewed by CDC who have subsequently confirmed that they accept the requirements of the sequential test are met in this case (Committee report paragraph 9.40).
- 7.36** For the avoidance of any doubt on this issue, it is worth noting that CDC has in the recent past approved numerous edge and out of centre schemes for retail and hotel developments in the District, including Bicester Gateway Retail Park, the Holiday Inn Express on the A41, and Bicester Heritage / Motion, concluding in each case that there were no sequentially preferable sites in or on the edge of the town centre.
- 7.37** On this basis, I consider that location of the Proposed Development clearly satisfies the requirements of the sequential test as set out in CLP1 policy SLE2 (and the NPPF). This also reinforces my conclusion that the site is a sustainable location, and as such complies with Policy SLE3, given that there no other better locations for such a facility in the District which have been identified through by the Appellant's review, and this has been accepted by CDC.
- 7.38** As the Proposed Development comprises a quantum of floorspace over the locally set threshold in CLP1 policy SLE2 (of 1,500 sq.m gross), an impact assessment is technically

required to be undertaken, although the reference in the Committee Report (paragraph 7.31) to a 'retail impact assessment' is confusing given that the Proposed Development is not a retail development. As I note later in my evidence, the more up to date NPPF makes clear the requirement to carry out an impact assessment only relates to retail and leisure development, whereas hotels fall within the definition of cultural and tourism development.

7.39 However, contrary to the assertion in the Committee Report and incorporated into the second reason for refusal, for the sake of completeness a proportionate assessment was in fact carried out, in line with Practice Guidance, and this assessment was set out in the Planning Statement.

7.40 This assessment identified (amongst other things) that the Proposed Development is for the first Great Wolf Lodge proposed in the UK (or indeed Europe), with existing lodges only in North America presently. It provides a unique offer being a self-contained indoor waterpark connected to a hotel with associated complimentary indoor activities targeted at young families (with children between 2 and 12) and conferencing facilities.

7.41 The offer, experience and target audience for all parts of the resort, including the conferencing facilities that typically relate to the wider resort offer, is different and generally complementary to that of other hotels and / or resorts. There will therefore be negligible to no impacts on such other facilities.

7.42 Moreover, and of perhaps most importance when considering the policy requirements to assess the impact on 'town centres', is the basic fact that very few resorts, resort hotels or conferencing facilities of this kind are ever located within designated town centres, and there would therefore be no diversion of expenditure away from centres in any event.

7.43 For these reasons, I consider the impact assessment submitted as part of the Planning Statement in this case was and remains proportionate. It is more than sufficient to demonstrate that there is no conceivable basis to conclude that the Proposed Development would have any significant adverse impact on any nearby town centre, a conclusion which, for the reasons I outline later, would have been self-evident to CDC.

7.44 However, as CDC has cited this as a reason for refusal and chosen to maintain this assertion in its Statement of Case (Paragraph 6.9) and following the 10th December 2020 Committee, I set out in Section 9 my further assessment of the potential for any impact, which demonstrates that the reason is unsubstantiated, and wholly inconsistent with the approach taken by CDC elsewhere.

7.45 Indeed, the available evidence (elsewhere accepted by CDC) demonstrates that the Proposed Development will in fact attract significant visitors to the area, having a strong positive impact on the local economy rather than causing any adverse impacts on nearby town centres. As a consequence, I conclude the Proposed Development would support the vitality and viability of nearby centres and on any analysis clearly accords with CLP1 Policy SLE2.

v) Overall conclusions on the appropriateness of the Proposed Development

7.46 The Proposed Development comprises a new leisure family resort and hotel on an established leisure site. The principle of new and improved tourist facilities to increase overnight stays and visitor numbers in Cherwell accords with Policy SLE3. The Proposed Development satisfies the provisions of SLE2 which relate to main town centre uses.

7.47 The Site is a sustainable location for this form of development, and in the circumstances in this case, where the Proposed Development involves a site with an established commercial leisure use, causes no undue harm to the landscape, cannot be located in or on the edge of a town centre and will not cause any impact (only a net gain) to centres in the area, I consider the principle of the Proposed Development in this location accords with the relevant policies of the Development Plan.

7.48 The Proposed Development delivers significant economic and other benefits and strategic goals established in the CLP1 in terms of actively promoting and supporting tourism in the district.

Loss of Existing Use

7.49 As noted above, the Site currently comprises part of an existing golf course. This existing golf course, part of BHGS, is associated with the hotel, leisure and spa offer, all of which would remain in situ alongside the Proposed Development. The original intention was to continue to provide a 9-hole course at the site, as this is far more in tune with current demands. However, the Appellant has also agreed to provide the means to convert and enhance the remaining nine-hole course and facilities in a way which enable 18 holes to be played and enhanced facilities provided to reflect more appropriately golf provision that will encourage playing of golf in the future.

- 7.50** The NPPF defines ‘open space’ as *“all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”*. PPG adds to this stating that open space *“includes all open space of public value, [and] can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks”* (Paragraph: 001 Reference ID: 37-001-20140306) and that *“it is for local planning authorities to assess the need for open space and opportunities for new provision in their areas”*.
- 7.51** CLP1 defines open space in a number of ways including as greenspace, play space, allotments, outdoor sports pitches and parks and gardens. The nature of the more limited existing role of the Application Site as an ‘open space’ in terms of a sport and recreation function is important to consider when assessing the appropriateness, in planning terms, of the Proposed Development (which results in a demonstrable net gain in accessible public open space).
- 7.52** CLP1 Policy BSC10 strategically aims to, *“ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision is secured”*. In terms of considering the reconfiguration of the existing provision, this policy looks to achieve this through *“protecting existing sites”*.
- 7.53** The supporting text to policy BSC10 states that CDC’s 2006 ‘Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy’ (‘2006 Audit’) and 2008 ‘Cherwell Green Spaces Strategy’ (‘2008 GSS’) identify all the sites that need to be protected *“to ensure an adequate supply of open space provision”* (paragraph B.158). I note that the BHGS, (containing the Site) is not identified as a site / course that needed protection at the time of this research.
- 7.54** A Sports Facilities Strategy, prepared by Nortoft Partnerships Ltd and published in August 2018 (‘2018 SFS’) is said to form Part 2 of CDC’s Open Space, Sport and Recreation Assessment and Strategies (‘OSSRAS’). The 2018 SFS / OSSRAS was apparently prepared to inform future policy documents and planning decisions, namely the CLP2, but it has no development plan status and has yet to be tested at examination.
- 7.55** The 2018 SFS document suggests that generally *“... existing golf course sites should be protected, unless the tests set out in the National Planning Policy Framework are met”* (my emphasis) (paragraph 11.58) and it claims that in the ‘Bicester sub area’ there is need up to 2031 for *“1 x 18-hole course or 2 x 9-hole courses, 8 driving range bays”* (paragraph 11.54).

7.56 The supporting text to policy BSC10 is clear that *“development proposals that would result in the loss of sites will be assessed in accordance with guidance in the NPPF and NPPG...”* identifying three scenarios, one of which needs to be satisfied to make the loss or reconfiguration of that site to another use acceptable:

*“... [the loss] will not be permitted **unless** the proposal would not result in the loss of an open space of importance to the character or amenity of the surrounding area; an assessment has been undertaken which demonstrates that the site is surplus to requirements including consideration of all functions that open space can perform, **or** the Council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is to be provided within an agreed time period”* (paragraph B.159) (my emphasis).

7.57 Whilst the Proposed Development technically results in some *“loss of open space”*, most of this is private open space, accessible for BHGS members only and therefore not strictly meeting the NPPF definition of being of ‘public value’. But in any event, in contrast to that which is lost, the Proposed Development involves the creation of very substantial soft landscaping works creating almost 5.8ha of genuine public open space (i.e. that which is publicly accessible and is therefore of public value) on the Site. This would be in addition to the existing 9 holes that will continue to exist, but also now the commitment to repurpose the retained 9-hole golf course into an 18-hole course.

7.58 Purely considering the ‘open space’ value of the existing and proposed situations, I consider the Proposed Development secures a quantitative and qualitative uplift in open space of public value. Notwithstanding the above, applying the first test established through policy BSC10, as the LVIA and landscape evidence demonstrates, the Proposed Development would not result in the loss of an open space that is of importance to the character or amenity of the surrounding area in any event.

7.59 Applying the second test, the 2018 SFS document states that up to 2031 there is additional need in the ‘Bicester sub area’ for *“1 x 18-hole course or 2 x 9-hole courses, 8 driving range bays”* (paragraph 11.54). The Report concludes with a recommendation – to Cherwell District Council – that *“the existing golf course sites should be protected, unless the tests set out in the National Planning Policy Framework are met”* (paragraph 11.58).

7.60 In light of policy BSC10 the Appellant commissioned CBRE to undertake a thorough empirical assessment of the SFS 2018 work and a new assessment of golf course needs in the area. This

was included at Appendix 2 to the Planning Statement.

7.61 CBRE questioned some of the assumptions used in the 2018 SFS for catchments, demographics of this catchment and the provision in 'surrounding authorities' (used in the 2018 SFS). CBRE identifies that there is an over-supply of 18-hole golf courses in the District, especially in the Bicester sub area, and, importantly, that the demand is falling in the catchment of the BHGS course (reflected by membership numbers over the past 20+ years falling).

7.62 This conclusion is supported by the experience of the owner of BHGS, with the decline in the number of playing members which led to the decision to sell this part of the site to GW. This conclusion is also supported by the latest assessment of golf needs undertaken by England Golf, published in December 2020 which is addressed in more detail in the evidence of John Ashworth (CD12-9). This identifies (amongst other things) that:

'within the identified region there is a relatively low demand for golf when compared to the average for the South East region... There is a high level of golf provision within the area in comparison with the demand, with a good number of traditional 18-hole courses.'

7.63 This is relevant given the reliance placed by CDC on the views of England Golf in the Committee Report, particularly as this was clearly based on an incomplete and outdated analysis of the position. The 10th December Committee Report makes no reference to this important conclusion.

7.64 Other aspects of the golf provision are addressed in the evidence of John Ashworth, with the accompanying appendix from Howard Swan, which I draw upon in Section 9 in response to the first reason for refusal. However, having regard to this evidence, which I adopt, I consider the requirements of Policy BSC10 are met in this case.

Landscape and Visual Impact

7.65 During pre-application discussions with CDC a series of viewpoint locations was agreed to test the proposed massing of the scheme in these views. The Proposed Development in these views is set out in the LVIA which considers the sensitivity of individual views to change and the level of change or visibility of the building in these views (both upon completion of the scheme and after 15 years).

7.66 As part of the LVIA (Chapter 13 of the ES)(CD1-13), BMD considered a series of viewpoint

locations. This analysis demonstrates that the Proposed Development would not be visible in the majority of these views. As set out in the LVIA, *“there are views into and across the Site from upper storey north-west and west facing windows at nearby properties of Vicarage Farm and Stableford House ... along with views from an existing PRow that crosses through the Site”*. Elsewhere, there are views of the Proposed Development where generally the sensitivity is low (being on bridges over the M4).

