

**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**

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

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APPENDIX 1 - Email from CDC dated 25 January 2018

Peter Twemlow

From: Adrian Colwell <Adrian.Colwell@cherwellandsouthnorthants.gov.uk>
Sent: 25 January 2018 18:38
To: Chris Goddard; Greg Miller; Jeremie Babinet; James Devitt Bt MA MRICS - Herald Hotels (james.devitt@heraldhotels.com)
Cc: Bob Duxbury
Subject: Welcome to Cherwell

Greg, Jeremie, James and Chris

It was a pleasure to meet with you this afternoon at Bodicote House to discuss the Great Wolf Lodge concept.

Bob 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.

All best wishes

Adrian

Adrian Colwell
Executive Director for Place and Growth
Cherwell and South Northamptonshire Councils
Tel: 0300 003 0110
Email: Adrian.colwell@cherwellandsouthnorthants.gov.uk
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APPENDIX 2 - BHGS Golf Future Business Plan, March 2020



BICESTER HOTEL
golf and spa
★★★★

March 2020 – Golf Future Business Plan

It has been requested by Cherwell District Council to provide a business plan for the future of golf activity at Bicester Hotel, Golf and Spa. This is in order to explain the existing and future financial considerations relating to golf at the resort.

The number of golf members has consistently declined over recent years, from around 400 in 2010 to 170 after the recent renewals for 2020. We would expect further decline as we move forward into the new decade.

In terms of costs associated purely with golfing activity (predominantly those associated with course maintenance) these have increased from annual costs of approximately £275k in 2010 to circa £325k in the year to October 2019. Currently, golf operations at Bicester Hotel, Golf and Spa makes just a marginal profit of around £30k per year. Based on current trends, it is projected that this contribution will continue to decline until 2022 when the golf operation would go from making a marginal profit to making a marginal loss. At this point the owners would inevitably close down part or all of the golf course as the operation would no longer be sustainable. This has been discussed as part of strategic management meetings.

It is in the owner's interest to maintain some level of golf activity as it does help as part of the wider leisure offering at the hotel. As such, we have already looked at plans to close 9 of the 18 holes (irrespective of the Great Wolf planning application). To do this would inevitably result in a further drop in members, we predict by roughly 40% to around 110. However, costs would significantly reduce, to somewhere in the region of £200k, or around 60% of existing. These cost savings, coupled with increased visitor golf income (from greater availability on golf course) would provide the future golf operation at Bicester Hotel, Golf and Spa with a degree of financial stability.

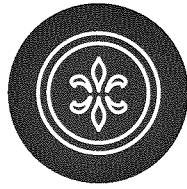
In the event that Great Wolf are granted planning permission, investment to make improvements to the remaining 9 holes would be made. This would include making the 9 holes that remain into an 18 hole course (with two tee points per hole), creating a new practice range with a focus on new users, and encouraging young people to play through free access to a set number of people per year.

In terms of the implications on the business plan and figures above, this would be predicted to stem the loss of members associated with the change from the current arrangement whilst adding only a very small increase to costs if any (as the improvement works will all be secured as a single capital project and secured through a planning permission). We would also expect the broadening of access to the golf course to lead to an increase in memberships, optimistically changing the trajectory of declining membership to an increasing one. From a business plan point of view, the change in approach to golf here would create financial certainty to its continued operation.

Roger McPherson, Financial Controller, Bicester Hotel Golf and Spa



APPENDIX 3 - Testimonials about the effects of GWR from local communities in the USA



LAGRANGE

GEORGIA

To whom it may concern:

I write to share my thoughts about Great Wolf Lodge and what a great asset they have been to LaGrange and Troup County since their arrival here in 2018.

There are many obvious benefits to having Great Wolf in our community, including the hundreds of jobs on site and the tax revenue derived from sales and tourism taxes. Great Wolf has also benefitted existing businesses in our community, and some of our downtown restaurants actually notice the Great Wolf wrist bands and have said that on some nights a majority of their dinner business comes from families staying at the lodge. Because Great Wolf attracts families with children, their patrons tend to be the respectful and courteous visitors, shoppers, and dinners that all our local businesses seek.

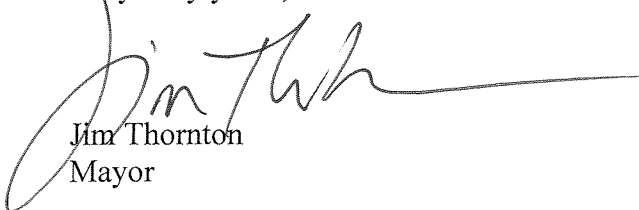
I have also noticed a tremendous intangible benefit from having Great Wolf in our community. Because of the millions of dollars of marketing that Great Wolf does each year, the statewide and regional conferences held in the conference facility, and the thousands of families that travel here each year to visit the water park, and because Great Wolf does such a wonderful job entertaining their guests, people leave with a very positive feeling about our community. This helps market the city as a tourism destination but also markets the city to future residents and other businesses.

These positive effects of having Great Wolf in our community have not really had any downside. The lodge and its guests have not caused any public safety concerns or traffic issues or otherwise burdened local resources. Quite by contrast, Great Wolf and their pack members have involved themselves in our local community. They have engaged with our chamber of commerce, have supported local nonprofits, and have volunteered for service roles throughout the community. They have truly been partners in growing and sustaining our local community.

The addition of Great Wolf Lodge to our community has been a blessing and it remains so today. I would certainly recommend them to any community and would encourage any city to welcome them.

If there is ever any additional information I can provide, please do not hesitate to contact me.

Very truly yours,



Jim Thornton
Mayor

CITY OF LAGRANGE
OFFICE OF THE MAYOR

200 Ridley Avenue • LaGrange, Georgia 30240 • (706) 883-2010 • Fax (706) 883-2020

www.lagrangega.org



December 20, 2020

Alfonso de Gortari
Vice President of International Development
Great Wolf Resorts

Dear Alfonso,

Please consider this letter of support for Great Wolf Lodge from the Pocono Mountains Visitors Bureau. Our trade association is the designated tourism promotion agency (TPA) of the four counties within the Poconos which spans a region larger than the size state of Delaware and welcomes visitors by the tens of millions annually (29.9M in 2019 – a record). This industry helps drive the economy to the tune of more than \$4 billion dollars in direct and indirect spending. We represent over 450 diverse leisure and hospitality properties within the Poconos employing over 35,000 individuals generating over \$282 million in State and Local tax revenues yearly.

It is my view that the Great Wolf Lodge locating in the Pocono Mountains served to strengthen the region's communities, economy, and quality of life. It also served as a catalyst for further development that has sustained our boarder communities for the past two decades. Let me explain the why of those statements.

After decades of unrepresented growth beginning in the 1940's due to ever increasing tourism, the Pocono Mountains was clearly on the decline heading onto the 1980's. Many incumbent resorts found that competing with the cruise and airline industries was increasingly difficult. As such their collective properties which were once resplendent to millions of honeymooners and families became increasing passe as the allure of the mountains evaporated. Properties slid increasing into disrepair and shuttered. Unemployment was increasing persistent and pervasive. New investment turned elsewhere, and the Poconos became a popular parody when one referenced a time gone by.

Then enter Great Wolf Lodge.

The leadership of Great Wolf Lodge possessed the foresight to believe in the community and the Pocono Mountains destination. As such, they invested millions in the construction of a premier resort property. An indoor waterpark. This location breathed new life into a dying marketplace that has served to attract hundreds of millions of dollars in companion investment. More importantly, it gave the Pocono Mountains its heart and soul back. One that everyone feared had been lost...and lost forever.

Great Wolf Lodge has a long track record of innovation, not just for the resort business itself but also in terms of diversity and social policies, workplace culture, and its solid commitment to the communities they live in. Many of their leadership team can be found serving their communities consistently and quietly. It's also a commonly known fact that GWL can always be called upon to assist with any type of fundraiser or for a member of the community who may need an extra helping hand. Again, all very quietly.

I would not hesitate to strongly recommend Great Wolf Lodge for any project that they would undertake. They will certainly leave the community in a much better place than what they found it by being a consistent and productive member of the overall fabric of the community on a day to day basis.

If question remain, please do not hesitate to contact me directly at the numbers below.

Sincerely,

Chris Barrett

Chris Barrett
President & CEO
Pocono Mountains Visitors Bureau
cbarrett@poconomountains.com
(717) 975-7528



SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Community Development Department

“Enhancing our Future, Protecting Our Past”

Mail – 10,005 EAST OSBORN ROAD, SCOTTSDALE, AZ 85256

December 7, 2020

To Whom It May Concern:

The Salt River Pima-Maricopa Indian Community (SRPMIC or Community) is respectfully providing this letter of recommendation and reference as related to the Community’s long-standing relationship with Great Wolf Lodge.

SRPMIC has been involved with Great Wolf Lodge for almost ten (10) years. Throughout this decade, there has been a mutually beneficial partnership created, a beautiful lodge constructed and countless families enjoying making memories within our jurisdiction that may have not visited this area without Great Wolf’s presence.

The Community has enjoyed numerous benefits from this relationship and ongoing partnership, to include, but not limited to the following:

- A.** High quality development to compliment neighboring properties
- B.** Construction jobs for SRPMIC enrolled members and contractors/subcontractors (+/- 1000 jobs) for 18 months
- C.** Hospitality related jobs for enrolled SRPMIC members and neighboring jurisdiction residents (+/- 750 jobs)
- D.** International Name Recognition for this high quality brand
- E.** Tax revenue generation for services and programs offered by SRPMIC to enrolled Community Members
- F.** Creative marketing practices that include neighboring developments to attract guests to have a full range of experiences
- G.** Community events for enrolled Members to visit for special occasions
- H.** Sponsorships of local charity activities to help children and families in need
- I.** Donations of lightly used equipment and goods to help out people in need

SRPMIC has appreciated and continues to welcome the open door discussions for how we can all support each other for the benefit of the guest experience, employment programs, youth recognition events and other “one-off” efforts that make a difference!

As one of the key points of contact from the initial discussions with Great Wolf through today, I can personally and professionally state that the teamwork, respect and creativity from this organization will and does make a difference for partners!

If you have questions about the SRPMIC experience with Great Wolf, I would welcome a discussion. I can be reached at (480) 362-7636 or by email at Stacey.Gubser@srpmic-nsn.gov.

In Service,

Stacey Gubser (e-signed 12/7/2020)

Stacey Gubser, Director
Community Development Department
Salt River Pima-Maricopa Indian Community



CITY OF GARDEN GROVE

December 15, 2020

Alfonso de Gortari
Vice President of International Development
Great Wolf Resorts
350 N Orleans St, Suite 10000B
Chicago, IL 60654

Dear Alfonso,

As Great Wolf Lodge looks to expand internationally, we appreciate the opportunity to share the positive impact Great Wolf Lodge has had on our community. Since the original development stage of the Great Wolf project, there has been a strong relationship with the City of Garden Grove and related agencies. We were excited to bring this great venue to the Southern California market as it serves as a perfect complement to our other family-friendly tourism offerings.

In addition to the 700+ jobs created and millions of dollars in tax revenue generated by Great Wolf Lodge, the local businesses surrounding the resort have seen tremendous growth since opening. The guests and staff at the resort have frequented local restaurants, retail outlets and gas stations helping fuel additional development in the area.

Moreover, the resort is a great partner in our local community. Leadership at the resort has supported a number of local charitable organizations through volunteer efforts or donations. This includes food donations to the Orange County Food Bank, fundraising efforts for Make A Wish, school reading programs and room night donations to countless charities across the region. They've also supported City initiatives by partnering with our Police and Fire Departments on training exercises. Importantly, the tax revenue generated has provided funding to provide city facilities and services that benefit all residents.

It has been nearly 5-years since the Great Wolf Lodge opened in Garden Grove. As Mayor, I could not be more pleased with result of this partnership, and look forward to prosperous years ahead. Any city would be fortunate to have a Great Wolf Lodge in their community.

If any city officials are interested to learn more about our experience with the Great Wolf Lodge in Garden Grove, please feel free to reach out.

Sincerely,

Steven R. Jones
Mayor

Steven R. Jones
Mayor

Kim Bernice Nguyen
Mayor Pro Tem - District 6

George S. Brietigam
Council Member - District 1

John R. O'Neill
Council Member - District 2

Diedre Thu-Ha Nguyen
Council Member - District 3

Patrick Phat Bui
Council Member - District 4

Stephanie Klopfenstein
Council Member - District 5



The City of Fitchburg
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Office of the Mayor

Patrick Hare
Chief of Staff
phare@fitchburgma.gov

STEPHEN L. DINATALE

JOAN DAVID
Executive Administrative Assistant
j david@fitchburgma.gov

December 9, 2020

To Whom It May Concern:

I write today as the Mayor of Fitchburg, Massachusetts to strongly encourage your city to partner with Great Wolf Lodge. Great Wolf Lodge has been operating in Fitchburg since 2014 and we couldn't be more pleased with their choice to locate here and their outstanding commitment to our city.

The 45 acre, 400 plus room resort is a great attraction for hundreds of thousands of families from all over the region and is one of the main economic drivers. When these families come, they also spend time in our city at restaurants, gas stations, and other local attractions. Great Wolf employees over 700 workers, making it one of the largest employers in the city and regularly pays more than \$1 million per year in taxes.

Apart from the influx of taxes they provide to the city, Great Wolf has been a tremendous community partner and corporate citizen. The lodge supports many local vendors, contractors, community organizations and nonprofits. Additionally, they have board of director involvement with several chambers of commerce, visitor bureaus, and regional colleges and public schools. They have contributed to our economic strategic plan, my mayoral round table discussions, our annual holiday parades and events, and assisted in our Covid-19 re-opening task force committee.

To summarize, I would encourage every municipality to find such community minded businesses like Great Wolf Lodge to bring into your city. Fitchburg has been incredibly lucky to have Great Wolf Lodge in our city and I know you will benefit as greatly as we have if you make the same decision.

If I can be of any further assistance, or shed any additional light about our cities relationship with Great Wolf Lodge, please do not hesitate to reach out to me.

