

**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**

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

1.0 INTRODUCTION

1.1 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.

2.0 THE SITE AND SURROUNDING AREA

2.1 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.

2.2 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.

2.3 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.

3.0 THE PROPOSED DEVELOPMENT

3.1 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, 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.

3.2 The Site was chosen in part because of its ideal strategic location on the M40. A number of other attributes make the Site particularly suitable and sustainable as a location for a destination leisure resort including the close proximity to 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.

3.3 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.

4.0 THE APPLICATION PROCESS

4.1 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 statutory consultees and the local community, included two public exhibitions.

4.2 The Proposed Development 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.

5.0 MATTERS WHICH ARE NOT UNDERSTOOD TO BE DISPUTED BY CDC

5.1 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. CDC also accepts the Proposed Development would deliver a number of acknowledged economic benefits and that Proposed Development accords with the sequential test.

6.0 THE DEVELOPMENT PLAN

6.1 The Development Plan gives strong support for economic development, and in particular, the development of Cherwell's tourist offer and encouraging more overnight visitors and the Site is a highly sustainable location for a destination leisure resort.. On this basis, I consider the Proposed Development accords with Policies SLE 1,2 3 and 4.

6.2 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.

6.3 Based on 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.

7.0 THE NATIONAL PLANNING POLICY FRAMEWORK

7.1 I have assessed the Proposed Development against all the relevant provisions of the National Planning Policy Framework (‘NPPF’), 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 NPPF, when read as a whole.

8.0 THE REASONS FOR REFUSAL

8.1 I consider the requirements of Policy BSC10 and the criteria in paragraph 97 of the NPPF are met in this case. The existing 9 holes to be lost as a consequence of the Proposed Development are surplus to requirements and in any case 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 of an alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current underused 9 holes.

8.2 I consider the second reason for refusal is also unfounded. Having regard to the intrinsic characteristics and requirements of destination leisure resorts, the accepted absence of any sequentially preferable sites, the proximity of the Site to Bicester and other visitor attractions,

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.

- 8.3** Whilst not required by the NPPF, a proportionate impact assessment, relevant to the circumstances in this case, was submitted as part of the application. I have dealt further with this in my evidence and conclude that the Proposed Development would have no adverse impact on the vitality and viability of Bicester or any other town centre. On the contrary, it 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.
- 8.4** 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 Proposed Development can be accommodated on the highway network local to the Site and that, subject to appropriate mitigation, the Proposed 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.
- 8.5** 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. On this basis, I consider the fourth reason for refusal is not supported by the evidence in his case.
- 8.6** 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 and there is no sustainable reason for refusal based on drainage of flood risk.
- 8.7** 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. 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 are all addressed in the evidence of others.

8.8 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.

9.0 PUBLIC BENEFITS

9.1 The Proposed Development will make a significant contribution to Cherwell district's tourist and visitor economy with significant associated direct and indirect local economic benefits, materially enhance the range and quality of the leisure and recreational facilities in this location, providing inclusive and accessible facilities, and act as a catalyst to repurpose the remaining 9 holes and help safeguard the future of the existing golf facilities.

9.2 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 and increased biodiversity on the Site.

10.0 CONCLUSIONS

10.1 I conclude that the Proposed Development would accord with the Development Plan when read as a whole, and these public benefits are very weighty and important material considerations which reinforce the presumption in favour of approval. If the decision maker concludes the Proposed Development is not fully in accordance with the plan and/or the impacts which CDC and others are alleging were to arise, these benefits would clearly and demonstrably outweigh any such impacts.

10.2 On either basis, I conclude that the planning permission should be granted, and respectfully request that this Appeal is allowed.