- 7.67** The LVIA concludes that there would be no effects on the character of the wider landscape once the Proposed Development is operational and that there would be ‘Long Term Minor Beneficial’ effects on site and ‘Long Term Negligible Adverse’ effects on the surrounding local landscape. It concludes the establishment of woodland elevated on mounding along the southern boundaries would reduce views of the Proposed Development from the adjacent properties of Vicarage Farm and Stableford House, resulting in ‘Long Term Minor to Moderate Adverse’ effects which are not considered to be significant in EIA terms.
- 7.68** As noted in the previous section, no objection is raised by the CDC Landscape officer in terms of any impact on landscape character or the landscape proposals. In these circumstances I consider the Proposed Development complies with all the relevant development plan policies relating to landscape and visual impact and Policies ESD13 and ESD15 in particular.
- 7.69** These matters are addressed in further detail the evidence of Richard Waddell of BMD (CD12-7). I consider the fact that this major visitor attraction can be accommodated in this location with such limited and highly localised effects further reinforces the suitability of this Site for the Proposed Development.

Design Approach (Scale, Height and Massing)

- 7.70** The design and layout approach of the Proposed Development is outlined in full in the submitted plans and drawings and DAS (prepared by EPR) and in the Landscape Proposals (prepared by BMD). Detailed elevational drawings and Computer-Generated Images ('CGIs') have also been prepared and show the proposed detailing and materiality of the Proposed Development.
- 7.71** The Proposed Development has been carefully designed to respond to the specific constraints and opportunities of the Site, deliver the quantum and mix of floorspace capable of creating the destination, respect the local character and context of its surroundings, and provide a

viable scheme capable of delivering the significant benefits outlined.

- 7.72** The height and massing of the building (including the taller elements) has evolved considerably during pre-application discussions. The scheme now has a lesser and better articulated massing which is appropriate both in principle, and as a result of the high architectural quality employed. The built form of the building has been carefully and purposefully developed and responds to its position and a series of views from a range of directions (all shown in detail in the LVIA) and landscape evidence.
- 7.73** The full rationale for the building design is provided in detail in the DAS, and the design and landscape evidence. This explains the rationale for the scale and form of the Proposed Development, and how this is tailored to the need to provide a viable and commercially successful destination which contributes to the CDC strategy to attract tourists and in particular overnight visits to the District.
- 7.74** The design evidence also demonstrates that the Proposed Development fully accords with Development Plan design policies, and specifically CLP1 policy ESD15 which seeks to carefully control buildings and their impacts and ensure that the bulk, height, scale, massing, quality of materials and detailed design of buildings are appropriate to the character of the area and the setting and amenities of surrounding buildings and spaces.

Heritage Considerations (Above and Below Ground)

- 7.75** Through consideration of the location of the building (both in terms of footprint and massing), the Proposed Development has been carefully designed to avoid potential harm to the significance of any designated or indeed non-designated heritage assets (including their setting).
- 7.76** A full assessment of effects on key views and the historic environment was included within the accompanying LVIA. In relation to above ground heritage assets the LVIA concludes that:-
- “potential effects on the settings of six designated heritage assets have been assessed ... [and] ... no significant residual effects have been found”.*
- 7.77** This conclusion is not contested by CDC. In practice the only designated heritage asset which could have conceivably been affected by the Proposed Development is the Chesterton

Conservation area, and even this could only ever have been in terms of setting if there had been some inter-relationship. However, there is no inter visibility between the two, and no material impact arises.

- 7.78** A comprehensive assessment of below ground assets of the site itself was conducted prior to the submission of the planning application and supplemented by further post submission field work assessment (in coordination with OCC officers) which was agreed by OCC on 21 January 2020. Further information is provided in Volume 1, Chapter 10 and Volume 2 of the ES (CD1-13). This demonstrates the absence of any material impact on any archaeological assets.
- 7.79** On this basis, I consider the requirements of CLP1 Policy ESD15 are met. As noted in the previous section, CDC has concluded that there is no sustainable defensible reason for refusal based on impact on heritage assets.

Transport and Accessibility

- 7.80** A Transport Assessment was prepared by Motion to accompany the Application. This demonstrates the acceptability of the Proposed Development in respect of the level of vehicular activity, the likely impact on the local transport network (as well as proposed servicing and delivery arrangements) and the car and cycle parking provision.
- 7.81** A Framework Travel Plan has also been prepared by Motion. This sets out the proposed strategies to encourage sustainable travel modes, including focusing on walking, cycling and using public transport (by way of the proposed new shuttle bus services for hotel guests, staff and local residents in particular).
- 7.82** Recognising that the Proposed Development will introduce a number of people to the Site and immediate area, it is particularly focused on increasing the choice of sustainable transport modes to the site. The TA clarifies that the Site is accessible by foot, cycle and by public transport. A new shared pedestrian footway and cycleway will be provided from the Site to Chesterton, connecting with existing footway provision (and wider cycle network) and a free shuttle bus services for guests and staff and local residents will be provided.
- 7.83** The TA also establishes that cycle parking is provided in excess of local parking standards and is provided for both staff and visitors. Moreover, car parking provision is appropriate to meet

the needs of the development and includes acceptable disabled user spaces and, importantly, at least 10% of spaces are provided with electric vehicle charging capabilities (with the wider site future proofed to increase this percentage).

- 7.84** All servicing and deliveries associated with the development will be accommodated within the on-site service area and a Framework Delivery and Servicing Management Plan has been developed to manage all servicing activity associated with the proposed resort.
- 7.85** Considering the impact of the Proposed Development on the wider road network, detailed pre-application discussions were held with OCC and CDC and these have resulted in agreement on matters including expected trip generation, distribution and the assessment of day pass provision. Detailed junction capacity analysis demonstrates that the proposed site access junction from the A4095 will operate within capacity with negligible queuing or vehicle delay. Furthermore, the Proposed Development will not have a significant effect on the operation on junctions on the local highway network.
- 7.86** Chapter 6 of the ES concludes that during both the construction and operation phase, *“the Proposed Development would result in a negligible (not significant) residual effect on the highway network local to the Site”*. This includes cumulative development and also takes into account management of movements through a Construction Management Plan, Framework Travel Plan and Delivery and Servicing Management Plan (all to be secured by legal obligation).
- 7.87** In these circumstances I consider the Proposed Development complies with CLP1 policies SLE4, ESD1 and ESD17 and saved Local Plan policies TR7 and C9. I refer to and adopt the evidence of Phil Bell of Motion.

Energy and Sustainability

- 7.88** The Proposed Development would represent an energy efficient and sustainable scheme which is fit for purpose for its lifetime. As such, a number of features have been introduced to provide a high-performance development in terms of sustainability and energy consumption. Further detail is set out in the Energy and Sustainability Statement, prepared by Hoare Lea. As required by CLP1 Policies, the Proposed Development will follow the energy hierarchy, to secure a reduction in regulated CO2 emissions.

- 7.89** The Proposed Development provides a 12-14% reduction in carbon emissions compared to the Part L 2013 baseline and 39-45% reduction compared to (more realistic) SAP10 carbon emissions factors. This exceeds the levels of reductions secured as part of other consented schemes across Cherwell and represents an overall much more sustainable strategy.
- 7.90** In line with policy requirements, the Proposed Development is on target, through the identified sustainability 'features', to achieve (and exceed) BREEAM 'Very Good standard, as is required. A BREEAM pre-assessment has been undertaken as part of the planning application and is included as an appendix to the Energy & Sustainability Statement. In summary, the Proposed Development complies with CLP1 policies ESD1 to ESD8.

Flood Risk and Drainage

- 7.91** As established elsewhere in this Planning Statement, the Site is located in Flood Zone 1 and as such it is at a low risk of surface water flooding (with a probability of less than 0.1% every year). On this basis, and given the uses proposed, the Proposed Development is fully compliant with the policy requirements and guidance on the sequential test and the principles of the NPPF.
- 7.92** The Drainage and SuDS Strategy prepared by Curtins demonstrates that the existing land drainage system (serving this section of the golf course) is performing poorly and that the Proposed Development looks to reinstate where possible and upgrade this system. Surface water runoff rates from the Proposed Development are proposed to reduce considerably compared to the existing scenario. The Drainage and SuDS Strategy has been designed to cater for the 1 in 100 year storm event + 40% climate change allowance, in accordance with best practice and the NPPF.
- 7.93** Excess surface water flows are proposed to be attenuated using permeable pavements, detention basins, swales and a below ground attenuation tank (that will facilitate a rainwater harvesting system as part of the Proposed Development). In addition, it is proposed to use green roofs, permeable pavements and swales as part of an on-site collection system.
- 7.94** A separate foul water system is to be developed as part of the project. As there is no viable outfall in the immediate vicinity, this will outfall to an adoptable pumping station and be pumped via rising main to the nearest Thames Water manhole. The peak discharge rate is estimated to be 50l/s.

7.95 In these circumstances, I consider the Proposed Development complies with CLP1 policies ESD6 and ESD7 in terms of flood risk and drainage. However, I understand there are some unresolved matters identified in RfR which are the subject of ongoing discussion and if not resolved before the Inquiry. These are addressed in the evidence of Richard Bettridge (CD12-18) who concludes that there is no sound basis for the reason for refusal on drainage. The Proposed development is not only acceptable in terms of flood risk and drainage but will deliver significant benefits by improving protection to downstream flooding.

Amenity Considerations

7.96 The Proposed Development has been assessed in terms of its potential impact on the amenity of nearby residents, in accordance with specific technical requirements, in terms of both the construction and operational phases. Overall, these studies clearly demonstrate that the Proposed Development is acceptable in planning terms.

7.97 The noise impact assessment feeding into the ES concludes that during the operational phase of the Proposed Development, the noise and vibration effects of associated road traffic, on-site activities and fixed plant on neighbouring residential properties are negligible (not significant). Of note is that the reduction in road traffic noise impacting BHGS, Vicarage Farm and Stableford House (as the closest receptors) will represent a negligible to permanent minor beneficial effect.

7.98 During the construction phase, the effects are considered to be at worst temporary minor adverse (not significant) and will only be at this level during a short (less than 1 month) period during some landscaping works closest to these properties. Proposed landscaping works, bunding and solid fencing, is incorporated to minimise impacts and site management (during both the construction and operational phases) will also assist in controlling noise impacts on these nearby receptors.

7.99 A detailed lighting design strategy has been prepared by Hoare Lea responding to the wider context, the Applicant's specific operational and safety requirements and considering the potential impacts to avoid in terms of light pollution – light glare, light trespass / encroachment and sky glow (as well as energy efficiency). Different lighting design approaches are taken to the specific parts of the Proposed Development. An assessment of the impacts finds that there

will be minimal light spill beyond the boundary of the Application Site boundary.

- 7.100** An assessment of local air quality conditions has been prepared by Hoare Lee and is within the Air Quality Assessment included as an appendix to the ES. This considers the likely effects of the Proposed Development on air quality during the construction and operational phases demonstrating that emissions are minimised and that the impacts of the Proposed Development are not significant and satisfy the requirements of the CLP1. As noted in the last section, CDC raises no issues in respect of residential amenity.