Sincerely,



Stephen L. DiNatale
Mayor

APPENDIX 4 - Letter from DP9 to Members of the Planning Committee dated 10 March 2020

DP4819

10th March 2020

Members of the Planning Committee
Cherwell District Council
Bodicote House
Bodicote, Banbury
Oxfordshire
OX15 4AA



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100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700
facsimile 020 7004 1790

www.dp9.co.uk

BY EMAIL

Dear Planning Committee Member,

Re: PLANNING REF: 19/02550/F. LAND TO THE EAST OF M40 AND SOUTH OF A4095 CHESTERTON BICESTER.

1. We write on behalf of our client, Great Wolf Resorts (the applicant), in our role as planning agents with respect to the subject planning application. As you will be aware, this application is being taken to the Planning Committee on 12th March with a recommendation to refuse planning permission. This is disappointing as we have worked closely with officers at Cherwell District Council (CDC) and Oxfordshire County Council (OCC) for a long period of time and continue to do so. We are still working towards the resolution of all outstanding planning matters, as set out in the officer's report published in the afternoon of 4th March, with a view to securing a positive recommendation from planning officers at Planning Committee.
2. This letter sets out our concern that planning officers are prematurely pushing this application to this week's Planning Committee, whilst there are still matters of detail being discussed and resolved with CDC and OCC departments and with a number of factual errors in the officer's report. As such, the applicant is seeking a deferral of this item to be considered at a future Planning Committee, with the May Committee date being realistic. Great Wolf Resorts are happy to extend the determination period to cover an appropriate Planning Committee date.
3. This letter identifies the following important points for consideration by Members at this week's Planning Committee:
 - Materially important matters are still subject to ongoing discussions between the applicant and consultees, including but not limited to CDC Leisure and Recreation and OCC Highways. It is the applicant's view that a number of, if not all, matters can be progressed to a position where they are resolved and therefore are not reasons for refusal.
 - The officer's report is written using incomplete information and includes a series of factual errors including relying on out-of-date status reports on statutory consultee responses.
 - Some important consultee responses are outstanding (CDC Conservation) and others were provided on the day of the officer's report being published. The applicant is therefore still in the process of responding to questions raised in these responses, reinforcing that it is premature to progress to Planning Committee this week.
 - The duty of CDC as the decision-making authority, as prescribed in the NPPF, requires that the determination of this application is approached in a positive and creative way and that planning conditions and obligations should be considered as ways to make the application acceptable. The applicant is working with consultees (internally as part of CDC and otherwise) in this regard.



4. Our client is extremely disappointed in the apparent change in approach of CDC at officer and director level following initial and subsequent discussions, where there was a clear positive approach to working together to secure, if appropriate in planning terms, this significant investment in the district and wide-ranging benefits associated with this proposed family leisure resort. Great Wolf Resorts carefully selected this brownfield site, outside of the protected green belt and immediately adjacent to the M40, where leisure uses, development and activity is already established and where growth has also been accepted.
5. In January 2018, Great Wolf Resorts met with Adrian Colwell (former Executive Director for Place and Growth) and Bob Duxbury (former Major Projects Adviser and Development Control Team Leader), with the former writing to our client on 25th January 2018 expressing that *“Bob 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”* and that, *“I look forwards [sic] to working with you to secure the investment in Bicester”*. Our client also had a positive discussion with Robert Jolley in February 2019 which again expressed that CDC welcomed the investment in the district, whilst recognising that this was separate to planning matters which would need to be worked through as part of the normal planning application process. As your planning officers will know we have sought to carefully scope, assess and demonstrate the acceptability of the proposed development in specific and technical planning terms.
6. Following a thorough pre-application process with officers and comprehensive local stakeholder engagement programme, including two public exhibitions, we submitted the planning application in November 2019. It was validated on 25th November 2019 and since this time we have received comments from a number of statutory and non-statutory consultees. We have worked diligently in order to respond to questions and / or concerns raised. This has included responses to OCC Archaeology, Thames Valley Police, CDC Ecology, CDC Recreation and Leisure and OCC Drainage / Flood Risk teams. OCC Archaeology and Thames Valley Police have now removed their holding objections (and we also have support or ‘no objection’ from a number of important stakeholders, including CDC Licensing, CDC Rights of Way, CDC Environmental Protection, CDC Public Art and CDC Arboriculture). CDC Ecology have been provided with responses to their questions and comments on 28th February and OCC Drainage / Flood Risk on 18th February. We are awaiting further responses from both of these stakeholders. We note that the status of discussions with consultees on these matters are reported incorrectly in the officer’s report, presumably as it was written prior to this information being submitted.
7. We have very recently received comments from Tyréns instructed by CDC to review the drainage / flood risk strategy and sustainability approach. This response note to us, dated 26th February, was uploaded onto the CDC website on 4th March (the day of the officer’s report being published) and seeks confirmation from the applicant on a series of points which we responded to on 9th March. The applicant was not notified of this review by Tyréns and was aware only when seeing it published on CDC’s website and therefore has not been able to respond any sooner. The nature of the response from Tyréns demonstrates that matters are still being actively discussed and resolved. The officer’s report cites the inadequacy of drainage information as reason for refusal number 5 and on this basis alone, deferral of the application to a future Planning Committee is critical. We note that the officer’s report also refers to outstanding information from Tyréns in relation to sustainable construction, which will only be available on or in the week preceding 12th March Planning Committee (see paragraph 9.172). This has been received on 9th March and sets out that the proposed development is consistent with planning policy requirements. We are in the process of preparing a formal response now that this has been received.



8. Your planning officers should have made you aware that Motion (the highways consultants instructed by the applicant) are engaged in ongoing discussions with OCC Highways and a contribution to public bus service provision has now been agreed. Further, OCC are not objecting on the grounds of the site not being sustainable (with this contribution plus an obligation to provide extensive footways and cycleways into Chesterton village and beyond). These points both seem to be missing from the officer's report, again likely due to it being written and published whilst such pertinent issues are still being discussed with a view to finding a resolution. There is a single outstanding point of objection on highways issues and cited reason for refusal (number 3), relating to the proposed highway mitigation works at the B430/B4030 junction in Middleton Stoney, identified as a requirement by OCC. Motion presented a proposed package of works on 6th March, with a view to agreeing this with OCC and securing removal of their objection. We are awaiting a response from OCC and expect to report to Members verbally at Planning Committee on 12th March. It is worth noting that the officer's report references that in CDC officer's opinion there is an unacceptable increase in traffic using local roads, although there is seemingly no evidence to support this with OCC highways not drawing this conclusion (see paragraphs 9.68 and 9.69).
9. Despite the application being submitted in November 2019, on the back of lengthy pre-application discussions, CDC's Planning Policy team only responded to the application on 24th February (uploaded onto the website and available to view on 28th February) and as such we have been given very little time to consider these and, given the timing, it is likely that the officer's report was essentially already complete at this point. Nevertheless, we have reviewed CDC Planning Policy team's response and note that this response concludes that they have an "*objection unless planning policy requirements are met*". Clearly this is not an *in principle* objection and something that can be overcome. Indeed, we continue to work with CDC and others to meet such requirements.
10. As a principal example, regarding land use and the acceptability of the proposed loss of an 18-hole golf course, planning officers are aware that we have been in discussions with England Golf and CDC's leisure and recreation team over the past few weeks and we have agreed with them an obligation to secure an 18-hole course on the remaining golf course site, combined with investment in the practice range and a scholarship fund to support youth golfers. This makes the proposals acceptable in planning policy terms. As agreed, we are working up a pack of information including a plan of the improvement works for the new course (provided) and a plan of the practice range and high level business plan (to be provided this week) in order to feed into Section 106 heads of terms in advance of determination. This will be sent to CDC's leisure and recreation team as well as planning officers and England Golf. Again, the officer's report does not reflect the status of these discussions at the time of the publication of the report. More importantly, your planning officers are reluctant to accept this additional information, which is material in the determination of this planning application, with no apparent reason. Subject to being agreed with officers, this would remove one of the reasons for refusal (number 1).
11. Due to the ongoing discussions and the encouraging progress being made on a number of matters, our concern is that this application is being taken to your Planning Committee prematurely citing 'in principle' objections. This approach is inconsistent with that of CDC's planning policy team and OCC's highways team (and others) who are both open to continuing dialogue to get to a position where the scheme can be recommended to you for approval. The two *in principle* reasons for refusal (numbers 2 and 4) are both unsubstantiated. The comments are those of the CDC planning officers, in the absence of expert design and conservation advice; contrary to the views of the highways authority, who are still engaged with the application; or based on items which consultees are asking for additional information and clarification, and therefore capable of being resolved through such information and / or planning conditions or obligations.



12. It is important to consider paragraph 38 of the NPPF, which states that the process of decision-making demands CDC as the LPA to “*approach decisions on proposed development in a positive and creative way... work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area... [and] ... at every level should seek to approve applications for sustainable development where possible.*” On the demonstrable basis that the statutory consultees are still working with the applicant to resolve matters, these conversations must be completed before the application can be determined at Planning Committee.
13. Furthermore, paragraph 54 of the NPPF, states that LPAs “*should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.*”. It is clear that this is happening, yet it is not being considered by your planning officers, contrary to the NPPF and accepted good practice, which you will be well aware of. The planning officer also cites the “*absence of a satisfactory S106 of [sic] unilateral undertaking*” as reason for refusal number 6. The Planning Statement which was submitted in support of the application included proposed heads of terms for a S106 agreement and, as outlined above, discussions are ongoing regarding the planning obligations to be secured. Further, it is open to the planning officer to identify within their report the planning obligations required, provided that these are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development (Regulation 122 of the Community Infrastructure Levy Regulations 2010). In any event, it is normal practice for a S106 agreement or unilateral undertaking to be completed after an application has been considered at Planning Committee and a resolution to grant made, subject to securing planning obligations. This is therefore not a valid reason for refusal.
14. If this application proceeds towards a 12th March Planning Committee, with CDC planning officers making a recommendation on an incomplete report and planning permission is refused on this basis, our client will have no option but to appeal such a decision. Even if your planning officers are minded to recommend refusal in a few months’ time, based on the two purported *in principle* reasons for refusal which they presumably feel cannot be resolved (despite asking for more information on some of these points), then Members should agree that it is in everyone’s interests that reasons for refusal which can be resolved are, thus removing any unnecessary reasons to be addressed on appeal. In the event of an appeal, we reserve the position to seek costs on the basis of undertaking completely unnecessary work.
15. We acknowledge that there have been local objections to the proposed development, with these largely focussing on the same few principal issues although, as we have stated in our comprehensive response to CDC, these are not points of objection by the expert statutory consultees. As a re-cap, local objectors are claiming an unacceptable increase in traffic in Chesterton (although OCC have not objected to this); that there will be a detrimental impact on air quality and noise (CDC Environmental team have raised no objection); that the proposed development results in an unacceptable visual and landscape impact (again, CDC Landscape team have not objected to this); and that there is no need or benefit (there is no CDC planning policy objection to this point). We reiterate that the proposed development comprises a significant investment in the local area, including local employment, wider economic benefits and a new family leisure resort. Great Wolf Resorts have also expanded the offer for local people to access the proposed resort, in a direct response to concerns raised by local residents. This includes providing two forms of day pass, available to local residents at discounted rates. It is worth noting that your planning officer’s report only reports one of these day passes (30 a day) and not the wider day pass offer where passes are available when the hotel is not at full occupancy (up to 450 a day). This is a material consideration to Members in the determination of this application, in terms of considering the benefits and wider planning balance.



16. In light of the above, we would urge Members to defer the application and instruct planning officers to work with the applicant to resolve all outstanding matters before the application is presented for a decision at a future Planning Committee. The resolution of the outstanding matters is possible and, based on discussions, probable. This would align with the clear direction of the NPPF and good practice.

17. Once the application is in a position to go to Planning Committee, officers will then, and only then, be able to accurately capture the status of and final assessment of these important and material planning matters for Members' consideration and to inform determination of the application. In summary, the outstanding information is:

- OCC Highways – Motion sent through a detailed B430/B4030 junction proposals to OCC last week to discuss and agree over the next few weeks.
- Land Use / re-provision of golf course – We are going to provide a pack of works to the remaining golf course to CDC and England Golf this week to agree as part of Section 106 planning obligations over the next few weeks.
- OCC Drainage / Flood Risk – We are waiting for OCC's comments on the material submitted in response to their questions raised and have recently submitted a response to the Tyréns / CDC review received on 4th March.
- CDC Sustainability / Sustainable construction – We submitted a response yesterday to the Tyréns review received on 4th March and will do the same for the additional assessment by Tyréns (of sustainable construction detail) which is alluded to in the officer's report, when this is published.
- CDC Ecology – We are waiting for CDC's comments on the material submitted in response to their questions raised.

18. Finally, we note that it was resolved by Members of the Planning Committee in February that there was no need to visit the site, prior to committee. If it is felt that this could be useful to understand any site-specific matters prior to a committee meeting, and if this is agreed, it can easily be arranged for a time convenient to Members. We would therefore urge Members to visit the site prior to the determination of the application and as such to defer the consideration of the proposed development, as is allowed under your Planning Committee procedural rules.

19. We trust that this letter is well received by Members and provides a useful update on this planning application and sets out the pertinent facts clearly to Members of Cherwell District Council's Planning Committee. Should you wish to discuss this further then please do not hesitate to contact Chris Goddard or Peter Twemlow at this office.

Yours sincerely,

DP9 Ltd

Encs.

CC:

Councillor Barry Wood – Leader of Cherwell District Council

David Peckford - Assistant Director - Planning and Development, CDC

Jeremie Babinet – Director of International Development, Great Wolf Resorts

Robert Moore – Vice President of Global Construction, Great Wolf Resorts

Peter Twemlow

From: Adrian Colwell <Adrian.Colwell@cherwellandsouthnorthants.gov.uk>
Sent: 25 January 2018 18:38
To: Chris Goddard; Greg Miller; Jeremie Babinet; James Devitt Bt MA MRICS - Herald Hotels (james.devitt@heraldhotels.com)
Cc: Bob Duxbury
Subject: Welcome to Cherwell

Greg, Jeremie, james and Chris

It was a pleasure to meet with you this afternoon at Bodicote House to discuss the Great Wolf Lodge concept.

Bob 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 Councillor - 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.