Biodiversity and Ecology

- 7.101** Chapter 9 of the ES considers the impact of the Proposed Development on biodiversity. The Appellant engaged with CDC through pre-application discussions and the scope and nature of assessment has been agreed. As set out in Chapter 9 of the ES, an ecological baseline status (namely the existing scenario in terms of biodiversity and ecological habit) has been established through a mix of desk-based studies and field surveys. This has included the following: on and off-site habitats of conservation importance; Bats; Badger; Other mammals; Birds; Reptiles; Amphibians; and Invertebrates.
- 7.102** The approach taken by the Appellant has been to retain existing habitats (where of value worthy of retention) and where removal is considered necessary for the Proposed Development to re-provide both an enhancement in terms of quantum and quality. This has been achieved across the Site and is demonstrated in the positive biodiversity net gain assessment. This is addressed in the evidence of Richard Waddell of BMD and James Patmore of BMD.
- 7.103** As part of the ecological work feeding into the ES, the Appellant is proposing a Habitat Maintenance and Management Plan (and Landscape Maintenance and Management Plan) that will be secured by way of planning condition and / or obligation. In addition, the Appellant proposes a series of 'wildlife installations', including hibernacula for reptiles and amphibians; brash piles for reptiles and invertebrates; swift next boxes; house martin nest boxes; sparrow terraces; bird and bat boxes and sandy scrapes for invertebrates.
- 7.104** The comprehensive package of commitments from the Appellant and enhanced biodiversity are important benefits of the Proposed Development. These matters are addressed in more

detail in the evidence of Richard Waddell (CD12-6) and James Patmore (CD12-21). In these circumstances, I conclude that the Proposed Development is acceptable in accordance with the Policy ESD10 of the CLP1 and saved policies C2 and C4 of the 1996 Local Plan and I note CDC takes no issue in respect of these policies. On the contrary, the evidence of James Patmore reaffirms that Proposed Development will deliver a significant biodiversity net gain, which is a material planning benefit.

Trees

- 7.105** The Arboricultural Impact Assessment prepared by WSP identifies 220 arboricultural ‘features’ on the site of which 15 are of moderate quality, 204 of low quality and 1 is very low quality. The Proposed Development would result in the removal of 91 ‘features’, comprising 11 of moderate quality and 80 of low-quality tree groups, 6 of which will only be partially removed.
- 7.106** The Proposed Development does not adversely impact any TPO covered tree groups and would involve considerable tree planting and wider soft landscaping enhancements across the Site. This conclusion is accepted by the CDC Arboricultural officer (Committee Report paragraph 7.19). As such, the Proposed Development complies with relevant Development Plan policies in respect of trees.

Summary

- 7.107** In summary, I do not consider that on any proper analysis the Development Plan in this case establishes an ‘in principle’ objection to the Proposed Development. On the contrary, it establishes a strong support for economic development, and in particular, the development of Cherwell’s tourist offer and encouraging more overnight visitors.
- 7.108** I conclude that the Site is a highly sustainable location for a destination leisure resort, particularly having regard to the contribution to public transport, dedicated shuttlebus and other enhancements, which cannot be accommodated in Bicester. The Proposed Development will deliver significant economic benefits and have no impact on the vitality and viability of any nearby town centre. On this basis, I consider the Proposed Development accords with Policies SLE 1,2 3 and 4.
- 7.109** There is no ‘in principle policy objection to development in open countryside. Saved Policy T5

identifies circumstances where this may be acceptable, which are met in this case. Furthermore, the Proposed Development fully satisfies the requirements of Policy BSC10, by retaining and enhancing the range of leisure and recreational uses on the site, and significantly increasing the quantity and quality of genuinely publicly accessible open space.

7.110 Based on the comprehensive material submitted in support of the Application and the other parts of the Appellant's evidence covering design, landscape, ecology, golf/ recreation uses, transport, and drainage, I conclude the Proposed Development accords with the Development Plan when read as a whole and makes an important contribution to key strategic policy objectives. Accordingly, I consider the Proposed Development attracts the statutory presumption in favour of approval as set out in section 38(6) of the 2004 Act.

8.0 THE NATIONAL PLANNING POLICY FRAMEWORK

- 8.1** The National Planning Policy Framework (NPPF) (2019) establishes the overarching principles of the planning system. The NPPF is an important material consideration in this case which carries significant weight, particularly as it postdates the Development Plan. The NPPF identifies three overarching objectives that must be pursued in mutually supportive ways: economic, social and environmental. I return to these in my assessment of the public benefits which the Proposed Development will deliver.
- 8.2** Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. For the reasons set out in the last section and as set out in the evidence of the Appellants other witnesses, I consider the Proposed Development contributes significantly to each of these objectives.
- 8.3** The Proposed Development will contribute towards reinforcing a strong, responsive and competitive economy by the delivery of a new family leisure resort, supporting the local economy by direct and indirect job creation, and associated increases in visitor levels and local expenditure which will in turn help support local businesses in the vicinity and the wider tourism and visitor economy. These are quantified in the Economic Statement which accompanied the Application (CD1-11) and are considered further later in my evidence.
- 8.4** The Proposed Development will directly *“support communities’ health, social and cultural well-being”* by the introduction of a new family resort for hotel guests and local day visitors and a package of other local commitments, namely a free shuttle bus (for local residents as well as visitors and staff to the resort), a contribution towards other improved bus services, enhanced and useable re-routed public right of way and cycle ways, and a new public nature trail, delivering improved local access to genuinely public open space.
- 8.5** The Proposed Development delivers significant ecological and biodiversity improvements. The Proposed Development also seeks to encourage sustainable modes of transport by offering a genuine choice to use such modes, including using public transport connecting with the excellent public train network in nearby Bicester through the provision of free-to-use shuttle buses for staff and guests, electric charging facilities, a new accessible shared footpath / cycleway into Chesterton village and very generous provision of cycle parking for resort staff and guests and promotes sustainable transport modes as defined in the NPPF.

8.6 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 confirms that for decision taking, this means approving development proposals that accord with an up to date development plan without delay. Paragraph 12 confirms that:-

“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan... permission should not usually be granted. Local authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

8.7 In the previous section of my evidence I have assessed the Proposed Development against all the relevant provisions of the Development Plan and conclude that it complies with the Plan when read as a whole.

8.8 NPPF states that LPAs should approach decisions on proposed development in a creative and positive way and ‘*work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area*’ (Paragraph 38). Paragraph 54 states that Local Planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

8.9 I note that the public transport contributions and other provisions address OCC’s concerns in respect of the sustainability of the site. Taking the creative and positive approach advocated by the NPPF, I consider other matters could be addressed by conditions and/or obligations, for example including the requirement and specification for the re-provision of the golf facility, or conditions governing arrival/check in times if there are remain any real concerns about am peak traffic flows.

8.10 Paragraph 80 confirms that significant weight should be placed on the need to support economic growth and productivity. The approach taken should allow areas to build on strengths, counter weaknesses and address the challenges of the future, and confirms this is particularly important where Britain can be a global leader in driving innovation. I consider this objective is particularly relevant at the current time, given the uncertainties surrounding Brexit and the deep and potentially long-lasting economic recession caused by the Covid-19

pandemic.

8.11 In this case, adopting a consistent approach to the other major out of centre visitor and tourist attractions which CDC continues to support, I consider the significant employment and other economic benefits which the Proposed Development would deliver are a material consideration to which significant weight should be given.

8.12 NPPF paragraph 83 states that planning decisions “*should enable sustainable rural tourism and leisure developments which respect the character of the countryside*”. The NPPF goes on to say that, decisions:

“should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing” (paragraph 84).

8.13 For the reasons outlined previously, I consider the Proposed Development accords with, and is supported by, this policy guidance.

8.14 Paragraph 89 of the NPPF requires that when assessing applications for retail and leisure development outside town centres which are not in accordance with an up to date local plan local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold. Within the definition of main town centre uses in the Glossary of terms to the NPPF the definition of ‘retail and leisure uses’ excludes hotels and conference facilities, which are defined as ‘culture and tourism development’.

8.15 This important distinction was noted by CDC in respect of its consideration of the application for a 62-bedroom extension to the BGHS in 2015 (CDC Ref 15/01068/F). I reproduce the Officers Report recommending approval at Appendix 7. Under the heading ‘impact assessment’ the Report states:

“Although the proposed development would fall within the size threshold (c2,700 sq m GIA proposed) it is for a hotel (tourism development) as per the NPPF’s definition of ‘main town centre

uses' and thus falls outside the uses identified for the purpose or paragraph 26 of the NPPF. PPG Paragraph 13 ID: 2b-013-20140306 makes clear the intention of NPPF Paragraph 26 noting that the test does not apply to all 'main town centre uses' but relates to retail, leisure and office development. An impact test is not required for the purposes of this application proposal."

8.16 While the paragraph references have changed in the current NPPF, the policy test and definition of main town centre uses remains unchanged. As such, there is no requirement to prepare an impact assessment for hotel development.

8.17 Where an impact assessment is required, paragraph 89 states this it should include assessment of:

"The impact of the Proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."

8.18 Where the Proposed Development is likely to have a 'significant adverse impact' on one or more of these considerations, Paragraph 90 states that it should be refused. As explained previously, and addressed in further detail in the following Section of my evidence, notwithstanding that such an assessment is not required by the NPPF, a proportionate assessment was submitted as part of the Application. This concludes that, in common with other out of centre hotels recently supported by CDC, the Proposed Development would have no adverse impact whatsoever on any nearby town centre. Indeed, it will only serve to benefit the town centres.

8.19 Paragraph 91 states that planning decisions should promote social interaction, be safe and accessible, and enable and support healthy lifestyles. The Proposed Development meets these objectives by promoting social interaction and providing an increase in publicly accessible green space.

8.20 Paragraph 92 of the NPPF identifies a series of tests to protect those services that provide a specific community role. It states that:

'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:(a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;(b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;(d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and(e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'

8.21 I consider the provision of the new facilities within the Proposed Development, including the new nature trail and enhanced footpaths, all contribute to these objectives. I have already addressed the justification and proposed mitigation for the loss of the existing 9 holes, reflecting the acknowledged overprovision of golf facilities in the area.

8.22 NPPF paragraph 96 adds that:-

"access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate".

8.23 I have already referred to the conclusions of CBRE and the latest Golf England advice to CDC in respect of provision of golf facilities. This is in contrast to the clearly acknowledged need to improve the tourism offer and attractions given their importance to the local economy.

8.24 NPPF paragraph 97 identifies that:-

"existing open space, sports and recreational buildings and land, including playing fields, should not be built on" unless one (or more) of three tests are met, namely that:"(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 benefits of which clearly outweigh the loss of the current or former use.”