All best wishes

Adrian

Adrian Colwell
Executive Director for Place and Growth
Cherwell and South Northamptonshire Councils
Tel: 0300 003 0110
Email: Adrian.colwell@cherwellandsouthnorthants.gov.uk
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APPENDIX 5 - Appellant's letter to CDC dated 25 June 2020

Cherwell District Council
Bodicote House
White Post Road
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OX15 4AA

E: sarah.wotton@shlegal.com
T: 442078092542
F: + 4420 7003
Our ref: WOTTOS\667\01-58-03444

25 June 2020

By email only

For the attention of David Peckford

Dear Sirs

**Land to the east of M40 and south of A4095, Chesterton, Bicester
Planning application ref. 19/02550/F**

We act for Great Lakes (UK) Limited ("the Applicant") in relation to its application for planning permission for the redevelopment of part of the golf course to provide a new leisure resort, incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping ("the Application") which was refused by Cherwell District Council at committee on 12 March 2020.

The Applicant intends to submit an appeal against the refusal of the Application in accordance with S78 of the Town and Country Planning Act 1990 ("the Act"). As part of the statement of case for submission to the Planning Inspectorate, the Applicant will address the six reasons for refusal specified in the committee report dated 4 March 2020 ("Committee Report"). In order to do so effectively and in a collaborative manner that seeks to narrow the issues between the parties, the Council is asked to respond on the following points.

1 Loss of 18-hole golf course

Paragraph 9.22 of the Committee Report states, "*The existing site is used as part of an 18-hole golf course and as part of the proposal 9-holes of the course would be lost. The applicant does not propose to replace the golf course with equivalent provision in terms of quantity.*"

As part of the application process and in regular discussions with England Golf and the Council's Leisure and Recreation Team, the Applicant agreed to a planning obligation to secure an 18-hole golf course on the site of the remaining 9-hole golf course, together with an investment in the practice range and scholarship fund to support youth golfers. It is considered that this fully addresses the concerns raised in the Committee Report and in the corresponding reason for refusal. The Council is asked to confirm that it

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considers that the information provided and the planning obligation addresses this reason for refusal and if not, why not, and to state what further information is required in relation to this.

2 Geographically unsustainable location

The Applicant's understanding is that Oxfordshire County Council ("OCC"), as highway authority, did not object to the Application on the grounds of sustainability once contributions to a public bus service, including a shuttle bus service in perpetuity and an obligation to provide extensive footways and cycleways into Chesterton Village and beyond were agreed. The Applicant agreed to these undertakings.

This point was not addressed in the Committee Report and the Council is asked to confirm, with regard to the obligations outlined above, that subject to securing those obligations this reason for refusal is addressed and, if not, to clarify the reasons why the Council considers that the location is unsustainable for a development of this kind.

3 Unacceptable traffic impacts

So far as the Applicant is aware, the only outstanding point of objection regarding traffic impacts from the highway authority ("OCC") related to the Middleton Stoney junction (B430/B4030). On 6 March 2020, the Applicant's agent, Motion, submitted further proposals relating to the junction to address those specific concerns. No response has been received from OCC to those proposals to suggest that the concerns remain outstanding.

The Council is asked to confirm that the concerns related specifically to that junction. If not, and there are any other highways within the vicinity of the proposed development that are said to be unacceptably affected, details of those alleged unacceptable impacts are requested. The Council is also asked to confirm that it considers that the information submitted by Motion addresses the concerns raised in respect of Middleton Stoney.

4 Size, scale and massing

The Committee Report states that the proposed building by virtue of its size, scale and massing will have a detrimental visual impact bringing significant urbanisation to a rural context.

In support of the Application, an Environmental Statement was prepared which included a chapter assessing the visual impact of the proposed development. The assessment was based upon sightlines which had been agreed with the Council's Landscape Officer and concluded that "the site has low landscape sensitivity to change". In addition, the Council's Landscape Officer did not raise a specific objection to the visual and landscape impact of the proposed development.

In order to understand this reason for refusal, the Council is asked to identify specifically:

- those viewpoints from which the Proposed Development is considered to have an unacceptable visual impact;
- whether the Council considers that the methodology used to carry out the environmental impact assessment was appropriate and compliant with the relevant guidance; and
- whether there are any additional viewpoints beyond those already agreed which the Council considers should have been assessed as part of the environmental impact assessment.

5 Inadequate drainage information

The Committee Report states that the drainage information submitted in support of the Application was inadequate.

On 9 March 2020, additional drainage information was submitted to the Council, but this information was not reported to the committee. The Council is asked to confirm that the information now submitted provides the information required and addresses any outstanding concerns and, if not, to identify specifically what further information in relation to the drainage and flood risk strategy is said to be required.

6 Absence of satisfactory unilateral undertaking or other form of S106 legal agreement

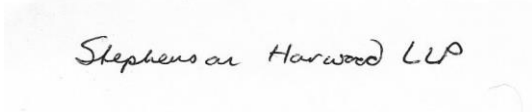
The Planning Statement which was submitted in support of the Application included proposed heads of terms for a section 106 agreement and, at the time of committee, discussions were ongoing regarding the planning obligations to be secured. It was proposed that, in addition to the obligations set down in the Planning Statement, the Applicant would also contribute to local public bus services; secure layout changes to the remaining nine-hole golf course making it an 18-hole course; provide a fund for youth golf participation / training and provide extensive footways and cycleways into Chesterton Village and beyond.

The Council is asked to confirm that these Heads of Terms cover the matters required of a section 106 legal agreement. If, contrary to our understanding, and there are additional planning obligations which the Council would have requested that are not covered in this paragraph, please identify what these are and the justification for them.

The Council is asked to provide a prompt response to the queries raised in this correspondence. This will enable the Applicant to identify those reasons for refusal which remain valid and those which the Inspector will be asked to address on appeal. Consequently the Applicant will be able to provide more accurate details on the nature of the appeal and narrow the issues.

The Applicant remains committed to bringing its first UK flagship resort to the area and believes it will bring a number of benefits to the local community and economy, including jobs, use of local suppliers and an estimated £5.7m spent by guests throughout Oxfordshire per year.

Yours faithfully

A rectangular box containing a handwritten signature in black ink that reads "Stephenson Harwood LLP".

Stephenson Harwood LLP

cc Sarah Stevens, CDC (by email)
Alex Keen, CDC (by email)
Joy White, OCC (by email)

APPENDIX 6 - Bicester Heritage Hotel Committee Report, October 2018

Applicant:	Bicester Heritage Ltd	
Proposal:	Erection of hotel and conference facility with associated access, parking, and landscaping	
Ward:	Launton And Otmoor	
Councillors:	Cllr Tim Hallchurch Cllr Simon Holland Cllr David Hughes	
Reason for Referral:	Major application	
Expiry Date:	16 October 2018	Committee Date: 25 October 2018
Recommendation:	Approval; subject to conditions, no objections from highways and the finalisation of a S106 agreement	

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The application seeks consent for the construction of a five-storey hotel to the north of the existing buildings and adjacent to the Buckingham Road. At ground floor level, the hotel would include a reception, bar, restaurant, conference and meeting rooms, swimming pool and gym facilities, with separate entrance and reception for an aparthotel. The upper four floors would provide 252 guest rooms and 92 aparthotel suites.

The hotel would create approximately 180 full time equivalent jobs. The proposal includes a new vehicular access from the Buckingham Road and the provision of 311 car parking spaces within the site.

The proposed hotel would be of a similar scale and mass to the large hangars situated at the base and would sit in alignment with one of these hangars. The design is contemporary and utilises a mixture of materials including brickwork, textured brickwork, cladding, expanded metal mesh, glazed curtain areas and a glazed atrium.

Consultations

The following consultees have raised **objections** to the application:

- Launton Parish Council, Caversfield Parish Council, Stratton Audley Parish Council and OCC Highways.
Most of these objections relate to highways matters. Appropriate highways infrastructure will be secured through a S106 agreement although at the time of writing the report some of these matters are still in negotiation (see report for more detail).
- Historic England and the Bicester Delivery Team, whilst not specifically objecting, have raised concerns regarding lack of compliance with policy (on design grounds and energy efficiency respectively).

The following consultees have raised **no objections** to the application:

- Environment Agency, Highways England, Natural England, Thames Water, CDC Building Control, CDC Conservation officer, CDC Ecology officer, CDC Environmental health officer and CDC Landscape officer.

7 Letters of **objection** and 2 comments have been received in respect of the application.

Planning Policy

The site is allocated in the Cherwell Local Plan 2011-2031 Part 1, for '*Tourism Development*' (Policy Bicester 8).

The site is located within the Conservation Area of RAF Bicester. There are 22 Listed Buildings and several Scheduled Monuments located within the main technical site and wider airfield.

Much of the adjoining airfield is an allocated Local Wildlife Site (LWS). There is a Site of Special Scientific Interest (SSSI) within 2km of the site and a proposed District Wildlife Site (DWS) to the south, on the opposite side of Skimmingdish Lane.

The application has also been assessed against the relevant policies in the NPPF, the Development Plan and other relevant material planning considerations and guidance.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Siting, orientation, form, scale and massing
- Design and external appearance
- Heritage assets
- Highway safety
- Landscape and Visual Impact
- Ecology
- Trees and Landscaping
- Residential amenity
- Flood Risk and Drainage
- Contamination
- Energy Efficiency
- Planning Obligations

The report considers the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions and a S106 agreement to secure highways improvements. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – DELEGATE TO OFFICERS TO GRANT PERMISSION SUBJECT TO CONDITIONS, NO OBJECTION FROM HIGHWAYS IN RESPECT OF AMENDED PLANS AND A S106 AGREEMENT TO SECURE HIGHWAY INFRASTRUCTURE

Members are advised that the above is a summary of the proposals and key issues are contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises the former RAF Bicester Airfield which is located to the north of Bicester on the outskirts of the town. The site is now occupied by Bicester Heritage, a company specialising in historic motoring and aviation. The site occupied by Bicester Heritage comprises the main 'technical site' area (where most of the buildings are located) and the flying field which extends to the north and east of the main technical site area, totalling around 141.5 hectares.
- 1.2. The whole of the site (including the flying field) is designated as a conservation area and most of the buildings within the main technical area are listed (Grade II). The remaining buildings are considered to 'make a positive contribution' to the area in the Conservation Area Appraisal and would therefore be considered as non-designated heritage assets. There are also several Scheduled Monuments located on the edges of the flying field and within the main technical area. Existing vehicular and pedestrian access to the site is gained just north of the roundabout on Buckingham Road. There are residential properties located to the west and south-west of the site.
- 1.3. For the purposes of this application, the site area and redline relates to a parcel of land situated on the northern edge of the former technical site totalling 4.5 hectares. This parcel of land is therefore bounded by existing buildings of the technical site to the south and south-west, the airfield to the north and east and residential properties to the west.
- 1.4. The existing technical site is laid out to a Trident pattern of development of 3 avenues projecting from the main entrance of the site. The buildings are generously spaced out from each other in a relatively sporadic nature but maintaining the appearance of the avenues. The hangars are arranged in an arc around the outer perimeter of the existing technical site.
- 1.5. The following constraints relate to the site:
 - The site is located within the Conservation Area of RAF Bicester;
 - The wider Bicester Heritage site contains 22 Grade II Listed Buildings with the remaining buildings making a positive contribution to the character and appearance of the conservation area and are therefore considered to be non-designated heritage assets;
 - There are several Scheduled Monuments located within the main technical site area;
 - There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
 - The site lies within a designated Local Wildlife Site which extends around the perimeter of the airfield;
 - There is a proposed District Wildlife Site to the south of the site on the opposite side of Skimmingdish Lane;
 - The Bicester Heritage site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the Buckingham Road;
 - There are residential properties to the south, south-west and west of the Bicester Heritage site (opposite sides of the road);
 - The site is allocated in the Cherwell Local Plan for 'Tourism Development' (Policy Bicester 8).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks consent for the construction of a hotel with restaurant, conference and leisure facilities including an aparthotel.
- 2.2. The site area is 4.5 hectares with the proposed 344-bed hotel offering 18,000 square metres (internal floor space) of C1 Use (hotel), distributed over 5 floors. The hotel would create approximately 180 full time equivalent jobs. The hotel incorporates an ‘aparthotel’ which comprises slightly larger ‘hotel type’ rooms that also include a kitchenette and larger living space to enable longer stays. This would still function in a similar way to the hotel and therefore still comes under a C1 (hotel) use.
- 2.3. At ground floor level, the hotel would include a large open reception area and bar; restaurant with openable terraced area fronting the airfield; conference room which can be used as ballrooms; 4 meeting rooms and leisure area containing a swimming pool, gym and children’s area. There would also be a separate entrance and reception for the aparthotel. The upper four floors would provide 252 guest rooms and 92 aparthotel suites. Most of the aparthotel rooms are to be provided with balconies as are some of the hotel rooms on the curved corner.
- 2.4. The proposed hotel would be of a similar scale and mass to the C-Type hangars situated on the adjacent technical site and would sit in alignment with one of these hangars. It will measure 35m high, 55m wide and 92m long. The design is contemporary but with a clear reference to the historical context. It proposes to use a mixture of materials including brickwork, textured brickwork, cladding, expanded metal mesh, glazed curtain areas and a glazed atrium. Detailed consideration of the design is set out later in this report.
- 2.5. The proposal includes a new vehicular access from the Buckingham Road leading to a small mini roundabout within the site. The car park is to be located to the western edge of the site adjacent to the boundary with Buckingham Road accessed from the northern arm of the internal roundabout. The plans shown provision of 311 car parking spaces (including 30 disabled spaces and 10 EV charging spaces), 26 of these are for feature display car parking (including 2 disabled) immediately outside the hotel with 4 spaces to be provided directly outside the aparthotel.
- 2.6. To the south of the internal roundabout will be green open space and to the east will be access to the drop off area of the hotel, the display car parking and the aparthotel.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01333/F	Extension to existing Technical Site to provide new employment units comprising flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping	Pending Consideration
18/00044/SO	Request for a screening opinion for proposed erection of new building to provide	Screening Opinion not

a hotel and conference facility with requesting EIA associated parking and landscaping

17/01847/F Alterations to existing site access including Application
installation of replacement security gates Permitted
and erection of gatehouse

The above planning history shows the applications directly relevant to the hotel proposal. The adjoining technical site has a detailed planning history with several planning applications and listed building consent applications associated with individual buildings including a site wide consent for commercial uses.