- 8.25** In this case, of course, any existing open space and land to be built on will be providing both replacement open space and buildings intended for recreational leisure use. As such, the Proposed Development does not actually result in any net loss of recreational facilities or land for recreational uses at all. In these circumstances, the basic issue that paragraph 97 is concerned with does not arise. The Great Wolf Resort is intended to foster and encourage active leisure use by whole families, consistent with the basic objectives of paragraph 97 anyway as I explain further below.
- 8.26** In any event, to the extent that the proposals engage paragraph 97, each of the three alternative exceptions is met in this case, even though it is only necessary to meet one to satisfy paragraph 97.
- 8.27** As to (a), the evidence from CBRE and that from the BHGS is that golf club membership is falling and the viability of the facility is marginal. The CBRE evidence, supported by the up to date England Golf advice, demonstrates that the area is well served relative to demand for 18-hole courses and CBRE identify in their assessment that the 18-hole golf course here is surplus to requirements. There is no proposal to remove golf facilities here. Indeed, the retention of a 9-hole golf facility better meets golf requirements. Of course there is nothing to prevent the owner from closing this part of the course if it considers it is no longer viable, but the evidence from John Ashworth and Howard Swan clearly demonstrate how the Proposed Development will result in a course that is more attractive and more viable than if the status quo were to continue.
- 8.28** As to (b) and (c), in light of the evidence of CBRE, John Ashworth and TVAC (which I consider later), I consider that the proposed enhancements to the retained golf facilities, and other recreational facilities which the Proposed Development will deliver would provide an equivalent or better provision of open space and recreation facilities, and the development of the existing 9 holes for the GWR and associated facilities would clearly outweigh the loss of the 9 holes, and also support the viability of the re provided 18-hole facility. In these circumstances, I consider that both criteria b) and c) are met in this case.

- 8.29** Paragraph 103 states that significant development should be focused in sustainable locations, limiting the need to travel and offering a genuine choice of transport modes. I consider that given it is rightly accepted the Proposed Development cannot be located within a town centre, the Site is a particularly sustainable location for a destination leisure resort serving the target catchment, particularly having regard to the proposed transport improvements. These are described in more detail in the evidence of Phil Bell of Motion.
- 8.30** The NPPF states that decisions should promote an effective use of land, and Paragraph 121 states that LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. The Proposed Development makes an effective use of this underused Site.
- 8.31** The NPPF confirms that the creation of well-designed places and high-quality design is a fundamental to what the planning and development process should achieve, and Paragraph 127 states, inter alia, that decisions should ensure that developments:
- a. will function well
 - b. are visually attractive;
 - c. are sympathetic to local area;
 - d. establish or maintain a strong sense of place;
 - e. optimise the potential of the site; and
 - f. create places that are safe, inclusive, and accessible.
- 8.32** Paragraph 131 states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, raise the standard of design in the area, and fit in with the form and layout of the surroundings.
- 8.33** The Proposed Development has been designed by EPR and extensive consideration has been given to the development to ensure that is both a functional and a high-quality design. The Design and Landscape evidence demonstrates how all of these objectives are met by the Proposed Development.
- 8.34** Paragraph 150 states that *“new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change”* (including flooding). The

Proposed Development is in a low risk flood area but in any event is designed to mitigate against and reduce the risk of flooding. Drainage and flood risk have been addressed in detail during the Application stage and in the evidence Robert Bettridge.

8.35 Chapter 15 details the approach to conserving and enhancing the natural environment. Paragraph 174 looks to *“promote the conservation, restoration and enhancement of priority habitats, ecological networks...”* and *“conserve and enhance biodiversity”* (paragraph 175). Where required, the Proposed Development proposes appropriate mitigation and habitat provision, and is significantly increasing the urban greening across the site. In this respect it would enhance the current position.

8.36 Paragraph 180 states that planning decisions should ensure that:

“new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment”. In a similar vein, it is important that planning decisions *“avoid noise giving rise to significant adverse impacts on health and quality of life”*.

8.37 Paragraph 181 states that:

“planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”

8.38 CDC takes no issue in respect of amenity, living conditions, the natural environment or air quality.

8.39 Chapter 16 details the approach to conserving and enhancing the historic environment. Paragraph 189 states that applications should provide a description of the significance of an asset and the contribution it makes to setting. Paragraph 190 states that;

‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise’.

8.40 In this case, CDC does not allege any material impact on the significance of any designated heritage asset or its setting and there is no such impact.

Summary

8.41 The NPPF is an important material consideration in this case and supports sustainable economic development. I have assessed the Proposed Development against all the relevant provisions of the Framework, including policies relating to; supporting the national and local economy and town centres; design, landscape and ecology; recreational uses and the provision of publicly accessible open space; transport and accessibility; conservation; and drainage and other infrastructure requirements. I conclude that the Proposed Development accords with, and is strongly supported by the Framework, when read as a whole.

9.0 THE REASONS FOR REFUSAL AND OBJECTORS' COMMENTS

9.1 CDC cites six reasons for refusal. Reason for refusal 6 relates to the absence of a s106, but this will be resolved at, or in advance of, the Inquiry by way of a s106 agreement or unilateral obligation. In this section, drawing on my previous evidence and the evidence of the Appellants other witnesses, I address the other reasons for refusal in turn.

Loss of the golf facility

9.2 The evidence of CBRE and John Ashworth addresses this issue in detail. John Ashworth and Howard Swan build upon and supplement the work undertaken by the Appellant at the application stage. His evidence considers CDC's golf strategy and its' assertion that there is a need for more golf provision and concludes that the strategy and analysis which underpins it is out of date and unsound, and CDC's conclusions are misplaced and unjustified.

9.3 John Ashworth's detailed and up to date analysis supports the conclusions of the latest England Golf Report that there is a high level of golf provision in the area in comparison to the demand, with a good number of traditional 18-hole courses. His evidence concludes that having regard to the re provision of the golf facility, and the other leisure and recreational facilities to be provided, the Proposed Development is consistent with Paragraph 97 of the NPPF and CLP Policy BSC10

9.4 John Ashworth's evidence is supported by a technical appendix, prepared by Howard Swan, who has 48 years' experience of designing golf courses and has worked on over 400 projects throughout the world. He explains the proposals to rationalise the remaining 9 holes and reconfigure these to provide more flexible options including an 18-hole format, which would provide a suitable replacement facility better suited to current requirements and demand and making a more effective use of this site.

9.5 Howard Swan concludes that the existing course is no more than satisfactory in its current layout and is in need of an update. He concludes the reconfigured and repurposed facility is a more than adequate replacement for the existing 18-hole course, and would be a better used and more inclusive facility than the existing course. He concludes that the enhanced development will provide financially and socially sustainable outcomes and a much greater amenity than presently and for the long-term health of BHGS and participation in golf in this location.

- 9.6** The Appellant has confirmed its commitment to provide this reconfigured facility and anticipates that this requirement would be incorporated into a s106 agreement assuming the decision maker considers such a requirement is necessary and satisfies the relevant tests. I have considered the minimum works suggested by Howard Swan as necessary to prove an acceptable 18-hole facility and consider these could all be achieved by minimal works which would not require planning permission.
- 9.7** Clearly in due course, subject to demand, viability and the grant of any necessary planning permission, a more substantial reconfiguration may be achievable to further enhance the range and quality of golf and other leisure facilities in this location.
- 9.8** In these circumstances, I consider the requirements of Policy BSC10 and the criteria in paragraph 97 of the NPPF are met in this case. An assessment has been undertaken which shows that the existing 9 holes to be lost as a consequence of the Proposed Development are surplus to requirements. The loss resulting from the Proposed Development would be replaced by an equivalent provision in terms of quantity and quality in a suitable location, and the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current underused 9 holes.
- 9.9** This analysis clearly supersedes the partial and incomplete consideration of golf issues set out in the Committee Report, and addresses the matters raised therein. As such, I do not consider this reason for refusal is sustainable based on the current evidence in this case.

Unsustainable out of centre location with no access by public transport, and no impact assessment

- 9.10** The second reason for refusal conflates a number of issues, including assertions that the site is unsustainable 'in principle', would not provide a genuine choice of alternative means of transport, and refers to the absence of an impact assessment. Phil Bell of Motion addresses the current and proposed access arrangements and the sites accessibility by alternative means of transport. In this section I consider the claim that the location is unsustainable 'in principle' and the effects of the Proposed Development on the vitality and viability of Bicester Town Centre.

i) Unsustainable out of centre location

- 9.11** For the reasons outlined previously, I consider the site is in fact ideal and inherently sustainable as a location for a resort hotel as proposed. CDC specifically identifies the opportunity and benefits of promoting tourism in the district to serve the extensive wider catchment, reflecting the strategic position of the District on the M40 between London and Birmingham and on the Oxford to Cambridge arc.
- 9.12** Whilst there might be the potential for a more philosophical debate as to the sustainability of tourism generally, given that families/individuals travelling significant distances by car or by air for ‘non-essential’ leisure purposes, this facility offers a well-placed opportunity and sustainable type of tourism, which is highly accessible to its intended catchment and is supported by planning policy promoting tourism. Equally, whilst acknowledging that the Appeal Site is in the open countryside (albeit in active leisure use as part of an established hotel and country club), the same could be said of most of the major expansion of Bicester in recent years.
- 9.13** National and Local planning policies actively promote the UK and Cherwell visitor economy and the promotion of tourist facilities to attract inward visits, recognising the benefits tourism brings to the local economy. Policy SLE3 expressly supports proposals that support tourism growth, in particular those that increase visitor numbers to the District and increase overnight stays. This in itself demonstrates the ambition to attract visitors travelling some distance. The accessibility of Cherwell to a large potential tourist catchment is expressly recognised and promoted by CDC in respect of other leisure and tourist attractions.
- 9.14** It is also important to consider the economic dimension to sustainability, and in particular, its importance to Cherwell’s economy. The ‘Planning for Cherwell to 2040 Community Involvement Paper dated July 2020 (CD6-1) indicates that the tourism sector accounted for 11% of jobs in Cherwell in 2019, and its value to the local economy was over £450m, and notes that:

“Tourism is a vital component of the national and local economy and can help support local services and facilities, provide employment, promote regeneration and help preserve the natural and historic environment. It can include day visits by local people through to visits from overseas. Tourism spending in Cherwell continues to increase and there is the opportunity to expand this sector further by, for example promoting the unique heritage and landscape of the District”. (2.24)

9.15 To address key economic issues, the Paper identifies the need for the Cherwell Local Plan Review to:-

“include policies which understand the needs of a diverse tourism industry and supports sustainable growth, where appropriate”.

9.16 In this context, I consider the Site is a sustainable location for the type of development proposed. It is strategically and centrally located relative to its target catchment, in an area identified for tourism growth where new facilities have been (and continue to be) encouraged by CDC to support a sustainable economy. Furthermore, the Proposed Development includes significant improvements to accessibility which will make the site genuinely accessible by alternative means of transport and also enhance services to Chesterton.

9.17 It is also relevant to note that the sequential test is designed to focus main town centre uses within or on the edge of town centres, where suitable, viable and available sites exist, in order to promote sustainability and support town centre vitality and viability. The PPG recognises that the specific nature and function of the proposed use has to be taken into account in this process. In this case, CDC has rightly accepted that the sequential test is met, and as such does not (and cannot reasonably) contend that there are more central, accessible sites which could be regarded as suitable, viable or available to accommodate the Proposed Development.

9.18 There are countless examples of major out of centre tourist attractions and resort hotels, often in remote rural locations (unlike this facility), both nationally and within Oxfordshire. These include resorts like Center Parcs, Country house hotels, and theme parks which are recognized to have specific locational and site requirements, which could not be met in an urban location.

9.19 One example is Center Parcs Woburn, located in open countryside between Bedford and Milton Keynes, which was approved by the Secretary of State (SoS) in 2007 following an appeal against an LPA refusal. In contrast to this case, the Center Parcs site was located in the Green Belt. In her decision letter, which I reproduce as Appendix 8, the SoS accepted the nature of the development would require a rural location (paragraph 11) and concluded that that particular site was not well located to facilitate the use of public transport (paragraph 25).

9.20 However, having regard to the nature of the proposed development, and despite her concerns about the sustainability of the proposal from a transport point of view (paragraph 28) and the

lack of a specific need for the proposed development (paragraph 13), and very considerable harm to the greenbelt (paragraph 32) the Secretary of State concluded that the tourism, employment and local economic benefits and other considerations would warrant very special circumstances for development in the Green Belt.

9.21 Clearly there are some material differences in principle in this case which further strongly favour this development and site over the one considered to be acceptable, not least of which is the fact that it does not involve Green Belt and relates to an established commercial leisure use of land located close to the large and expanding town of Bicester. However, the decision in relation to Center Parcs Woburn illustrates the recognition that destination leisure resorts have specific requirements and characteristics which have to be taken into account when considering their sustainability and the huge and important economic benefits that developments of this kind can bring and the weight to be attached to such benefits.

9.22 In this respect, as I have previously noted in Section 7, CDC has supported, and continues to support, the expansion of major regional, national and even international out of centre visitor attractions, recognizing the benefits they bring by attracting visitors into Cherwell from very extensive catchment areas. For example, the CDC Committee Report in respect of the planned hotel at Bicester Heritage (Appendix 6) to which I have referred previously describes that out of centre site as a 'sustainable location'.

9.23 In April 2017 CDC approved a 149-bedroom hotel on a greenfield site adjacent to the A41, circa 2km south of Bicester town centre. The Site, which was previously open countryside, forms part of the Bicester 10 allocation which does not include a hotel. The Committee Report, which I attach as Appendix 9, did not suggest there was any inherent lack of sustainability of a hotel in this out of centre location, and referred to the Applicant's particular sequential site assessment, noting:

'it is not clear whether other sites might be available in a more sustainable location closer to the town centre and thus help reinforce town centre vitality' (Paragraph 8.14).

9.24 Despite this concern, (which CDC has not raised in this case) CDC officers concluded that *'the provision of a new hotel would bring about economic benefits both generally and to Bicester 10'* (Paragraph 8.16) and the application was approved. As I have previously indicated, CDC has very recently resolved to approve a major visitor attraction as part of the development at Upper

Heyford, 6 miles away from Bicester in what it describes as a 'remote rural location', based at least in part on the contribution the development would make to what CDC describes as a 'sustainable local economy and sustainable tourism'.

9.25 It is of course also particularly relevant to note CDC has previously supported the significant expansion of the BHGS itself. In contrast to the permitted extension to the BHGS, the Proposed Development will dramatically enhance the sustainability of the Site generally through the measures that have been identified, including a new dedicated shuttle bus, a financial contribution to wider public transport facilities, new cycle paths and footpath links, electric charging points, cycle parking and a travel plan to encourage the use of alternative means of transport

ii) Accessibility by alternative means of transport

9.26 The transport and traffic aspects of Reason for Refusal 2 are addressed in the evidence of Phil Bell from Motion, which I adopt. Phil Bell's evidence demonstrates that Appeal scheme is supported by a sustainable package of improvements to sustainable transport infrastructure in the vicinity of the site.

9.27 The Appeal scheme is accessible by a range of sustainable modes of travel and offers genuine of choices of alternative modes of travel to private car for both staff and guests at the site. On this basis he concludes that the Appeal scheme accords with the principles of sustainable development in highways and transport terms as set out in the Cherwell Local Plan and the NPPF. I concur with this conclusion.

iii) The alleged failure to undertake an impact assessment

9.28 As noted in Section 7, the Planning Application was in fact supported by a proportionate and appropriate impact assessment, notwithstanding that such an assessment is not required by the NPPF. This demonstrated that as there are no remotely comparable facilities within (or planned) in any nearby centre and there is no conceivable prospect of any adverse impact on the vitality and viability or planned investment in any nearby town centre.

9.29 In these circumstances I do not consider it is either necessary, reasonable or feasible to request a more detailed 'quantitative' impact assessment in this case, particularly having regard to the provisions of the NPPF and CDC's approach to other out of centre hotel proposals, as I note later.

- 9.30** As noted in Section 7, Paragraph 89 of the NPPF requires that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold. The NPPF glossary confirms that hotels are classed as culture and tourism development, and as such there is no requirement in the NPPF to carry out an impact assessment.
- 9.31** In any event, even if there was such a requirement the PPG makes clear that as a guiding principle *'impact should be assessed on a 'like for like' basis in respect of that particular sector (eg it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would not normally compete)'*. The PPG also makes clear that the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.
- 9.32** As noted in section 1, I have 33 years' experience in planning, much of which has been spent advising on retail and town centre planning matters. I have advised a large number of local authorities (including CDC) on retail and planning issues, and promoted numerous retail and leisure schemes, including applications for hotels. Reflecting my experience and expertise in this area, I was appointed by the DCLG as the principal author of the previous Practice Guidance on need, impact and the sequential approach which was published in December 2009 and preceded the PPG. I attach relevant extracts as Appendix 10.
- 9.33** The main focus of that Guidance is on retail impact because that is the area where such assessment can be undertaken in a specific way. At paragraph 7.13 of the Guidance, it indicates that having regard to the level of demand and occupancy in different sectors, there may be cases where the impact of a new out of centre hotel could undermine the viability and contribution of more central hotels, or prejudice the potential of more central hotels, or the potential to secure further hotel development on a more central site. However, the Guidance understandably does not identify examples nor a methodology of carrying out such assessments.
- 9.34** Consistent with this, during the course of my career, I cannot recall ever seeing, or being requested to provide, a quantitative hotel impact assessment, or to consider the impact of a hotel on the vitality and viability of a town centre in such a matter. The 2009 DCLG practice guide

highlights the importance of adopting a proportionate approach. Indeed, paragraph 7.6, third bullet point, states expressly:

'Third, the scope and level of detail required should be proportionate to the nature of the policy or proposal under consideration. The scope and level of detail required does not necessarily relate to the size/location of development (see above) but it should not be necessary to undertake detailed impact assessments or consider the effects of minor proposals where the scope for significant adverse impacts is agreed to be limited. This consideration is also relevant to some non-retail 'town centre uses' eg offices, hotels etc where there is no established methodology for assessing impact in any detail.'

- 9.35** In this case, the Proposed Development is for a water-based resort hotel. The hotel facilities within the resort are provided for the residents' use for such water-based activities. There are no remotely comparable facilities within Bicester town centre, nor any other nearby centre. Nor are there any remotely comparable facilities committed or planned in any nearby town centre. Moreover, CDC itself has confirmed there are no suitable sites for such a development within or on the edge of Bicester Town Centre, or the other centres examined.
- 9.36** Adopting the 'like affects like' approach, I would expect a reasonable authority to recognise that there is no conceivable prospect of any adverse impact on the vitality and viability of Bicester town centre, having regard to the factors identified in paragraph 89 of the NPPF, let alone a 'significant adverse impact'.
- 9.37** This is particularly relevant in circumstances where CDC has recently approved a number major out of centre hotel proposals without any consideration, or even mention, of their impact on the town centre. In contrast to the Proposed Development, the out of centre hotels supported by CDC on the Oxford Road (Premier Inn and Holiday Inn Express) are more comparable to the Travelodge, which is the main hotel in the town centre. This further illustrates the inconsistency of CDC's approach.
- 9.38** The current PPG checklist for applying the impact test clearly focuses on retail impact. For example, it refers to 'current shopping patterns', and the 'current and forecast expenditure and turnover relating to convenience and comparison goods', including 'operators benchmark turnovers'. No such comparable data exists for assessing the need for, or impact of, hotels.

- 9.39** This is particularly relevant in this case, which involves a new type of development, not present in the area, serving a potentially wide catchment for discretionary leisure purposes. Therefore there is simply no way in which one could purport to carry out a quantitative impact assessment in these circumstances as there is no quantitative impact that can arise on the town centres.
- 9.40** The only conceivable way in which the Proposed Development would divert any material level of trade from Bicester town centre (or any other town centre) would be if there was any comparable facility in the centre at present, or any planned or committed development in the centre serving the same market.
- 9.41** The only hotel provision in Bicester's 'Extended Town Centre', as defined on the Proposals Map, is the Kings Arms Hotel and the Travelodge in Pioneers Square. The Kings Arms has 20 bedrooms, of which 16 have ensuite facilities. The larger modern Travelodge Hotel is typical of this chains budget accommodation. Neither hotel provides the range or type of facilities proposed or serves a remotely comparable target catchment to a Great Wolf Lodge.
- 9.42** As such, adopting the 'like affects like' principle, there is no proper or reasonable basis to conclude there would be any negative impact on the occupancy levels of these facilities. Moreover, even if there was any potential impact, there are no generally accepted metrics by which to judge the significance of such impacts on the hotel in question, which would make it a futile exercise.
- 9.43** The same would be true of the other hotels located outside the town centre, including the Premier Inn and Holiday Inn Express which serve a different market, although as out of centre facilities any impact on them would not be relevant in planning terms in any event.
- 9.44** This conclusion is supported by a report prepared by 'The Visitor Attraction Consultancy' (TVAC) which I attach as Appendix 11. This concludes that the GWL offer is materially different to the existing hotels in Bicester Town Centre, and in the wider Bicester area. As a consequence, it concludes there would be no overlap or impact on hotel occupancy in existing facilities. On the contrary, they conclude that the GWL would be likely to generate additional trade in local restaurants. This is consistent with the US experience, as evidenced by the testimonials in Appendix 3.
- 9.45** Furthermore, even if there was any conceivable basis on which to conclude there could be an adverse impact on any established hotel in Bicester, or any other town centre, there is no

evidence to suggest that the existing hotel offer contributes in any material way to the current or future vitality and viability of the centre as a whole. For example, the CBRE 2006 Retail Study undertaken on behalf of CDC includes a healthcheck of Bicester, which notes the following:

Bicester has a limited choice of town centre hotels although a greater choice is available in the wider area. Whilst in qualitative terms Bicester arguably suffers from an under representation in the hotel sector, securing additional operators would seem to be an unlikely prospect at present. This is principally due to;

few visitor attractions in the town centre to warrant strong demand for hotel space; and

a weak office market resulting in little business trade. This trade is often extremely important for hotel business (Paragraph 9.48)

- 9.46** In these circumstances, it is hardly surprising that the 2006 Study made no reference to any contribution the existing hotel offer made to the vitality and viability of the town centre. As would be expected, the focus of the healthcheck is in the importance of Bicester's retail offer to its vitality and viability.
- 9.47** CBRE was subsequently appointed to update this work in 2010. However, the main focus of this update is also, again, on the retail sector, given its fundamental importance to town centre vitality and viability. The Update makes no reference to hotels, or their contribution to the vitality and viability of Bicester, or any other Cherwell centre. CBRE prepared a further Retail Study for CDC in October 2012, which included updated town centre healthchecks for the Cherwell town centres. Again no reference is made to the role of hotels in supporting the vitality and viability of the town centres.
- 9.48** As such, even if it were concluded that there was any impact on any existing town centre hotel, it is inconceivable that this could amount to a 'significant adverse impact' on the town centre, as per Paragraph 89 of the NPPF, or 'significant harm to the vitality and viability of the town centre as alleged by CDC in its statement of case (paragraph 6.9). Indeed, the inconsistency and unreasonableness of this reason for refusal is illustrated by consideration of CDC's approach to other out of centre hotel applications in recent years.