The general approach taken on the technical site has been to allow changes of use that fit with the commercial nature of the site and minor physical changes to the buildings to ensure their long-term use and viability with the aim of conserving the heritage assets on the site.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place regarding this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
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17/00054/PREAPP	Hotel development
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18/00045/PREAPP	Hotel development
-----------------	-------------------

4.2. In the first pre-application submitted in 2017, officer advice was given in respect of the principle of the development on the site and the response from consultees. Initial advice was positive to the proposals in principle, but more discussion was needed in respect of the design and detailing and impact on heritage assets.

4.3. The pre-application submitted in 2018 focused in detail on the design, orientation and layout of the hotel on the site. Officers considered that the initial orientation presented did not respect the historical form of development and therefore caused harm to the heritage assets. There was no respect to the design and scale of the buildings on the site and their use of materials, so after many discussions and meetings, a compromise orientation was agreed upon, which is the orientation that has been formally submitted as part of this application. Through discussions, the proposals were amended to take more inspiration from the existing buildings at the site which received officer support and this application is now the result of those discussions.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 06.09.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. The objections and comments raised by the 9 third parties are summarised as follows:

- Traffic impacts and congestion;

- Left exit only to do a U-turn around the roundabout is not appropriate;
- Loss of view;
- Landscaping required to Buckingham Road;
- Light pollution – impacts on ecology and residential amenity;
- Design not in keeping with the surrounding area;
- Impact of building works on local residents in respect of noise and dust
- Ecology issues;
- The site would be highly suitable for the use of swift bricks to provide a nesting place for swifts, which is a species that is in decline;
- Noise pollution from increase in traffic and hotel activity;
- Increase in traffic pollution;
- Building not in keeping with the heritage site – it will be an eyesore;
- Car park adjacent to the road not a good first impression to Bicester
- Loss of privacy;
- Detrimental to the natural environment;
- Light pollution;
- Potential for an increase in noisy events;
- Devaluing of properties (not a material planning consideration)

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. LAUNTON PARISH COUNCIL: **Object.** Current local highway infrastructure and other roads inadequate; plant area on top of the building appears to make the building a whole storey higher than the current hangars; the bulge on the side is not in keeping (curved corner); loss of visual amenity and light both within the airfield and for residents of Caversfield changes the aspect of the conservation area.

6.3. CAVERSFIELD PARISH COUNCIL: **Object.**

- Design of the hotel was not aesthetically pleasing and the comments of Historic England are noted. The plant area on top of the hotel appears to increase the height;
- The Apartments need to be limited in length of occupancy, so they may not be used as permanent dwellings;
- The building will be overbearing to properties on Turnpike Road - with upper rooms of the hotel being able to have direct view into the residential homes;
- Safety implications regarding the landing and flying of aircraft from the airfield were also raised - the overshoot area immediately opposite in which is now the 'American Park' in the village of Caversfield may not be accessible;
- Caversfield has limited street lighting and therefore assume the hotel and car park will cause light pollution - can modern techniques of movement sensors and more efficient LED bulbs in the external lighting be used to ensure lights are only used when needed;
- Do not consider there is adequate parking provision for the project as the travel plan assumes that many people will come by bus or train - but the trains are not as regular as they should be;

- Very concerned about the impact on the local highway infrastructure as no provision appeared to have been made for any traffic management mitigation proposals for busy periods - the speed should be reduced to 40mph at least. It should also be noted that the A4421 is one of the registered Haul Roads for HS2 and East/West Rail - increasing vehicle numbers and HGVs for many years to come;
- The additional junction entrance is also proposed to be unmanned which caused concern;
- The new vehicular access to the site is also contrary to the RAF Bicester Planning Brief which states it is not suitable to introduce a new access and a safe crossing point is yet to be provided;
- The Toucan crossing is not shown on the plans and should be secured through S106 and should be near the bus stops north of the main entrance;
- There should be clauses in the Travel Plan to prohibit people using the hotel from parking in roads around Caversfield;
- S106 funding for a traffic management scheme within the village and to agree that during events their traffic management plan will include stopping visitors impacting on the village

6.4. STRATTON AUDLEY PARISH COUNCIL: Broadly **supports** the development of a hotel on the site, but raised specific **concerns/objections** relating to;

- Site access and traffic management;
- All proposals are Bicester-centric and no account of the impact of the development on the area to the north and in the direction of Buckingham;
- No shared cycle path running north to the junction with Stratton Audley;
- The development would make walking and cycling along this length of road more risky;
- A footpath to the north would provide opportunities for green travel to villages, economic benefits and an amenity for visitors of the hotel and heritage site to access the countryside;
- The proposal will create an increase in congestion for residents accessing the main road and pedestrians attempting to traverse the road;
- Why no roundabout or traffic light system at the hotel entrance?;
- A shared use path could also be incorporated and new crossing, eliminating need for the crossing nearer the main roundabout that would cause congestion - the footpath on the eastern side of the road would not then be required;
- Queries various aspects of the supporting documents regarding sustainable travel - e.g. no cycle links from Buckingham and bus services are limited therefore access to the site is limited to those with cars; no provision for walking from Buckingham direction.

[Officer Comment: See Paragraphs 8.75 and 8.76 for response to resident's and Parish Council's concerns]

STATUTORY CONSULTEES

- 6.5. ENVIRONMENT AGENCY: **No objections** subject to conditions relating to contamination.
- 6.6. HIGHWAYS ENGLAND: **No objections.**
- 6.7. HISTORIC ENGLAND: 'Acknowledge that a degree of change is necessary as if the base is to have a sustainable future it needs to host a variety of beneficial uses which together represent a viable business model that ensures it is well looked after for the foreseeable future.

The siting of the building close to, and on the same alignment to a C-Type hangar represent a compromise between the operational needs of the hotel ... and the desire of the Council for the building to fit into the trident layout for the base. As the massing of the hotel has been altered to conform more closely to the form of the hangar there is a strong argument for fitting into the trident layout and I think this is a reasonable compromise’.

Historic England have acknowledged the ‘challenge of making this building conform to the massing of a C-Type hangar and look like it belongs as part of the base without looking too much like a hangar’. They have raised specific concerns with elements of the design particularly the curved corner, transition in material from brick to mesh metal and very regular window openings. They concluded that ‘if the architects were given a bit more time, and pushed a bit harder, they could refine these elevations and produce a much better building here’.

When considering the overall proposal in terms of the public benefits in the context of the NPPF, Historic England conclude that ‘While we accept that the public benefits, particularly helping secure the long-term future of RAF Bicester as a whole, outweigh the harm there is the need to ensure that harm is minimised as far as possible if it is to be considered justified. As we believe that the impact of the proposal on the Conservation Area could be meaningfully reduced by further improving the design we do not think that harm is at yet justified and more time should be allowed for design development’.

6.8. NATURAL ENGLAND: **No comments**

6.9. THAMES WATER:

- Waste Water – No objection but advised to seek comments from LLFA. Recommended a condition relating to swimming pool (control when emptying).
- Foul Water – Inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Recommends a condition to overcome this issue.
- Waste Water – Inability of the existing waste water network infrastructure to accommodate the needs of this development proposal. Recommends a condition to overcome this issue.

NON-STATUTORY CONSULTTEES

6.10. BUILDING CONTROL: **No comments**

6.11. CONSERVATION OFFICER AND URBAN DESIGN: Detailed comments have been provided which consider the impact of the proposal on the various heritage assets on the site. The following conclusion was provided: ‘The proposed hotel has evolved through detailed pre-app discussions with Bicester Heritage and their design team. Whilst a number of different designs and orientations are possible, the submitted design is considered to be appropriate given the various heritage constraints and business considerations involved. In terms of the hotel design itself, it would be useful to clarify more precisely how the expanded metal mesh covering will be executed on the hotel’s façades, especially where it gives the impression of changing façade texturing across wall planes. This design detail proposed is welcomed and clarification would be useful on this point.

The impact on heritage assets has been considered, and the relative harm to the setting assessed. The scheduled monuments potentially impacted should be referred to Historic England. In the main, it is considered that whilst there will be less than substantial harm to the setting of the Conservation Area and Listed Buildings

and other non-designated heritage assets, within the context of the NPPF (July 2018) para. 196, these are outweighed by the public benefits of the hotel. A key factor is that the hotel's success will ensure longer-term conservation and site viability in the future'.

6.12. ECOLOGY OFFICER: The site is within a Local Wildlife site, but it is evident that the area within the application site does not meet the Local Wildlife Site criteria as the majority of the grassland is close mown etc. There is a strip of species rich grassland to the western boundary detailed to be retained except where the access is to be, which is proposed to be mitigated. Recommends conditions to ensure the development is carried out in accordance with the Ecological Assessment and the mitigation measures therein.

6.13. ENVIRONMENTAL HEALTH OFFICER: Conditions regarding unexpected contamination, noise associated with mechanical plant or machinery; acoustic enclosure and a Construction Environmental Management Plan are recommended.

6.14. LANDSCAPE OFFICER:

- Grass moulding requires contextual cross-sectional illustration to assess;
- "robust edge" – needs unevenly spaced native trees as mitigation for dead elms;
- OCC vis-splay needs to be indicated as this may mean the loss of existing structural vegetation;
- Strategic planting will require evergreen species and projected tree growth;
- Is the re-alignment of the taxing route acceptable in heritage terms?;
- Further protection and conservation of calcareous grassland needed;
- Landscape management plan needed;
- Hard and soft landscaping proposals and tree pit detailing.

6.15. BICESTER DELIVERY TEAM: Summary of comments:

Energy efficiency

An Energy Strategy has been submitted as part of the suite of documents for this application which includes consideration of a number of ways to: reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. The analysis also considers the ways in which carbon emissions can be reduced and low carbon measures be embodied into the proposals.

The analysis shows that domestic hot water is the highest energy demand source for the proposed development. This is proposed to be addressed through the use of a CHP system.

Overall, the combination of passive and active measures are expected to result in a 19% improvement in energy demand, while the cumulative CO2 savings will reach 20%.

However, what is missing from these proposals is a commitment to implement these measures. It is also unclear why air source heat pumps are not considered further when they have been shown to be a feasible renewable energy option. The decision not to consider solar PV and solar thermal panels further due to the proximity of an airfield is to be questioned as there are a number of international airports around the world which have solar farms situated adjacent to them.

There is also no detail on how the following have been considered within the proposals, in relation to energy efficiency:

- Sitting, orientation, and aspect;
- How the impact on the external environment will be reduced through the provision of cooling and shading opportunities, use of open space, and planting;
- How the sustainable and local sourcing of construction materials has been considered;
- How the use of the embodied energy within buildings and re-using of materials has been considered;
- How recycled materials may be used in construction;

There is no detail regarding how BREEAM Very Good is to be achieved.

We would like to see further detail on the above and a commitment to incorporate the proposals already made in the Energy Strategy. As it stands, the proposals do not comply with policy requirements.

Construction Apprenticeships

CDC's Developer Contribution SPD (adopted February 2018) Appendix 13 sets out the indicative number of new construction apprenticeships to be provided through new development. For non-residential uses the amount is 3 apprenticeships per 1000 sq. m of floorspace. This application proposes 18,500 sq. m of floorspace and therefore any S106 agreement should seek a target number of 55 construction apprenticeships and the submission of an Employment Skills and Training Plan in line with the guidance contained in Appendix 13.

6.16. OCC HIGHWAYS: **Objection** for the following reasons:

- 1) An amendment to the layout of the site access is required in order to accommodate the movement of the largest vehicle anticipated to require access to the site.
- 2) It is not shown from the drawing submitted whether the proposed mitigation scheme can be delivered within the highway boundary and without detriment to existing pedestrian and cycle infrastructure. Further details of these schemes are therefore required.

If despite OCC's objection, permission is proposed to be granted then OCC requests the following prior to the granting of planning permission:

1) S106 contributions:

- Strategic transport contribution (£607,103)
- Public transport infrastructure (£2,180)
- Traffic Regulation Order (£5,200)
- Travel Plan Monitoring (£2,040)

2) An obligation to enter into a S278 agreement (details of the works required have been provided).

3) Planning conditions

- Access details
- Travel plan
- Construction traffic management plan

The following additional key points were highlighted in the response:

- A pair of bus stops and informal pedestrian of Buckingham Road are required at the site access.

- An updated site access drawing showing bus stops/informal tactile crossing with refuge island is required.
- Capacity improvements at the A4421/A4095 roundabout junction, B4100/A4095/Banbury Road roundabout junction and the A4421 Skimmingdish Lane/Care Home Access/Launton Road roundabout junction are required as mitigation of the development's traffic impact.
- The County Council welcomes the provision of shared use footway/cycleway on the eastern side of Buckingham Road and the toucan crossing near to the Buckingham Road/Skimmingdish Lane priority junction.
- Amendments to the travel plan will be required.

Detailed comments have been provided with regards to walking and cycling, public transport, traffic impact, strategic transport contribution, access, car parking, cycle parking, service and deliveries, drainage, and travel plan.

Full justification has been provided for the requested S106 contributions, the recommended conditions and the need for a S278 agreement.

Officer comment: Amended plans have now been submitted to resolve these objections and re-consultation with OCC Highways is being undertaken. It is anticipated that a response will be received from OCC Highways prior to the committee and can be reported in the written updates, or otherwise delegated authority will be requested to officers to resolve any matters still outstanding at that time

- 6.17. OCC DRAINAGE (Lead Local Flood Authority): The SuDS proposals for this site include the use of Permeable Paving, Swale and an underground geo-cellular soakaway. The drainage strategy reports infiltration rates that derive from tests carried out within Bicester Heritage Area, it is not clear whether infiltration testing has been undertaken at the site itself. Therefore OCC (drainage) requires that this testing must be undertaken to inform detailed design.

Existing natural surface water flow-paths are diagrammatically shown within the FRA as flowing from west to east. The drainage system must be designed to accommodate overland flow from adjacent land if this is likely to be intercepted or affected by the development. Consideration must be given to exceedance flow-paths at the site, and as well as the consideration of the modelled events there should be a qualitative examination of what would happen if any part of the drainage/SuDS system fails, to demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. This should be supported by a flood exceedance route plan.

Although a SuDS Maintenance Schedule was provided with the application, it is not clear the party responsible for maintenance of SuDS at the site. A SuDS Management and Maintenance Plan must be provided (A detailed list of the requirements of the maintenance plan has been included in the response from the drainage team).