9.49 As far as I am able to ascertain, CDC has not considered impact to be a relevant concern when determining applications for any other out of centre hotels in the Bicester Area. Indeed of most direct relevance to this case, when considering the 2015 application to extend the BHGS, at paragraph 7.12 the Committee Report to which I have referred previously (Appendix 7) states: *'under the terms of the National Planning Policy Guidance, as the proposal relates to a hotel use (tourism development) the impact test is not required in respect of this submission'*.

9.50 More recently, as noted above, in April 2017 CDC approved an application which included a 149 bed hotel on part of an allocated out of centre employment site adjoining Oxford Road (Bicester 10), to the south of Bicester town centre. The Committee Report recommending approval, (which I reproduce as Appendix 9) commented on the sequential approach of the applicant but made no reference to any requirement to consider impact and includes no consideration of any adverse impact on the town centre.

9.51 On the contrary, the Committee Report stated that:-

'Whilst the proposed hotel would be located on the edge of Bicester it should be recognized that overnight accommodation (either for leisure or business purposes) would provide additional visitors to the town and that at least some of the hotel guests would venture into the town centre, helping to support both the day and night time economy (paragraph 8.15).'

9.52 The Committee report in respect of the new out of centre hotel at Bicester Heritage, to which I have referred to previously (Appendix 6) makes no reference to any requirement to apply a sequential test or any consideration of any adverse impact on Bicester (or any other centre). On the contrary the Report notes that the Hotel proposed at Bicester Heritage will bring many economic benefits to Bicester and the wider district, including 180 FTE jobs and a contribution of £5m GVA annually, and concludes that:-

The proposed hotel offers considerable scope to increase visitor numbers and overnight stays and increasing the value of these visits to the local economy. This will comply with Policy SLE3 which seeks to support tourism growth in the District by increasing overnight stays and visitor numbers in the area. It will also lead to other opportunities for growth.

9.53 As noted by TVAC, the same would be true of any visitors to the Proposed Development that may pass through Bicester town, or extend their stay in the area, quite apart from the boost to

the employment prospects of those living in Bicester, with the spin-off benefits that such further employment prospects will provide to the vitality and viability of the Town Centre. The Proposed Development will not compete with the existing limited town centre hotel offer. On the contrary, it will complement other existing facilities visitor facilities, notably Bicester Village and Bicester Heritage, making Cherwell a more attractive visitor destination.

- 9.54** I set out the significant economic benefits which the Proposed Development would deliver in the next section. However, it is instructive to compare the economic benefits claimed of the out of centre Bicester Heritage Hotel proposals (as noted above), which CDC concluded would *'increase visitor numbers and overnight stays and increasing the value of these visits to the local economy'* with the comparable figures for the proposed Development.
- 9.55** The Economic Statement (CD1-11) submitted as part of the Application estimates that the Proposed Development would generate 600 gross additional jobs (460 FTE) (compared to 180 FTE at Bicester Heritage), an increase of up to £23m in GVA per annum (compared to £5m at Bicester Heritage) and generate additional spend £4.9m per annum in Oxfordshire on retail, food and beverages. Based on the conclusions of TVAC and experience in the US, I would anticipate some of this additional spend would take place in Bicester Town centre.
- 9.56** In these circumstances, I consider that the assertion that an impact assessment was not carried out is factually incorrect. Notwithstanding there is no requirement for such an assessment in the NPPF, a proportionate assessment was undertaken, which concluded, as is self-evident, that there are no comparable existing or planned facilities in any nearby town centre which could conceivably be affected by the Proposed Development, nor in any case any credible basis to assert that the Proposed Development could result in a 'significant adverse impact' on the town centre as a whole.
- 9.57** On the contrary, the evidence in this case suggests that the positive effects of the Proposed Development on tourism and the local economy would be materially greater than the benefits acknowledged by CDC in relation to other out of centre hotel proposals. As a consequence, this part of the Reason for refusal is incorrect, unsubstantiated and inconsistent with the position taken by CDC elsewhere.

Highways and Traffic Impacts

- 9.58** The third reason for refusal relates to alleged impacts on the Middleton Stoney Junction, and is addressed by Phil Bell of Motion. His evidence demonstrates that the application was supported by a comprehensive Transport Assessment which considered the effect of the Appeal scheme on the highway network local to the Site. He concludes that the Transport Assessment, and subsequent Technical Notes, demonstrate that the effect of vehicle trips associated with the development can be accommodated on the highway network local to the site and the development will not result in a severe residual impact on the highway network. Notwithstanding this conclusion, he also identifies additional mitigation which can be delivered in any event in terms of improvements to that junction.
- 9.59** If, notwithstanding all this, there remained any legitimate concerns about the impact on traffic flows at peak times, such matters could be addressed by way of planning conditions relating to check in and arrival times anyway. On either basis, I consider the Proposed Development accords with the relevant Development Plan transport policies and the NPPF, and having regard to the considerations set out above, I conclude there is no sound basis for the third reason for refusal.

Design and Visual Impact/loss of amenity

- 9.60** The fourth reason for refusal also conflates a number of different issues, including the scale and alleged 'institutional' design of the Proposed Development, an alleged 'urbanisation' of the site, and alleged harm to the character and appearance of the area. These matters are addressed in the design and landscape evidence of Nick Rayner and Richard Waddell.
- 9.61** Nick Rayner concludes the Proposed Development is designed to provide a fantastic hospitality destination, offering families a dynamic and unrivalled entertainment experience. He concludes it will provide a variety of exciting attractions in one location, bringing families together for a unique, fun experience in the UK.
- 9.62** Nick Rayner's evidence demonstrates that the architectural response is of a very high quality, with careful consideration given to a design that is landscape-led in approach. It has undergone an iterative design process, responding to the local context in all aspects, such as the size and scale of buildings in the surrounding area, drawing on local architecture and vernacular, responding to the setting in the open countryside, agreeing viewpoints and using existing topography and vegetation. The Proposed Development responds to the specific constraints and

opportunities of the Site and delivers the required functional brief whilst respecting the local character of its surroundings.

- 9.63** The Design Evidence demonstrates that the proposed building uses a varied palette of high quality materials, profiles and styles, that will sit comfortably and contextually in the landscape, and will provide a robust and appropriate architectural narrative that reinforces local distinctiveness and is infused with local references. Considerable care has been taken to adapt and enhance public amenity for the Site, based on a locally sensitive strategy for how the site is accessed, as well as providing landscape enhancements and additional public benefit through use and enjoyment of the Site.
- 9.64** Nick Rayner's evidence demonstrates that the Proposed Development will not result in any of the adverse effects alleged in the reason for refusal, but rather deliver significant and substantial benefits.
- 9.65** Richard Waddell's landscape evidence demonstrates that the Site has the landscape and visual capacity to accommodate the nature of development proposed, particularly given the substantial extent of existing landscape enclosure, without resulting in significant adverse effects to the character of the landscape. On this basis he concludes that there is no sustainable reason for refusal on landscape grounds and allegations of harm to the character and appearance of the area are unsubstantiated, not supported by evidence and inconsistent with the considered professional opinion of the LVIA author and CDC's own Landscape Officer.
- 9.66** Richard Waddell concludes that the level of activity that would result from the Proposed Development, as identified in Philip Bell's Proof of Evidence, and the influence of the built form and infrastructure associated with the Proposed Development, would not result in any significant urbanisation or unacceptable harm to the character and appearance of the area, including the rural setting of the village. Furthermore, the Proposed Development would provide the general public and local community with a substantially improved ability to access and enjoy the landscape of the Site, enhancing - not degrading, the amenity for users of the existing footpath 161/6/10.
- 9.67** The landscape evidence concludes that the Proposed Development would enhance the local landscape character and result in an increase in the quantity of landscape features of value on

the Site and their influence on the surrounding landscape character, thereby reinforcing local distinctiveness.

- 9.68** On the basis of the design and landscape evidence, with which I agree and which I adopt, I consider the Proposed Development accords with the relevant design and landscape policies of the Development Plan and NPPF, and conclude the fourth reason for refusal is not supported by the evidence in his case.

Drainage

- 9.69** As noted previously, the fifth reason for refusal refers to the alleged inadequacies of the drainage information provided in order to demonstrate that the proposed Development is acceptable in terms of flood risk and drainage. At the time of the decision, the further comments of OCC were still outstanding, and this matter has been the subject of further discussions between the Appellant and OCC. It is hoped that these discussions will address this reason, or at least reduce the scope of any differences, which will be set out in a separate SOCG on drainage.

- 9.70** In advance of any formal agreement, it has been necessary for the Appellant to produce detailed evidence on this issue, which has been prepared by Richard Bettridge of Motion (CD12-18). His evidence reviews the national and local policy requirements, reviews the work undertaken by the Appellants then drainage consultant, Curtins and discussions with OCC, reviews the reason for refusal and additional comments made by the Parish Councils (now PAW), and sets out his own review of the proposed arrangements.

- 9.71** Richard Bettridge concludes that the Proposed Development is supported by a comprehensive Drainage Strategy and Flood Risk assessment which accords with the principles set out in the Cherwell Local Plan and NPPF, and as such there is no sound basis for the reason for refusal on drainage. The Proposed development is not only acceptable in terms of flood risk and drainage but will deliver significant benefits by improving protection to downstream flooding.

Other Objections

- 9.72** I have considered the other objections to the Proposed Development, including the issues raised by the Parish Councils (PAW) and consultees summarised in the Committee Report, PAW's SOC and the letters of objection submitted to PINS. These relate to, inter alia, traffic, flood risk, infrastructure capacity, loss of habitats and impact on the character of the area.