- 6.18. OCC ARCHAEOLOGY: No archaeological constraints.
- 6.19. ECONOMIC DEVELOPMENT: Supportive of the proposal that will not only provide employment and add to the viability of Bicester Heritage but will also provide services to assist business, to retain expenditure and add to the development of the wider economy. It therefore represents key infrastructure that contributes to the Council's economic growth objectives. To ensure its successful development and

operation, it should engage with local partners to implement an employment and skills plan.

- 6.20. ARBORICULTURAL OFFICER: The arboricultural impact assessment was made prior to the design of the hotel being finalised, but do not anticipate many trees will require removal to facilitate the development. Would recommend conditions relating to tree removal plan, tree protection plan and arboricultural method statement and replacement planting to ensure as much screening as possible to the adjacent A4421.
- 6.21. WILDLIFE TRUST: No comments received
- 6.22. BICESTER LOCAL HISTORY SOCIETY: No comments received
- 6.23. BUSINESS SUPPORT UNIT: No comments received
- 6.24. HEALTH PROTECTION: No comments received
- 6.25. PLANNING POLICY: No comments received
- 6.26. RECREATION AND LEISURE: No comments received
- 6.27. CRIME PREVENTION DESIGN ADVISOR: No comments received
- 6.28. WASTE AND RECYCLING: No comments received

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP Part 1)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE3 – Supporting Tourism Growth
- SLE4 – Improved Transport Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SUDs)
- ESD10 – Biodiversity and the natural environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

- BIC8 - Former RAF Bicester
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 – Transportation Funding
- T2 – Proposals for hotels, motels, guest houses and restaurants within settlements
- C1 – Protection of sites of nature conservation value
- C2 – Development affecting protected sites
- C4 – Creation of new habitats
- C7 – Landscape Conservation
- C23 – Retention of features contributing to character or appearance of a conservation area
- C25 – Development affecting the site or setting of a schedule ancient monument
- C28 – Layout, design and external appearance of new development
- ENV12 – Development on Contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Bicester Conservation Area Appraisal – November 2008
- Bicester Masterplan – Consultation Draft August 2012 (limited weight)
- RAF Bicester Planning Brief 2009
- Heritage Partnership Agreement – Bicester Heritage
- Cherwell Non-Statutory Local Plan 2011

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Siting, orientation, form, scale and massing
- Design and external appearance
- Heritage assets
- Highway safety
- Landscape and Visual Impact
- Ecology
- Trees and Landscaping
- Residential amenity
- Flood Risk and Drainage
- Contamination
- Energy Efficiency
- Planning Obligations

Principle of the development

Policy Position

- 8.2. The application site is allocated in the Cherwell Local Plan under Policy Bicester 8 for 'conservation-led' proposals to 'secure a long-lasting, economically viable future for the site and flying field'. The policy proposes a number of uses that will be acceptable at the site including tourism and leisure uses. Hotel and conference

facilities are specifically supported as part of a wider package of employment uses. In terms of the “wider package of employment uses”, whilst not part of this application, it should be noted that a further planning application is currently pending consideration for an expansion to the existing technical site (Ref: 18/01333/F). This proposal therefore accords with the allocation for the site within the Cherwell Local Plan.

- 8.3. In addition to Policy Bicester 8, the proposal for a hotel and conference facilities is also supported by the wider policies of the Local Plan. Policy PSD1 ensures that there is a presumption in favour of sustainable development that accords with the Plan and secures improvements to the economic, social and environmental conditions of an area, subject to other material considerations. Policy SLE3 specifically relates to proposals that support tourism growth, in particular those proposals that will increase visitor numbers to the District and increase overnight stays, which this proposal will achieve.
- 8.4. The proposal for the hotel also includes rooms that would be classed as ‘Aparthotel’ rooms. These are rooms that include small kitchenettes and living spaces enabling longer rental of rooms (for up to a month is considered appropriate in this instance). They are slightly larger rooms than the hotel rooms, but otherwise function much the same as the hotel rooms, accessed via a communal reception area and internal doors from a central corridor. Therefore, in this respect, they are still considered to fall within the C1 use class and thereby comply with the requirements of Policy Bicester 8.

Sustainable Location

- 8.5. The proposal for a hotel on the former RAF Bicester site is considered to be in 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 the surrounding areas (particularly in Banbury, Brackley and Silverstone), Bicester is ideally located to provide a hub for classic car businesses and enthusiasts. Therefore, a hotel in this part of the District and close to a sustainable settlement is considered to comply with Policy PSD1. It will ensure the long-term viability of the site and improve the economic, social and environmental conditions in the wider Bicester area.

Economic Benefits

- 8.6. The proposal will also bring many economic benefits to Bicester and the wider District. As set out in the applicant’s Planning Statement, the operational hotel is expected to create 180 full time equivalent jobs and in the region of £5m GVA annually. It is also anticipated to create 455 temporary jobs through the construction phase of the development and £19m GVA. This would add to the existing strength of Cherwell’s visitor economy which in 2016 was valued at £396m, 7,000 jobs supported by tourism and approximately 7 million trips to Cherwell. The overnight trips accounted for only 0.4million trips and yet their value was around £77m. Therefore, 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 to the area. It will also lead to other further opportunities for growth.
- 8.7. The proposal for a hotel also complies with saved policy T2 of the Cherwell Local Plan 1996 which allows for the provision of hotels within the built-up limits of a settlement.

Compliance with National Policy and Guidance

- 8.8. The proposal for a new hotel, in a sustainable location such as on the edge of Bicester is also considered to comply with the objectives of the NPPF and NPPG, in particular sections relating to sustainable development and building a strong, competitive economy. Para. 11 makes it clear that proposals that accord with an up to date development plan should be approved without delay. Para. 80 also stresses the importance that planning should create conditions in which businesses can invest, expand and adapt and in this sense this proposal will be enabling Bicester Heritage to grow and expand further contributing to the local and wider economy.

Compliance with Planning Brief

- 8.9. A Planning Brief was adopted by the Council in 2009 for the former RAF site in order to secure its long-term future. This was written at a time when much of the site was identified on the then English Heritage's Heritage at Risk Register and no owner had come forward for the site. It also pre-dates the Cherwell Local Plan and the NPPF both of which now represent a more up to date policy context. Therefore, the Planning Brief is now somewhat out of date and therefore holds limited weight. However, there is some useful information within the brief setting out the opportunities for the site and important constraints. It is considered that the proposal for a hotel which complies with the site's allocation in Policy Bicester 8 of the Local Plan generally conforms to the aspirations of the Planning Brief which was to preserve the site and secure its long-term viability.
- 8.10. Whilst Policy Bicester 8 requires development proposals to accord with the Bicester Masterplan, this document has only reached Consultation stage in 2012 and has not progressed further at this stage as it was overtaken by the Local Plan. Therefore, only very limited weight can be attributed to it. However, it is considered that this proposal, in according with other Local and National Planning policies, would be adhering to the wider aspirations of the Masterplan to encourage economic growth to the District and improvements to social and environmental factors.
- 8.11. The hotel proposal is not considered to impact on the continued use of the airfield as a gliding club which is set out in Policy Bicester 8 of the Local Plan and the Planning Brief that this use should be retained in order that aviation uses continue to be a feature of the site to retain links with the historic use of the site as a military airfield.

Conclusion

- 8.12. In conclusion, the principle of the erection of a hotel (and aparthotel) on this site is considered to be acceptable and complies with the Development Plan, the National Planning Policy Framework and other material planning considerations subject to the details and all other issues being acceptable as set out in the following sub-headings.

Siting, Orientation, Form, Scale and Massing

- 8.13. Policy ESD 15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high standards and should respect the historic environment including conservation areas and listed buildings. Policy Bicester 8 of the Cherwell Local Plan also makes it clear that development at this site is to be 'conservation-

led', therefore meaning that it is what is appropriate for the site in terms of heritage related issues that must be at the forefront at all times. Both of these policies are supported by the NPPF (sections on design and heritage) which states that good design is a key aspect of sustainable development to create better places (Para. 124). Decisions should ensure that (amongst other factors) developments are visually attractive; sympathetic to the local character and history and optimise the potential of the site (Para.127). Section 16 on the historic environment acknowledges that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (Para. 184).

- 8.14. They are also underpinned by the saved policies of the Cherwell Local Plan 1996, in particular policies C28 and C30 requiring all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.15. With the above policy context in mind, whilst the principle of a hotel on the site is supported, it is imperative that it is appropriately sited and designed to ensure that it fits in with the historical context of the site and respects the existing pattern of development. Scale-wise, the applicants were advised that the hotel should not be any larger in dimensions than that of the largest hangar on the site (a C-Type Hangar), however this was considered to give considerable scope for the design of a hotel.

Siting and Orientation of building

- 8.16. In terms of siting, the hotel was proposed to be in the area to the north of the existing technical site, in an area where there is an existing gap between the largest C-Type hangar and the Buckingham Road. This is a logical siting as it enables direct access to be gained from the Buckingham Road whilst also being able to provide a relationship to the airfield. The siting away from the central airfield also complies with the Planning Brief 2009, which states that any loss of the extent of the flying field, or incursion into it by built development would be wholly unacceptable and detrimental to its importance as an integral part of the conservation area.
- 8.17. Earlier iterations of the proposal sought a hotel on the same site as now proposed but to an orientation that saw its longest side parallel to Buckingham Road with its shorter side facing the A-Type hangar to the south. Officers felt that this orientation was at odds with the Trident form of development and that it turned its back on the existing technical site, rather than being designed to be an integral part of the site.
- 8.18. During the pre-application process, much discussion took place with the applicants regarding the appropriate orientation of the hotel on the site. Officers felt that an orientation with the long side parallel to the A-Type hangar would be most appropriate as this would continue the arc of the existing C-Type hangars, but the applicants felt this would not work as well in terms of the operational use of the hotel and accesses to the Hotel entrance and Aparthotel entrance and would also not maximise views of the airfield from hotel rooms. It was also considered necessary to ensure that views along the avenue from the site entrance, part of the Trident pattern of development, were not obscured by the hotel at the end.
- 8.19. Ultimately a compromise was agreed upon where the hotel was to be orientated with its short side parallel to the nearest C-Type hangar. This had the benefit in continuing the natural outer arc of the large hangars on the site, whilst also providing more space around the hotel and between the hotel and the A-Type hangar. It also enabled the hotel to maximise the outlook from the proposed hotel

rooms across the airfield and for the car parking area to be positioned to the west of the hotel minimising its impact from the airfield. The only minor negative was the need to slightly amend the alignment of the existing track on the airfield side of the hotel, but this was considered to be outweighed by the significantly improved relationship the amended orientation brings to the site and the public benefits of the hotel proposal in principle (see more under Heritage Assets).

Scale and Massing of building

- 8.20. The first designs of the form of the hotel incorporated projecting wings of 3 storeys to the north and south of the main 5 storey building. A subsequent design scaled this back to one projecting wing to the north which increased in height to 5 storeys to match that of the main building. Officers felt that the form of both of these designs did not emulate any of the existing development on the site, or respect the scale of the hangars, with the projecting wings appearing as an 'add-on' to obtain the additional floor space required rather than an integral part of the design. Officers felt that the form of the hotel should be kept to a simple rectangular plan form – to respect and not compete with the existing hangars.
- 8.21. The removal of the projecting wings led to discussion over the creation of a 'tower' at a corner of the building to reflect that of an airfield 'watch tower' and to provide the additional floor space required that the applicants were seeking. This could also be an opportunity to create a 'wow-factor' appearance to the hotel. The scale of the hotel was to not exceed the height of the hangars, but development at one or more corners could be higher as it would only be a small part of the overall massing. This design idea led to the creation of the 'curved corner' to the north (same height as the main building). This took inspiration from the curved nature of the perimeter track around the airfield, used now for the testing/driving of the classic cars at the site. This is considered to create a positive feature of the hotel, distinguishing it as different from the hangars and giving a more contemporary feature to the northern corner.
- 8.22. In making amendments to the design of the hotel (set out below), the height of the hotel has increased slightly so that it is now 400mm higher than the adjacent largest hangar. Whilst the height of the adjacent hangar had been set as a parameter, officers felt that the overall design response has been greatly improved to the extent that it is possible to support the slight increase, on the basis that this is a minor increase. Also, with the separation distance from the hangar and the element of perspective, it will in reality be hard to detect the slight height increase given the overall scale of the building.
- 8.23. It has been noted and raised by Launton Parish Council and Caversfield Parish Council, that there is to be a screen to obscure the plant and equipment to be located on top of the hotel. However, this will be set back from the front of the hotel and therefore only minimal views of this are likely. A condition will be imposed to ensure that details of the design of this screen are submitted for approval so that the visual impact is minimised.
- 8.24. Overall, the hotel has been scaled back and simplified from a sporadic form of development of varying scales and massings which did not draw reference from the existing site, to a simple rectangular form with a curved feature to its corner. The orientation now reflects that of the existing pattern of development at the site, continuing the natural arc of the largest hangars with a frontage to the airfield and now appears as an integral part of the development at the site.

Layout, Design and external appearance

- 8.25. Officers have consistently expressed the view that the design of the hotel in this location could be something quite bold, striking and contemporary, whilst still taking reference and design cues from the existing buildings on the site, in particular the hangars. It is acknowledged that this building is to be a hotel and therefore must look inviting and attractive and not like a hangar, but nevertheless there is considerable scope to design a building that clearly takes its inspiration from the existing 1930s technical site, the hangars and use of materials such as brick, concrete, slate, metal etc.

Design Evolution

- 8.26. With that in mind, the proposal has progressed significantly during the pre-application stage since 2016 and mostly notably this year. Earlier iterations of the proposed design and layout were not considered by officers to be bold enough for the site and there was no reference in the design and detailing as to the existing buildings and materials used at the site, for example brick.
- 8.27. The proposals presented in 2017 and early 2018 drew clear references from international interwar Modernism, such as Walter Gropius' 1925 Bauhaus in Dessau, Germany, amongst other influences. The hotel was designed to a very uniformed and regular appearance, to a highly modern design with the main colour being white to the external appearance. This was considered to be entirely at odds with the simple and less imposing architecture of the 1930s, including its use of colours and materials. Whilst officers were accepting of a contemporary design, the Modern Movement was not considered to be appropriate for this site as it bears no resemblance to its context. In this sense, officers are referring to the fact that during the interwar period there were very few examples of large Modernist buildings in Britain, and also, that airfield architecture tended to reflect the Air Ministry's preference for more traditional design, including neo-Georgian motifs and detailing. Whilst a contemporary design was encouraged, this also needed to sustain a design discourse with adjacent historic buildings.

Current Design

- 8.28. The proposals were therefore amended to those now formally submitted as part of this application, which represents a building of high quality design whilst respectful of its historic context. As set out above, the building was amended to a crisper but functional design with an understated elegance of many interwar airfield buildings. It now consists of a rectangular plan form to emulate the form and massing of the adjacent hangars. It is laid out with a glazed atrium that is off-set to the north-western half of the hotel. This will create a large reception and welcome area to the hotel, intended to create a 'wow-factor' design feature as the atrium will be a full height space up to the roof of the hotel, with internal rooms looking out over the atrium. The aparthotel entrance will be a scaled down version to the south-east with a glazed curtain wall at the ground floor level.
- 8.29. The hotel still retains a regular appearance due to its fenestration and the rhythm of horizontal banding and other design detailing, however on all elevations this is broken up by the use of other materials/design features. For example, on the east and north elevations, both of which incorporate a regular appearance of window openings, the curved feature will be evident on the northern corner across all floors of the building, together with a glazed curtain wall at ground floor level and the openable terraced area to the restaurant. On the main west elevation, the rhythm is broken up by the glazed atrium and also the use of sections of full height facing brickwork.

- 8.30. All elevations are varied and will use a mixture of brick, textured brickwork, light cladding, metal cladding and expanded metal mesh. The brickwork will be a red brick and is a reference to the use of brickwork in the existing technical site. The expanded metal mesh comes from the discovery that Bicester used to be a camouflage school of the RAF and hangars used to be covered with a netting. The idea is that the expanded metal mesh is positioned on top of the brickwork and then stops to expose the brickwork creating a transition between the two materials. This has the added benefit of toning down the colour palette from a solely brick structure and enables it to blend in with its surroundings much more appropriately, but at the same time creating a high-quality feature building within the site. To ensure that this works well, a condition will be imposed to require more detail of the blend between the brickwork and the expanded metal mesh as well as an architectural detailing condition.

Conclusion

- 8.31. Overall, the proposed design is now considered to fully respect existing buildings at the site and uses these as clear inspiration for the design of the hotel, which together with its use of more appropriate materials, will create a high quality contemporary development that still appears integral to the site.

Heritage Assets

- 8.32. The significance of this site relates to this being one of the best-preserved examples of an inter-war airfield, developed after the First World War at a time when technological advances in aircraft led to a need for different philosophies in military architecture and urban planning, led by Sir Hugh Trenchard (founder of the RAF).
- 8.33. The Conservation Area Appraisal describes the military base at RAF Bicester as *'the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield'*. It goes on to say *'The character of RAF Bicester is unified by its function as a military station. There were principles underpinning the planning of airfields in the first half of the 20th century and these are key determinants of the character that remains today'*. *English Heritage (now Historic England) also states that 'RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation.....With West Rainham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945....it also comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme'*.
- 8.34. The base was designated a conservation area in 2002, its primary architectural and social historic interest being its interwar design, layout and use. The nature of the site is defined by the historic landscape character of distinct zones; the domestic site (to the west of Buckingham Road), the technical site and the flying field (to the east of Buckingham Road). The layout of the site is built to a 'trident' pattern – with 3 arms branching out from a central axis creating avenues. The location of buildings was deliberately spacious so that if any buildings were ever bombed other buildings may be preserved. The conservation area designation acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the military landscape are preserved.
- 8.35. Within the technical site and the flying field most of the buildings are Grade II Listed, including the A-Type and C-Type hangars close to the proposed hotel.

There are several Scheduled Monuments which includes airfield defence structures such as trenches, a pillbox and an air raid shelter later thought to be an anti-aircraft gun position.

- 8.36. Scheduled Ancient Monuments are designated within the context of the Ancient Monuments and Archaeological Areas Act 1979 (AMAA 1979). This designation affords a higher degree of protection than Listing, and decisions about proposed development potentially affecting them are assessed by Historic England.
- 8.37. To date, Bicester Heritage as current owners of the site have so far focused on renovating and refurbishing the existing buildings at the site to a very high standard and bringing them back into viable use (mainly commercial with some office provision). In order to allow for the growth of the site and maintenance of other buildings, inevitably new development now needs to be considered.
- 8.38. It is in recognition of the significance of the site in the national context that Policy Bicester 8 of the Cherwell Local Plan requires a 'conservation-led' approach to the development to be taken. Policy ESD15 of the Local Plan also requires developments to conserve, sustain and enhance designated and non-designated heritage assets and their settings.
- 8.39. In respect of this proposal the application needs to consider the impact of the development on the character and appearance of the conservation area, the setting of the conservation area, the setting of the listed buildings and the setting of the scheduled monuments.
- 8.40. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid in the exercising of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise, Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.41. Paragraph 192 of the NPPF advises: *'In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability;*
 - *and the desirability of new development making a positive contribution to local character and distinctiveness*
- 8.42. Paragraph 193 goes on to advise: *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*
- 8.43. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest

significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Impact on the Conservation Area and its Setting

- 8.44. The proposed location for the hotel would be situated on the edge of the technical site to the north of the existing buildings, adjacent to the flying field and the nearest two listed hangars (A-Type and C-Type). This would be in a prominent location in the conservation area, visible from the airfield and from outside the site. In order for its impact on the character and appearance of the conservation area and its setting to be minimised the hotel has been designed with clear massing and elevational references from the C-Type hangars in mind to ensure that the hotel does not compete with the scale and massing of the hangars and sits comfortably within its setting.
- 8.45. The orientation (as previously discussed above) has been aligned to match that of the adjacent C-Type hangar so that the longest side fronts the airfield and the short side is parallel to the short side of the hangar. Whilst this was not the preferred orientation for the hotel for officers, it represents a compromise solution that still obtains the same objective, which is to respect the historical pattern of the development. By being positioned in this way, next to the largest hangar, the hotel will continue the built form of development in a natural arc around the periphery of the technical site which is considered to sustain the character and appearance of the conservation area and its setting.
- 8.46. In considering the orientation and position of the hotel, consideration was given to the Trident form of development at the site, in particular, the views along the avenue within the site (parallel to Buckingham Road) from the site entrance. These avenues are important to the character and appearance of the conservation area as they maintain the sense of space and tranquillity at the site. It was therefore considered important not to obstruct the openness of the views and ensure that the hotel was kept behind the line of the avenue.
- 8.47. Another important axis to consider in the orientation and position of the hotel was the views from the watch tower. Historically, the watch or control tower would have had a 360^o view of the flying field, hanger hard standings, perimeter tracks, and taxiways. A key factor was to maintain control over aircraft take-offs and landings, so as to avoid accidents. Bicester's example was built during the late 1930s. Therefore, in order to preserve the historic integrity of the site, it was important to ensure that views across the airfield from the watch tower were not interrupted by the hotel.
- 8.48. Whilst a contemporary new hotel on the site will be visible from Buckingham Road to an extent (softened by landscaping as explained later in this report), as set out in the above sub-heading its high-quality design, detailing and use of materials will ensure that the setting of the conservation area, when viewed from outside the site, can be preserved.

Impact on the setting of the listed buildings and other non-designated heritage assets

- 8.49. The nearest listed buildings are the two hangars as well as several other smaller buildings positioned behind the hangars. There are also a number of smaller buildings close to the site that are not listed although would be considered to be 'non-designated heritage assets' due to the positive contribution that they provide to the conservation area as a whole. Most of these are obscured from the hotel by

the hangers however small glimpses of the listed buildings will be evident from the existing technical site.

- 8.50. An assessment of the various buildings potentially affected by the proposal and their settings have been assessed within the Council's heritage advice with the conclusion that the separation distances from the hotel and the improved design of the hotel will go a significant way to minimising the impact of the proposal on the setting of these listed buildings and non-designated heritage assets.
- 8.51. The curved feature is purposely positioned to the northern corner in order to maximise the views across the airfield, however this contemporary addition to the hotel is positioned furthest away from the listed buildings so that it will not cause direct harm to the immediate setting of the listed buildings.
- 8.52. The scale of the hotel was an important factor for officers to ensure that it did not significantly exceed the height of the adjacent hangars. The revised proposal is slightly higher than the neighbouring hangar by c.400mm, however this is not considered to be substantial in its context. The hotel will be sited approximately 50m from the adjacent C-Type hangar and from this perspective, it is not considered that the slight height increase will be noticeable from the wider area and will not adversely impact on the setting of the listed hanger.
- 8.53. The proposal is now utilising materials that are more in keeping with the site (brick, cladding, metal mesh etc.) and the overall colour palette is now much more akin to the existing technical site, therefore the overall design and appearance of the hotel is considered to blend with the existing technical site much better, which will enable the setting of the listed buildings and the character and appearance of the conservation area to be maintained.

Setting of Scheduled Monuments

- 8.54. The agreed orientation has resulted in the need to slightly amend the alignment of the concrete track by straightening it out in front of the north elevation of the hotel. However, this has meant that the track now terminates at a small roundabout, in the middle of which will be a retained wartime concrete pillbox (scheduled monument). It is therefore considered that whilst the realignment of the track slightly alters the historic track alignment, this is a subservient section of the track (not the main perimeter track around the flying field's perimeter) and also allows for the enhancement of the Scheduled Monument at the end of the new section of track and within a small roundabout. The Scheduled Monument will therefore become a feature in this area and given more prominence. A condition will be imposed to ensure that further details are submitted to ensure the setting of this Scheduled Monument within the new track is preserved (i.e. appropriate surfacing materials).
- 8.55. There is a Scheduled Monument (an air raid shelter and anti-aircraft gun position) to the western boundary of the site which is to be retained. However, the landscaping proposals show this to potentially be obscured by a proposed native hedge which would impact on its setting. This is an opportunity for better revealing the significance of this Scheduled Monument in a similar way to the one to be retained in the new track roundabout to the north-eastern corner of the hotel. Therefore, it is considered reasonable to impose a planning condition for details of the boundary to this Scheduled Monument to be submitted to ensure that it is brought into the development and not obscured.
- 8.56. It should be noted that no works are proposed to the Scheduled Monuments as part of this application.

Archaeology

- 8.57. In respect of archaeology at the site, OCC has confirmed that there are no archaeological constraints to the development and therefore no conditions are required in this respect.

Conclusion

- 8.58. The NPPF states at paragraph 197 that a balanced planning judgement will be required by the planning authority having regard to the scale of any harm or loss and the significance of the heritage assets.
- 8.59. In conclusion, and taking into account the advice in the NPPF, the proposal is considered to cause less than substantial harm to the heritage assets at the site. It cannot be concluded that there is no harm as the erection of a large, modern, new development in such close proximity to the existing technical site will undoubtedly cause a degree of harm. However, officers conclude, that due to the significant improvements that have been made to the design and its careful siting and orientation that the harm caused can be considered to be less than substantial in this case. The mitigation measures that have been put in place are considered to ensure that the significance of the site can still be appreciated and that the historical integrity, character and special interest of the site will not be compromised.
- 8.60. Under paragraph 196 of the NPPF, the authority must consider...'*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'. It is considered that the development of a hotel at RAF Bicester provides substantial public benefit in terms of supporting and securing an optimum use for the wider site, which is financially viable and will ensure the longer-term conservation of the heritage assets on the site.

Highway safety

- 8.61. At the time of writing this committee report, negotiations are still ongoing with highways in relation to some specific matters as they have objected to the application. Their objections relate to:
1. an amendment is required to the site access to accommodate coaches as currently the swept paths at the site entrance for coaches overhang the central island and would hit the bollards and;
 2. clarification that the mitigation measures proposed in the Transport Assessment (TA) relating to the 3 roundabouts on the outer ring road can be carried out in the highway boundary and without detriment to existing pedestrian and cycle infrastructure.
- 8.62. Having discussed these matters with the Highways Officer and the applicant, amended plans have now been submitted to resolve these objections and re-consultation with OCC Highways is being undertaken. It is anticipated that a response will be received from OCC Highways prior to the committee and can be reported in the written updates, or otherwise delegated authority will be requested to officers to resolve any matters still outstanding at that time. There are also some other highways issues that need to be resolved, but these did not constitute objections from Highways. One of the matters still being negotiated relates to a

couple of the planning obligations requested by OCC Highways (this will be explained later in this report under the sub-heading Planning Obligations).

- 8.63. The proposals include a variety of measures in order to provide mitigation for the development to ensure that it is acceptable in terms of highway safety and provides the appropriate level of connections (public transport, pedestrian, cycling) to improve the access to the site by other more sustainable modes of transport. These measures are set out in the following sub-sections for clarity.

Traffic Impact

- 8.64. The application proposes the creation of a new access onto the Buckingham Road to directly serve the new hotel development. Appendix E of the Transport Assessment shows how this is to be laid out. It will consist of a right-hand filter lane into the site and then left-only egress from the site with a junction island to discourage right-hand egress. The design of this is considered to be acceptable to Highways except that it required a slight amendment to cater for coaches entering the site as the swept path analysis plans in the TA show overhanging of the island (first reason for objection set out above, amended plans now submitted). Visibility splays can also be achieved from this access and detailed designs will be established at S278 stage.
- 8.65. The TA has not considered the cumulative impact of the proposal together with the pending application for the new technical site reference 18/01333/F. The TA for this application shows a traffic generation of 182 trips in the AM and 149 trips in the PM which equals 331 two-way trips. However, the TA shows that the junctions on the outer ring road (the 3 nearest roundabouts) are over capacity in the forecast years and so mitigation has been proposed in order to account for these extra trips. The mitigation is set out in Appendix K of the TA and shows widening and elongating of lanes at the nearest 3 roundabouts, however Highways required confirmation that these works can all be carried out in the highway as at present the plans suggest some encroachment onto private land or a detrimental impact on the pedestrian/cycle infrastructure. This is the second reason for objection from highways, but the applicant has submitted amended plans to address this issue.