- 9.73** To the extent that they raise any additional material planning issues, I consider these are addressed in my evidence already and/or by the Appellants other witnesses. Clearly there has been a significant and well-coordinated level of objection from local residents, which is not unusual in such cases. However, I do not consider the objections are supported by any sound evidence or raise any material issues not already addressed by the Appellants evidence.
- 9.74** In such circumstances, in line with established planning principles, the volume of objections submitted has no bearing on the weight which may be attributed to them. This depends entirely on their relevance to planning and the evidence which underpins them. It is of course also relevant to note that the Proposed Development has attracted some support, but inevitably as is often the case this does not fully record the views of all those who would benefit from the Proposed Development. This includes the circa 500,000 people who would enjoy the facility each year, the circa 460 mainly local people who would be employed there, the local people who would enjoy the facilities, once built, and all the local businesses which would derive spin off benefits from this significant investment in the area.
- 9.75** A number of allegations relating to, inter alia; lack of consultation, no local benefits, alternative sites, economic impacts, landscape impact, neighbour's amenity and impacts on ecology are clearly not supported by the CDC itself based on the Committee Report and are not sustainable in light of the supporting materials with the Application and the evidence that has been presented in this regard.
- 9.76** I note that PAW raise biodiversity matters, which do not form a reason for refusal. These matters are addressed fully and in detail in the evidence of James Patmore of BDP, who concludes that the Proposed Development would result in a biodiversity net gain. As such, the Proposed Development not only complies with relevant planning policies, but also delivers a local benefit in this regard.
- 9.77** A number of additional matters are raised in the original Carter Jonas letter of objection of 29th January 2020 on behalf of Chesterton Parish Council (with the support of adjoining Parish Councils). The letter asserts, inter alia, that the needs for hotel beds has been met by permissions and allocations (paragraph 4.11) and that the GWL could potentially undermine the delivery of hotels and the wider allocations in the Local Plan (paragraph 4.12). Both assertions are completely without any foundation in evidence.

- 9.78** The alleged 'lack of need' for the Proposed Development does not form part of the reasons for refusal and is properly not a matter that is considered in the Committee Report as it is simply not a requirement of any relevant policy to demonstrate a specific need for a development of this kind.
- 9.79** In this regard, it is worth recalling that a 'needs test' was introduced into national planning policy for town centres in 1999. But following the recommendations of the 'Barker Review' in 2005, the need test was dropped in the proposed changes to what was then PPS6 produced in July 2008. The absence of any such requirement has been carried forward in national policy and there is no requirement to demonstrate 'need' in the NPPF.
- 9.80** To the extent that it is a relevant consideration at all, for the reasons outlined previously, both national and local policies do in fact identify a specific need to enhance visitor attractions and support the tourist economy. CDC specifically accepts the need to encourage more visitors, including overnight visits in Cherwell, and in Bicester. All of this strongly supports the proposal.
- 9.81** It is also hardly surprising that there is no more specific identified need for a water-based resort hotel in this location. The Local Planning system is not intended to predict and pre-empt every potential operator requirement or particular market. However, the absence of a more specifically identified need of the type of tourism and leisure (ie for this format of hotel and visitor attraction) does not diminish the weight which may be attached to the economic benefits which the Proposed Development will deliver.
- 9.82** The SoS's decision in the Woburn Center Parcs Appeal (Appendix 8) to which I have already referred illustrates the policy approach taken to this issue. To the extent that 'need' is a material consideration, it is represented and established by the clear policy objective to encourage tourism and more overnight visits to Cherwell, along with the recognition that is given to the importance of these objectives to the local economy, so demonstrating and established a need for additional facilities such as the Proposed Development.
- 9.83** The existing and proposed hotel provision in the Bicester area serves a distinct and different market to the proposed GWL. As I have identified previously, there is no basis to conclude that the Proposed Development would have any impact on hotel provision in the town centre. The assertion that the Proposed Development could undermine the delivery of further hotels on allocated sites is also baseless, for a number of reasons.
- a) First, it is self-evident that both the out of centre Premier Inn and Holiday Inn Express

Hotels have been developed and like the town centre Travelodge they perform a materially different function.

- b) Second, none of the other allocations identified are for a water-based resort hotel targeting families with young children which could conceivably be affected by the Proposed Development.
- c) Third, the alternative sites are not in any event 'planned development' within a defined town centre, and therefore do not attract policy 'protection' from competition.
- d) Fourth, on a point of detail, the Policy 4 Bicester Business Park original outline permission did include a 149-bed hotel, (although the site allocation does not include a hotel use). However, the subsequent consent for this site and adjoining land (Ref: 17/02534/OUT) secured by my practice in May 2020 no longer includes a hotel in any event.

9.84 Finally, any suggestion that new hotel development should only come forward through the site allocation process and/or only take place on allocated sites is clearly not supported by the Development Plan or NPPF or part of the reasons for refusal. Nor is such an approach borne out by the approach taken by CDC. For example, like the consented Hotel on Bicester 4, I note the Holiday Inn Express was approved by CDC on land forming part of the Bicester 10 allocation which did not include a hotel. In that case, CDC supported the hotel development which it regarded as contrary to the Development Plan based on the circumstances of the case, including the economic benefits which it considered a new hotel would deliver.

Summary

9.85 In summary, I consider the requirements of Policy BSC10 and the criteria in paragraph 97 of the NPPF are met in this case. An assessment has been undertaken which shows that the existing 9 holes to be lost as a consequence of the Proposed Development are surplus to requirements.

9.86 The loss resulting from the Proposed Development would be replaced by an equivalent provision in terms of quantity and quality in a suitable location, and the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current underused 9 holes.

9.87 This analysis clearly supersedes the partial and incomplete consideration of golf issues set out in the Committee Report, and addresses the matters raised therein. As such, I consider the first reason for refusal relating to the alleged loss of golf provision is sustainable based on the current

evidence in his case. Even if there had been any policy basis for objection on these grounds under the NPPF or the development plan, I have no doubt that the substantial benefits of what is proposed would clearly and demonstrably outweigh any such issues anyway.

9.88 I consider the second reason for refusal is also unfounded. CDC has consistently supported out of centre leisure and tourist attractions, recognizing their contribution to the local economy and the Council's clearly stated strategy to enhance the tourist offer and encourage more overnight stays in Cherwell.

9.89 Having regard to the intrinsic characteristics and requirements of destination leisure resorts, the accepted absence of any alternative town centre or edge of centre opportunities, the proximity of the site to Bicester and other visitor attractions in the vicinity, and the planned improvements to the Site's accessibility by alternative means of transport, I consider the location is highly sustainable for the use proposed.

9.90 I consider the assertion in the second reason for refusal that the Appellant failed to provide an impact assessment is factually incorrect. Whilst not required by the NPPF, a proportionate assessment, relevant to the circumstances in this case, was submitted as part of the application. I have dealt further with this in my evidence drawing on the specialist input of TVAC and having regard to accepted good practice.

9.91 On this basis, I conclude that the Proposed Development would have no adverse impact whatsoever on the vitality and viability of Bicester or any other town centre. On the contrary, consistent with the approach taken by CDC to every other out of centre hotel proposal it has considered in the area in recent years, I consider the Proposed Development will provide a positive economic benefit for the local economy and the nearby town centres and as such is supported by the Development Plan and NPPF.

9.92 The third reason for refusal relating to alleged traffic impacts is addressed in the evidence of Phil Bell, which I adopt. This concludes that the Transport Assessment, and subsequent Technical Notes, demonstrate that the effect of vehicle trips associated with the development can be accommodated on the highway network local to the site and that, subject to appropriate mitigation, the development will not result in any material let alone severe residual impact on the highway network. As such, the Proposed Development satisfies the relevant tests in the Development Plan and NPPF and this reason for refusal is unfounded.

- 9.93** The fourth reason for refusal which relates to the size and scale of the Proposed development and alleges unacceptable harm to the character of the area is addressed in detail in the design and landscape evidence, which I adopt. This concludes that the Proposed Development would enhance the local landscape character and result in an increase in the quantity of landscape features of value on the Site and their influence on the surrounding landscape character, thereby reinforcing local distinctiveness.
- 9.94** On this basis, I consider the Proposed Development accords with the relevant design and landscape policies of the Development Plan and NPPF and conclude the fourth reason for refusal is not supported by the evidence in his case.
- 9.95** The fifth reason for refusal refers to alleged inadequacies in the drainage assessments submitted. This work has been reviewed by Richard Bettridge, who concludes that the Proposed Development is supported by a comprehensive Drainage Strategy and Flood Risk assessment which accords with the principles set out in the Cherwell Local Plan and NPPF, and as such there is no sustainable reason for refusal based on drainage of flood risk.
- 9.96** I have addressed the additional matters raised by PAW and other objectors, to the extent that they raise any new matters which are relevant to planning. For the most part, I consider these have been addressed in the matters detailed above, and the evidence of the Appellants other witnesses.
- 9.97** There is no policy requirement to demonstrate a need for the Proposed Development, but in any event, the CDC policies provide clear and unambiguous support to new tourist and visitor attractions, reflecting the importance of this sector to the local economy. Additional matters raised by PAW, including concerns relating to biodiversity which are not supported by CDC, are all addressed in the evidence of others.
- 9.98** Based on this evidence, I conclude that none of the issues raised in the reasons for refusal by the third-party objectors are soundly based or supported by the evidence in this case. In these circumstances, where I have concluded the Proposed Development accords with the Development Plan and that the clear presumption in favour of the grant of planning permission applies.
- 9.99** This presumption is reinforced by the significant public benefits which the Proposed

Development would deliver, which I identify in the next section.

9.100 Even if any harm did arise of the type being alleged, I consider that the significant public benefits of what is being proposed would outweigh such harms anyway.

10.0 PUBLIC BENEFITS

10.1 The NPPG states that public benefits: *‘could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits’* (Paragraph: 020 Reference ID: 18a-020-20140306).

10.2 The Proposed Development will deliver significant, mutually supportive, economic, social and environmental benefits. I consider these in turn.

Contribution to Economic Policy Objectives

10.3 The Proposed Development will provide a major new tourist facility, which will complement and support the existing tourist facilities in Oxfordshire and in the Cherwell area. The Proposed Development is expected to attract circa 500,000 visitors per annum, with the obvious potential for linked trips to nearby attractions, including Bicester Village, Bicester Heritage and the Town Centre.

10.4 As noted in the report prepared by The Visitor Attraction Consultants (TVAC), which I reproduce as Appendix 11, this form of development fits well with changing trends, and in particular the opportunity for residents to stay within the UK for ‘staycations’ for short breaks. This is clearly also a potential sustainability benefit, as it supports the UK economy and provides more alternatives to less sustainable international flights for recreation purposes.

10.5 TVAC conclude that the chosen site is close to ideal for what is being proposed, being a site with an existing leisure use as a golf course, close to the motorway and strategic road network, with large market catchments to draw from and easily accessible from London, the Home Counties and Central England. TVAC identify a number of significant economic and social benefits. Their key conclusions are summarised below.

- a) The Proposed Development matches and would directly serve several evolving leisure trends and social demands and reflect a clear market need and opportunity.

- b) The resort provides hybrid of popular recreational activities and entertainments aimed at families with younger children who want to have 'active' fun together and will provide a year-round, all weather, high-quality, short break, family staycation offer, and there is no provision of a comparable amenity in the locality.
- c) Evidence from other UK resorts and Great Wolf Lodge sites in the United States support the expectation that guests will spend money in other local businesses and the Proposed Development will help promote the region as a tourist destination and provide a wide range of short term and lifelong career opportunities to local communities.
- d) The Proposed Development represents a substantial enhancement in wider local leisure activities. Encouraging visits from the local market will create 'ambassadors', recommending the resort or attraction to visiting friends and relatives. There will be no direct competition with other local hotels.
- e) The Proposed Development will support the UK government's commitment to reducing physical inactivity and will support family health and wellbeing agendas. Significant consideration has been given to meeting the needs of disabled guests and their families.

10.6 I agree.

10.7 Given the acknowledged importance of the tourism economy to Cherwell, reflected in its current and emerging planning policies, I consider the contribution the Proposed Development will make to this strategy is an important public benefit in itself. This is demonstrated by the range of local economic benefits, as identified by Volterra in its report which accompanied the planning application. Volterra estimates the Proposed Development would generate 460 FTE local jobs, contribute £23m pa to GVA and generate spin off expenditure in other retail/leisure facilities in the area.

10.8 I attach significant weight to the tourism and wider local economic benefits which the Proposed Development would deliver. I also consider the short and potentially long-term effects of COVID-19, and other structural changes such as the decline in traditional high street retailing reinforce the need to support and strengthen Cherwell's tourist and visitor economy. This view is supported by the CDC Community Involvement Paper (July 2020) (CD6-1) which states that:-

'It is impossible, at the present time for us to predict the post COVID-19 economic landscape. For Cherwell one of the key challenges will be seeking to maintain our usually high levels of employment. The business environment will be difficult, particularly for small, local companies.'

The tourism, retail and hospitality sectors are likely to be adversely affected by social distancing restrictions for some time' (1.8).

10.9 The Paper goes on to state that:-

'Having the right planning policies to support the local economy will now be even more important as we look to 'Re-Start, Re-Cover and Re-New' following the pandemic. We want to help sustain businesses, create new opportunities and ensure that jobs are provided'. (2.27)

10.10 It seems to me that the Proposed Development provides a fitting and timely response to these challenges and a unique opportunity to strengthen Cherwell's tourist economy. The benefits of this major investment were recognised by senior CDC officers in their response following the initial meetings with the Appellant.

10.11 In the light of all of the above, I am very surprised at the limited consideration, or acknowledgement, of the clear economic benefits by CDC in the Committee Report, and the inconsistency of the approach taken by CDC to this Application. I attach significant weight to these benefits.

Contribution to Social and Environmental Policy Objectives

10.12 As recognized by national and local planning policies, the provision of recreational facilities contributes to social policy objectives, including health and well-being. The particular focus of the Great Wolf concept is to allow parents, grandparents, carers and family members to spend time with their children, grandchildren, family members or siblings in a safe and stimulating environment as part of a short UK break. The current experience of Covid illustrates the value and importance of opportunities to spend time together and the benefits of this type of facility.

10.13 As noted in the TVAC report, and the evidence of John Ashworth, the proposed Development will deliver a significant enhancement in leisure and recreational facilities in the area, to the benefit of guests and local residents. In addition to the facilities within the GWL, the Proposed Development provides the catalyst for investment in re purposing the remaining 9 holes and investing in the golf facilities on the site to better match changing trends. The GWL also provides an additional source of demand for the golf facilities which will help safeguard the future of the golf facilities, which is otherwise uncertain.

- 10.14** I consider the enhancement to the range and quality of recreational facilities and public open space are important public benefits, which also carry significant weight in themselves, and in combination with the tourism and local economic benefits identified previously.
- 10.15** The Proposed Development also delivers a range of direct and indirect social and environmental benefits. As the design and landscape evidence demonstrates, the Proposed Development provides a range of new facilities, including an enhanced public footpath and new local nature trail available to the local community. The intention is also to ensure the facilities can be made available to benefit local residents on a discounted basis, thereby reinforcing the benefits to the local community. As the evidence of James Patmore demonstrates, the Proposed Development will deliver an enhancement in biodiversity on the Site, which is a further environmental benefit.
- 10.16** The Proposed Development will also deliver a range of transport improvements, including the provision of a new shuttle bus and additional highway and public transportation improvements. The Proposed Development will also deliver improved public footpaths, cycle paths and signage. These will ensure that the Proposed Development is genuinely accessible to staff and guests by alternative means of transport, and also delivers wider public transport enhancements.
- 10.17** These benefits will be secured by a Section 106 legal agreement with CDC and OCC to deliver the agreed package of mitigation measures. The proposed measures were set out as draft Heads of Terms, reflecting pre-application discussions with CDC and OCC officers and covers items picked up in the CDC Developer Contributions SPD (February 2018).
- 10.18** Subject to the decision maker being satisfied that these comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended, which requires the obligation to be (a) necessary to make the Proposed Development acceptable in planning terms; (b) directly related to the Proposed Development; and (c) fairly and reasonably related in scale and kind, significant weight should be placed on the Appellant's s106 obligations comprising the following:-
- Providing public use of the nature trails area to the north east of the site for 7-day a week access, during daylight hours (and including ongoing maintenance of this area);
 - Resourcing and operating a free-to-use shuttle bus service between Chesterton and Bicester for use by hotel guests and staff and the public;
 - A financial contribution to OCC for wider public transport improvements;

- In accordance with terms set out in the OMP and TA, making available day passes with discounts for local residents (those within OX5, 15, 16, 17, 25, 26 and 27 postcodes – Banbury, Bicester and Kidlington);
- Allowing access for locally identified charities (specifically those that are family focussed) to the Proposed Development;
- Working with local schools, to provide spaces on site (within the nature trails area) to run a Local Ecology Project;
- Resourcing a diversion of and enhanced Public Right of Way through a new section of landscaping, representing a more accessible and useable route, and connecting into the existing wider network of routes;
- Delivering a new accessible shared footway and cycleway between Chesterton village and the Site, and extending further west along the A4095 (Section 278 works);
- Delivering A4095 improvement works, comprising a new right turn lane junction serving the Proposed Development (Section 278 works);
- Provision of a minimum of 150 local construction apprenticeships or apprenticeship starts as part of a wider Employment, Skills and Training Plan – and progressing discussions with local construction apprenticeships facilitator, Ace Training;
- Provision of local recruitment initiatives during the operational phase in accordance with CDC advice and working with developing contacts in specialist-course departments at UK Universities and Colleges;
- Ongoing management of vehicle activity through an active Travel Plan prioritising, promoting and monitoring sustainable travel to the site by non-private car modes;
- Delivery of a coordinated off-site signage strategy to direct guests and staff to the proposed resort (Section 278 works);
- Managing the construction process through a detailed Construction Management Plan, protecting local amenity throughout the construction process;
- Ensuring that delivery and servicing activity is managed through a final Delivery and Servicing Management Plan;
- Installation of electric vehicle charging infrastructure in accordance with the proposals; and
- Delivering long term landscape and ecological management through Landscape Management and Maintenance Plan and Ecological (Habitat) Management and Maintenance Plan.

Summary

- 10.19** The Proposed Development will make a significant contribution to the clearly defined strategy to enhance Cherwell's tourist and visitor attractions, with significant associated direct and indirect local economic benefits to the local economy, including creating new employment and spin off benefits to the wider economy. I consider these economic benefits are an important material consideration which should carry significant weight in the planning balance in this case.
- 10.20** The Proposed Development will materially enhance the range and quality of the leisure and recreational facilities in this location, providing inclusive and accessible facilities to the benefit of guests and local residents. The Proposed Development will also act as a catalyst to repurpose the remaining 9 holes and help safeguard the future of the existing golf facilities, which is otherwise in doubt. I consider these social benefits are an important material consideration which also carry significant weight in the planning balance in this case.
- 10.21** The Proposed Development delivers a range of other local benefits, including the provision of the nature trail and enhanced public open space, transport and accessibility improvements which will enhance the accessibility of the Proposed Development, the existing facilities, and benefit Chesterton residents, and will deliver increased biodiversity on the Site. I consider these are also important material considerations which further weigh in favour of the Proposed Development.

11.0 CONCLUSIONS

- 11.1** The Proposed Development comprises a water-based resort hotel, which would provide a significant additional visitor attraction in Cherwell, complementing the current visitor attractions and reinforcing the tourist offer. This accords directly with the current and emerging policy objectives to enhance the District's tourist offer, recognizing that it is a key part of the local economy. At a time of considerable economic uncertainty, and concerns about the local economy, it would represent significant investment in the District.
- 11.2** The Proposed Development was initially strongly supported by senior CDC planning officers, who encouraged the Appellant to progress with developing its proposals, recognizing the singular suitability of this site to accommodate this form of development and the benefits it could bring to the District. The Proposed Development has been the subject of very extensive pre-application discussions, detailed assessment and discussions with stakeholders, and extensive public consultation.
- 11.3** The Proposed Development has attracted some support, but also coordinated opposition from local residents which is based upon a misunderstanding of the proposal and its effects. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the Planning Acts regard is to be had to the development plan the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.4** The *R(Corbett) v Cornwall Council* case reaffirms that the task of the decision-maker is to consider the development plan as a whole, that breach of a single policy in the plan does not necessarily mean that there is not accordance with the plan when read as a whole, and that there is recognition that individual policies may pull in different directions in which case a decision falls to be made as to which policies should be given more weight.
- 11.5** In this case, having regard to the evidence of the Appellants other witnesses and my own assessment, I consider the overwhelming thrust of policy in this case strongly supports the Proposed Development, and I conclude that the Proposed Development is fully in accordance with the Development Plan, when read as a whole, and therefore attract a statutory presumption for the grant of planning permission. I consider the NPPF is an important material consideration in this case, and further reinforces the case for approval.
- 11.6** I have addressed the CDC reasons for refusal, having regard to the Appellant's expert evidence

on these matters. This confirms my concerns, expressed at the Planning Committee, that the reasons for refusal were formulated without proper and careful consideration of the evidence or the opportunity to conclude key stakeholder discussions. On my analysis, none of the reasons for refusal is in fact supported by any sound evidence which would justify the refusal of planning permission in this case. I reach the same conclusion in respect of the objections to the Proposed Development.

- 11.7** I consider the Proposed Development will make a significant contribution to the clearly defined strategy to enhance Cherwell's tourist and visitor attractions, with significant associated direct and indirect local economic benefits to the local economy, including creating new employment and apprenticeships. The Proposed Development will also deliver a range of other social and environmental benefits. I consider that substantial weight should be afforded to the package of public benefits which the Proposed Development would deliver.
- 11.8** In the event that the decision maker shares my conclusion that the Proposed Development would be in accordance with the Development Plan when read as a whole, and the reasons for refusal and local objections raise no material planning considerations which would warrant a decision other than in accordance with the Development Plan, there is a clear and statutory presumption in favour of approval. The substantial package of public benefits would lend further weight to that decision.
- 11.9** In the event that the Inspector concludes that contrary to my evidence, the Proposed Development would not accord with the Development Plan when read as a whole, for any of the reasons being advanced by CDC or any other party, I consider that the public benefits which the Proposed Development would deliver are very weighty and important material considerations which warrant a decision otherwise than any such conflict with the Development Plan.
- 11.10** I consider that even if the impacts which CDC and others are alleging were to arise (contrary to my evidence) those benefits would clearly and demonstrably outweigh any such impacts and planning permission ought to be granted.
- 11.11** On either basis, I conclude that the planning permission should be granted, and respectfully request that this Appeal is allowed.