Car Parking

- 8.66. The amount of car parking proposed is 311 spaces (for staff and guests) of which 30 will be dedicated as disabled spaces, 10 as EV charging spaces, 26 for feature display car parking (including 2 disabled) immediately outside the hotel with 4 spaces to be provided directly outside the aparthotel. The level of car parking is considered to be acceptable to highways as it is considered that hotels rarely operate at above 80% occupancy due to the turnover of rooms and also multiple guests may also arrive using a single car. The level of car parking provided equates to 90.4% (car parking spaces to rooms) which allows for 69 spaces to be used for staff car parking. However, if parking demand were ever to exceed the number provided there is considered to be further space within the site.
- 8.67. A Car Park Management Plan should be included within the Travel Plan to set out how the car parking will be properly managed between staff and guests. This will be subject to a planning condition.

Public Transport

- 8.68. Despite the TA setting out that 73% of people in Bicester travel to work by car, the Highways Officer considers this is not likely to be reflective of staff working at the hotel on lower-paid work, part time and shift work of which a larger proportion are

less likely to own their own car and will therefore require access to the site by other sustainable means. As such the provision of bus stops should be required near the proposed road access which would be 400m north of the existing Caversfield turn bus stops. As part of the pedestrian requirements (set out below), these bus stops could be provided along with the required informal tactile crossing and refuge island at the site access.

- 8.69. At the time of writing the committee report, the justification for these bus stops is being discussed further between the applicant and Highways and it is anticipated that a resolution on this issue can be reported to planning committee.

Pedestrian accessibility

- 8.70. A Toucan pedestrian crossing is proposed around 230m to the south of the proposed access and there will be a 3m wide footway (to operate as a shared footway/cycleway) to the south of the proposed access on the eastern side of Buckingham Road, to connect to the location of the proposed pedestrian crossing.
- 8.71. Highways are requesting the applicant to also provide an informal tactile crossing and pedestrian refuge island within the hatched area for the right-turn lane to provide access to the western side of Buckingham Road from the application site. However, this is another matter that is currently being negotiated with the applicant and an update on this matter is anticipated will be able to be reported to planning committee.

Cycling provision

- 8.72. The level of cycle parking provision (24 spaces) provided is considered to be acceptable and meets the County Council's minimum standards. The proposal includes shower, changing and locker facilities for staff cycling to the site. A condition will be imposed to ensure the cycle provision is secure and covered.

Servicing and Deliveries

- 8.73. Servicing and deliveries are to be undertaken internally towards the rear of the building away from the parking and entrance areas which is considered to be appropriate. It is not considered to be necessary to impose a condition in respect of the hours of deliveries to the site as any activity associated with this would be a considerable distance from any existing residential properties and in any event the amenities of the residents of the hotel itself would be a factor in considering when it is appropriate for deliveries to take place. Therefore, it is considered that this can be controlled via the applicant.

Travel Plan

- 8.74. The Travel Plan currently submitted with the application requires several changes to be made to it however these can be dealt with by the imposition of a planning condition.

Response to Residents' and Parish Council's concerns:

- 8.75. Of the local objections received, many of these relate to concerns regarding highway matters. However, it is considered that with the provision of the mitigation measures set out above, the proposal is not considered to cause detriment to highway safety. Comments are also noted from the Parish Councils, in respect of providing pedestrian access to the north of the application site to connect up to the junction with Stratton Audley. However, as set out by the Highways Officer, the

justification for a footpath to the north of the application is not considered to be reasonable at the current time as there will be limited demand for movements to the north generated by users of the hotel. It would not therefore be considered justified in the context of the NPPF and the CIL Regulation 122 tests at this time but if there is any further development at the Bicester 8 site allocation then this infrastructure may be requested.

- 8.76. Overall, it is considered that the proposals will, subject to re-assessment of the amended plans now submitted by Highways, be sufficient to make the development acceptable and provide the required level of mitigation, together with the planning obligations (set out later in this report).

Landscape and visual amenity

- 8.77. Policy ESD 13 of the CLP Part 1 states that: *'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows'*.
- 8.78. The proposal for a five-storey hotel on this site needs careful assessment in terms of its potential impact on the landscape and visual amenity of the area due to its scale. The impact of the hotel on the landscape needs to consider views into the site from the surrounding local area, in particular Buckingham Road; views of the hotel from within the site – including the internal avenues and across the airfield and longer distance views of the proposal from beyond the immediate local areas (from local villages etc.). Mitigation can be in the form of its design and siting together with utilising the existing landscaping and proposing new landscaping in order to ensure that the hotel blends into its environment.
- 8.79. The application has been submitted with a Landscape Character and Visual Impact Assessment (LVIA) report and a proposed landscaping plan to support the proposals, both of which have been assessed by the Council's Landscape Architect together with the Arboricultural report submitted with the application. The LVIA has been considered as a generally comprehensive and proportionate document.
- 8.80. In terms of the design and siting of the development, due to the amendments which have been made to the proposal including the reduction in the spread of the form of the hotel resulting in a more compact built form, the use of brick and dark colour tones and its siting adjacent to the C-Type hangar, thereby at an angle to Buckingham Road, it is considered that considerable work has already been done to ensure that the hotel itself blends seamlessly within the landscape. Additional mitigation can be provided by the use of existing and new vegetation proposals as set out below:

Views from Buckingham Road

- 8.81. The Arboricultural report sets out that the 'robust edge' of existing mature landscaping, intended to provide mitigation for the western boundary of the site, indicates that a number of dead elm will need to be removed and so these will need to be replaced by unevenly spaced native trees in order that the robust edge can achieve its full height and spread to mitigate the potential visual harm. There will be some loss of the existing landscape fabric in order to provide the development access gap of 17m, but this will be supplemented with new native planting.

- 8.82. Visibility splays required for highways have not been noted on the plans but may require the loss of existing structural vegetation and therefore greater visual exposure of the development. This can be controlled via a tree removal plan condition.
- 8.83. Strategic planting is proposed adjacent to the car park and north-western side of the hotel in order to provide mitigation over time from views along Buckingham Road. These are positioned in uniform rows at an angle to the road and placed perpendicular and parallel to the hotel. These rows of trees have been placed relative to each other in order to increase the screening effect but without creating large scale planting features that would be out of character with the open airfield character. This is considered to be an appropriate and proportionate response to the landscape mitigation in this area and will provide additional landscape screening to supplement the existing landscaping on the western boundary. However, in order for this screening to be effective, as stated by the Council's Landscape Architect, it needs to be provided with evergreen species for year-round visual cover.

Views from within the site

- 8.84. Views of the proposal from within the technical site will be minimal at ground level due to the siting of the hotel. An important vista of the historical trident form of development at the site is the views along the avenues so the hotel has been specifically sited so as to ensure that it cannot be seen along the avenue that runs parallel to the Buckingham Road. The car parking area will be visible, but this will be softened by the use of low level shrub planting and some areas of earth mounding. A condition will be imposed to request cross sectional details of the earth mounding to ensure that this is proportionate to the car parking areas.
- 8.85. Glimpses of views of the hotel will be visible between the two neighbouring hangers but there are already a significant number of existing trees in this area that will naturally screen the hotel to a considerable degree. The carefully considered improvements that have been made to the form, design and external appearance of the hotel will also enable the hotel to blend in well with its immediate environment.
- 8.86. Views from the watch tower and across the airfield will be uninterrupted by existing or proposed landscaping which is necessary in order to safeguard the historical integrity of the site. The impact on the landscape and visual amenity of the area rests on the careful design of the hotel as set out previously in this report which is considered to be acceptable.

Longer range views towards the site

- 8.87. As set out in the LVIA, the magnitude of change in the landscape would diminish with distance and the intervening screening features. There are considerable field hedges at a lower level with fragments of woodland strips and taller vegetation that has the effect of screening out views towards the airfield. Therefore, it is considered that the impact of the hotel on longer range views are considered to be acceptable.

Ecology

- 8.88. The application site is located in an area designated as a Local Wildlife Site (LWS) which is of county importance due to the presence of Habitats of Principal Importance including Open Mosaic Habitat on Previously Developed Land and Lowland Calcareous Grassland. The application has been submitted with an

Ecological Assessment to support the proposals and has been assessed by the Council's Ecologist.

- 8.89. Policy Bicester 8 of the CLP Part 1 which allocates the site for development purposes, requires the biodiversity of the site to be protected and enhanced and habitats and species surveys (including Great Crested Newt Survey) should be undertaken. Policy ESD10 of the CLP Part 1 also requires due regard to be given to biodiversity and the natural environment and these policies are both supported by national policy in the NPPF. Also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place.
- 8.90. The Council's Ecologist has advised, in assessing the submitted report, that the area of the part of the LWS that is within the application site does not meet the LWS criteria for designation and is not of sufficient quality to be considered as a Habitat of Principal Importance due to the majority of the grassland being close mown, disturbed by car parking and grounds management resulting in a low species richness. It suggests that the interest for which the LWS was designated is in other parts of the Bicester Airfield LWS. It is also noted that this area of grassland in the application site is only likely to decline in quality further in the absence of development.

Grassland

- 8.91. The loss of this grassland habitat is mitigated with the creation of species rich calcareous grassland in the areas surrounding the development – the retained grassland to the west of the site, areas of grassland around the proposed car parking and on the proposed earth mounds. There is a strip of unmown species rich grassland along the western boundary hedge that is considered likely to qualify as Lowland Meadow Habitat of Principal Importance which is proposed to be retained as part of the proposals except for the area of the proposed entrance (mitigated by the proposed new grassland areas). This area of unmown grassland should be protected with appropriate fencing whilst the construction takes place.

Bats

- 8.92. In terms of other species, there are no trees or buildings with potential to support roosting bats within the application site, with the western boundary offering some limited potential for foraging and commuting bats which will be retained as part of the proposals. New tree and shrub planting and hedgerow bolstering will enhance foraging resources for bats and the provision of bat boxes on suitable trees within the application site will provide new roosting opportunities. Any lighting scheme will need to consider the needs of bats utilising hoods and cowls to direct lighting away from the newly created habitats.

Reptiles

- 8.93. In terms of reptiles, other than a small strip of grassland along the western boundary of the site, the vast majority of the site is managed as short mown grassland and as such offers no potential opportunities for this group. As the proposals would have the potential to directly impact upon reptiles during the site clearance and construction operations, it is considered that an appropriate clearance methodology involving habitat manipulation, encouraging reptiles to move into suitable habitats in the wider area will ensure that no reptiles are killed or injured during construction works. Enhancements will be provided through the retention and creation of areas of long species rich grassland.

Birds

- 8.94. In respect of birds, there are some opportunities for nesting birds in the form of a single hedgerow along the application sites western boundary. A single breeding bird survey recorded the presence of a limited range of common and widespread species utilising this hedgerow therefore the site is considered of no particular significance in this respect. All species of birds are afforded general protection whilst nesting and so it is recommended site clearance of hedgerows is undertaken outside of the breeding season or under the supervision of an ecologist to check for breeding birds prior to vegetation removal. The proposals will provide a significant increase in nesting opportunities for birds in the form of tree and shrub planting and hedgerow bolstering with the enhanced grasslands providing enhanced opportunities for ground nesting birds.

Great Crested Newts

- 8.95. In respect of Great Crested Newts, Policy Bicester 8 of the CLP specifically refers to the need for surveys, however the Ecology survey assesses that the application does not provide a suitable habitat for Great Crested Newts as there are no waterbodies within the site or within 500m of the site that are not separated by major barriers to migration. As such the application site is not likely to support this species or any other range of amphibian species.

Conclusion

- 8.96. The proposals are therefore considered to be acceptable in terms of ecology at the site subject to the imposition of appropriate conditions as set out by the Council's Ecologist and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Trees and landscaping

- 8.97. The Arboricultural Report submitted with the application is dated August 2016, before the designs of the hotel were finalised. However, the Arboricultural Officer does not anticipate the removal of many trees to facilitate the development. The only area where existing trees will be affected is the western boundary in order to create the new access. As already set out above under the Landscaping and Visual Impact sub-heading, mitigation will be provided for any trees removed at the new site entrance by replacement tree planting within the development. As recommended by the Arboricultural Officer (and Landscape Architect), conditions will be imposed regarding tree removal, tree protection, replacement planting and an Arboricultural method statement.
- 8.98. In addition to the landscaping proposed in order to aid the screening of the development to minimise its visual impact on the landscape, and the new areas of calcareous grassland, other landscaping is proposed throughout the development. This consists of providing a tree lined entrance to the site which will mimic the tree lined avenues within the existing technical site, low level shrub planting in the car park areas, new trees to the south of the hotel and ornamental trees to the display car park area. There will also be a new native hedge along the western boundary of the main car park and some mounding areas to reduce the visual impact of the car park when viewed from the airfield. More detail will be requested by planning condition in terms of the precise number and types of species to be proposed.
- 8.99. In terms of hard landscaping, the proposals set out a mixture of feature paving, paving, porous paving (car parking areas), vegetated porous paving and porous

road surfacing. However, further details of these materials will be required in order to ensure that the details are appropriate for the development, but these can be required by condition.

Residential amenity

- 8.100. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have a *high standard of amenity for all existing and future users*. This is reflected in Policy ESD 15 of the CLP Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space*.
- 8.101. The nearest residential dwellings are located on the western side of Buckingham Road in Turnpike Road, approximately 58m from the nearest edge of the application site boundary and a further 60m from the nearest corner of the proposed hotel. These residents in Turnpike Road are separated from the application site by the Buckingham Road and also a strip of landscape screening approximately 25m deep. It is therefore considered that they are positioned a sufficient distance away from the development so that it will not cause any detriment to their residential amenity by reason of overlooking or loss of light.
- 8.102. Residents living further north of Turnpike Road (Thompson Drive and its side roads) will be around 20m from the northern point of the application site boundary (nearest property) and in excess of 140m from the nearest part of the hotel which is also considered to be a sufficient distance in order to protect their amenities.
- 8.103. Understandably, residents are concerned about potential issues of light pollution, noise and dust (highways concerns are already addressed in the highways section of this report) however these matters, due to the distance and existing screening to Buckingham Road, are not considered likely to cause any significant detriment. Whilst a lighting scheme has not been formulated yet, this will be a condition of the planning approval and it will be imperative to ensure that the lighting is kept to a minimum, not only from a residential amenity perspective, but from a visual impact perspective and also to ensure that the lighting is proportionate and in keeping with the heritage site.
- 8.104. In respect of noise and dust, a Construction Transport Management Plan will be required to be submitted by condition which will set out conditions that the development will need to meet during the construction phase in order to mitigate the impacts of noise and dust (amongst other matters). It is not considered that the development, being primarily a hotel, will cause significant noise and disturbance to the area although some noise conditions will be imposed in respect of the plant and equipment at the site. A hotel will undoubtedly create more activity to this part of the site than there is at present, but this is not considered will be to a detrimental level.
- 8.105. In this respect, the proposal therefore accords with Government guidance contained within the NPPF and Policy ESD 15 of the CLP Part 1 that requires appropriate standards of amenity and privacy.

Flood risk and Drainage

- 8.106. The application site is located within Flood Zone 1 (low risk) of flooding from fluvial, tidal or groundwater. However, Policy Bicester 8 requires development proposals to consider the Council's Strategic Flood Risk Assessment and as the proposal is a major development, the application has been supported by a Flood Risk

Assessment. A Drainage Strategy and Water Quality Management Report has also been submitted with the application. These reports have been assessed by the Environment Agency, Thames Water and OCC Drainage (Lead Local Flood Authority) as necessary.

- 8.107. The FRA confirms that flooding is low risk, the main risk being from surface water flooding and infrastructure failure, although the surface water risk is largely constrained to the employment site (pending consideration under 18/01333/F). However, an industry standard recommends setting finished floor levels 150mm above ground level to offer a level of protection. A condition will be imposed in any case to require finished floor levels to be submitted (on grounds of visual impact) and so this will also be able to ensure the finished floor levels also meet the minimum level required in the FRA. It should also be noted that the Environment Agency have not objected to the application or raised any issue or suggested any conditions in respect of flooding at the site.
- 8.108. In addition, sustainable urban drainage systems (SUDs) are proposed to deal with surface water drainage at the site. These consist of permeable paving, swale and an underground geo-cellular soakaway. However, infiltration testing has not been carried out at the site and will therefore be required to inform the detailed design. It is also not clear from the application who will be responsible for the maintenance of the SUDs and therefore a SUDs Management and Maintenance Plan will also be required to be submitted.
- 8.109. In terms of water, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development. They therefore recommend conditions regarding water network upgrades and an Infrastructure Phasing Plan to be agreed with them prior to occupation.
- 8.110. In terms of waste water, this is not intended to be discharged into the public sewer and therefore Thames Water has no objections but recommends a condition regarding the emptying of swimming pools.
- 8.111. In respect of foul water, the application form states that it would be the intention to connect to the mains sewer, however Thames Water considers there to be an inability of the existing foul water network infrastructure to accommodate the needs of the development. They therefore request a condition to be imposed for an Infrastructure Phasing Plan to be submitted and agreed with them prior to occupation of the development.

Contamination

- 8.112. The proposals have been submitted with a Phase 1 Land Contamination and Ground Condition report which concludes that the application site is of low risk from contaminants and unlikely that ground conditions or potential pollutant sources would have any significant impact on the condition of the land or the receptors identified, including people.
- 8.113. Notwithstanding the above, the Environment Agency consider that for the proposals to comply with the NPPF, conditions should be imposed in respect of contamination, including a preliminary risk assessment, site investigation, remediation strategy and verification plan and report. A further condition regarding unexpected contamination should also be imposed and this is also recommended by the Council's Environmental Health Officer.

Energy efficiency

- 8.114. Policies ESD1-5 of the CLP Part 1 require development proposals to mitigation the impacts of climate change by providing a reduction in carbon emissions through sustainable construction by using decentralised energy systems and renewable energy.
- 8.115. The Energy Statement submitted with the application proposes the use of a combination of passive, active and green measures to improve energy efficiency and reduce carbon emissions.
- 8.116. The passive measures propose a reduction in space heating demand, exposed high thermal mass building elements and the provision of adequate daylight. Active measures propose heating and ventilation with variable speeds, efficient ventilation, space heating, high heat recovery system, an LED lighting strategy and cooling systems. Green measures propose the implementation of a Combined Heat Pump. Overall, the combination of passive and active measures is expected to result in a 19% improvement in energy demand, while the cumulative CO2 savings will reach 20%.
- 8.117. The Council's Bicester Delivery Team has reviewed the Energy Statement and considers the proposals do not currently meet the policy requirements as there is *"...no commitment to implement these measures. It is also unclear why air source heat pumps are not considered further when they have been shown to be a feasible renewable energy option. The decision not to consider solar PV and solar thermal panels further due to the proximity of an airfield is to be questioned as there are a number of international airports around the world which have solar farms situated adjacent to them."* They go on to state that there is no detail as to how the following has been considered within the proposals, in relation to energy efficiency:
- Siting, orientation, and aspect;
 - How the impact on the external environment will be reduced through the provision of cooling and shading opportunities, use of open space, and planting;
 - How the sustainable and local sourcing of construction materials has been considered;
 - How the use of the embodied energy within buildings and re-using of materials has been considered;
 - How recycled materials may be used in construction;
 - How BREEAM Very Good is to be achieved.
- 8.118. The applicants have therefore been asked to provide further detail and submit a revised Energy Statement. It is hoped that this can be resolved prior to planning committee, but if this cannot be resolved in time then officers will request delegated authority from Members to resolve this issue or consider whether this can be controlled through the imposition of a planning condition.
- 8.119. It should be noted that, whilst it is clearly important to ensure compliance with Policies ESD1-5, the energy proposals need to be balanced against the heritage context of the development to ensure that all proposals are appropriate to its surroundings and will not adversely impact on the heritage assets and this will be a matter that Officers will ensure is confirmed through a revised Energy Statement.

Planning Obligations

- 8.120. As set out in the Highways section, OCC Highways have requested the applicant to contribute the following S106 contributions as a result of the development:

- Strategic transport contribution (£607,103) (still to be agreed)
- Public transport infrastructure – 2 x bus stops (£2,180) (still to be agreed)
- Traffic Regulation Order (£5,200)
- Travel Plan Monitoring (£2,040)
- An obligation to enter into a S278 agreement
- S106 monitoring fees

8.121. A contribution towards Strategic Transport is required in accordance with the Local Transport Plan 4 Bicester Area Strategy Policy BIC 1 scheme which requires upgrading of the A4421 to a dual carriageway between Buckingham Road and Gavray Drive and the contribution would be used towards the Eastern Perimeter Route, Skimmingdish Lane section. Currently the contribution required has been based on another site at Wretchwick Green (a mixed use site) and a formula calculated using the number of trips likely to be generated from that development compared to this proposal. This amount is still being negotiated and therefore not agreed.

8.122. The provision of 2 bus stops is considered necessary due to the potential for a significant number of staff at the hotel to require access to the site by other sustainable means and to improve connections to the site. There are however already two bus stops near the main entrance to the Bicester Heritage site and it is understood that the new bus stops would be around 400m from the existing bus stops. This is still being negotiated and therefore not agreed.

8.123. In respect of the other S106 obligations requested, the changes to the Traffic Regulation Order are considered necessary in order to make the development acceptable in terms of highway safety by reducing the speed limit on Buckingham Road and providing signage regarding a left egress only from the new access to the development. A contribution is also required towards the monitoring of the Travel Plan biennial over a period of 5 years to ensure that it remains up to date. S106 monitoring fees would also be required.

8.124. OCC considers all these of these contributions are required in order to make the development acceptable in planning terms and that they are all justified and compliant with CIL Regulation 122. At the time of writing the committee report, these contributions have not all been agreed to by the applicant and it is understood that the applicant is currently liaising with OCC about these Heads of Terms, in particular, the Strategic Transport contribution and the provision of bus stops. It is hoped that an update on these discussions will be able to be provided to Members at the Committee.

8.125. The Bicester Delivery Team have also requested that the applicant provide for a level of construction apprenticeships as part of the development to be secured by S106 clauses. However, Officers are looking into whether this can be adequately secured via a planning condition rather than the S106.

9. PLANNING BALANCE AND CONCLUSION

9.1. The application proposes the erection of a new 5 storey hotel on the Bicester Heritage site, a nationally significant airfield dating from the inter-war period. Whilst the Council has considered through the Planning Brief 2009 and the Cherwell Local Plan Policy Bicester 8 that there is scope for new development at the site, and in particular a new hotel, it has been critical to ensure that this development is 'conservation-led'.

9.2. The amended submission is considered to meet this objective by proposing a new hotel of high-quality design whilst respectful of its historic context. By creating a

crisper but functional designed building with an understated elegance of many interwar airfield buildings, it fits in with the existing pattern of development at this important site and is reflective of the buildings on the site, in particular the hangars, in terms of its form and massing and use of materials. Whilst it is acknowledged that the proposal is considered to cause less than substantial harm to the heritage assets at the site, this is considered to be outweighed by the public benefits derived from the proposal in terms of finding an economically viable use for this part of the site and providing many economic benefits to Bicester and the District.

- 9.3. The proposal is not considered to cause harm to highway safety due to the mitigation measures provided, subject to agreement in respect to the requested planning obligations. Mitigation measures are proposed in relation to landscaping and visual Impact, trees, ecology, flood risk and drainage together with the imposition of conditions relating to various matters and also contamination and energy efficiency. The proposals are not considered to cause any detriment to the amenities of neighbouring residents.
- 9.4. The proposal is therefore considered to comply with the relevant policies of the Development Plan set out in the report, specifically Policy Bicester 8 and the National Planning Policy Framework.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. continuing negotiations in respect of the highways infrastructure, in particular the strategic transport contribution and the provision of bus stops;
2. in the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation
3. to receive and review an amended energy statement either prior to determination or via a planning condition
4. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
5. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set out below;
 - Strategic Transport Contribution in connection with Policy BIC 1 of the Local Transport Plan 4 in respect of the dualling of the eastern perimeter route and Skimmingdish Lane section (amount to be agreed);
 - £2,180 for Public Transport Infrastructure – for 2 x bus stop flags and case units (to be agreed);
 - £5,200 for an amendment to the Traffic Regulation Order for a reduction in the speed limit on Buckingham Road and a mandatory left-turn egress from the hotel entrance;
 - £2,040 for Travel Plan monitoring
 - An obligation to enter into a S278 agreement with Highways
 - S106 Monitoring fees

Conditions:

General

1. Time limit – 3 years
2. Approved plans
3. Restriction of let of aparthotel rooms to a maximum of 1 month

Design

4. *Finish floor levels (on grounds of visual impact and surface water flooding mitigation)
5. *Schedule of materials (including samples)
6. *Architectural detailing
7. *Further details of the expanded wire mesh cladding
8. Details as to how the Scheduled Monument on the western boundary will be better revealed and its boundary treatment and also how the northern Scheduled Monument will be preserved within the newly created area of track
9. Boundary treatment (if required) details to be submitted
10. Details of the design of the roof screen to the plant and equipment area on the roof
11. Lighting strategy which also must take into account the recommendations in the ecology assessment and to minimise light pollution
12. Signage strategy

Trees and Landscaping

13. Landscaping scheme – hard and soft details – evergreen species, tree pit detailing
14. Landscape Management and Maintenance Plan
15. *Tree removal plan
16. *Tree protection plan
17. *Grassland protection plan
18. *Arboricultural method statement
19. Replacement planting
20. Earth mounding – cross sections

Highways:

21. *Construction Travel Management Plan (CTMP)
22. Cycle parking – secure and covered
23. Parking and manoeuvring details
24. *New access details
25. Amendments to Travel Plan – including Car Parking Management Plan
26. *Details of the realignment and surfacing of the existing track

Drainage

27. *Surface Water Drainage Strategy and SUDs management and maintenance
28. Waste water – relating to the emptying of the swimming pool
29. Foul water to address capacity issue – Infrastructure Phasing Plan
30. Water network upgrades or Infrastructure Phasing Plan – for water

Contamination

31. *Contamination – including a preliminary risk assessment, site investigation, remediation strategy and verification plan
32. Verification report and long-term monitoring and maintenance plan – no

- occupation
33. Unexpected contamination not previously identified, require development to stop and submit a remediation strategy

Energy Efficiency

34. The development should meet BREEAM 'Very Good' rating

Noise:

35. *Plant and machinery
36. *Noise – acoustic enclosure
37. *Construction Environment Management Plan (CEMP)

Economic:

38. Employment and Skills and Training Plan
39. Construction apprenticeships

Ecology

40. Accord with survey
41. *Landscape and Ecological Management Plan
42. *Reptile mitigation strategy

(* Approval will be required from the applicant for the conditions shown with an asterisk which at the time of writing the report are anticipated likely to need to be pre-commencement conditions)

Informatives:

1. EA advice – site investigations to include ground water sampling in order to check for underground fuel storage and any potential leaks associated with this.
2. Thames Water – advice regarding easements, wayleaves and waste water.
3. Architectural detailing – to include window depths and reveals; window detailing; wall finishes and colours; detail of the curved feature corner and eaves treatment details
4. In respect of Condition 13 – hard landscaping proposals should ensure that a matching concrete is used for the realignment of the track.

APPENDIX 7 - Bicester Golf and Country Club Committee Report, October 2015

Bicester Golf And Country Club
Akeman Street
Chesterton
Bicester
Oxfordshire
OX26 1TE

15/01068/F

Case Officer: Linda Griffiths **Ward(s):** Ambrosden And Chesterton

Applicant: Bicester Hotel Golf And Spa

Ward Member(s): Councillor Lynn Pratt

Proposal: Erection of two storey extension to existing hotel to form 62 new bedrooms
(60 net increase)

Committee Date: 29 October 2015 **Recommendation:** Approval

1. Application Site and Locality

- 1.1 Bicester Golf and Country Club is located to the south west of Bicester town and on the edge of Chesterton village. The main facilities offered at the Club include golf, health and fitness and tennis as well as catering for events, conferences and weddings.
- 1.2 The whole site extends to 46 hectares and is in an area that is potentially contaminated. The Conservation Area lies to the far north east corner of the wider site, some 500m from the siting of the actual development proposal. A public footpath crosses the site commencing at the southern access point to the site off Akeman Street, past the west side of the building and exiting on the northern road (A4095).
- 1.3 There are a number of trees on the site and within the vicinity of the proposed extension that are protected by a Tree Preservation Order. Vehicular access to the site is gained from Akeman Street, although servicing is via an access from the A4095.

2. Description of Proposed Development

- 2.1 The application submission follows the approval in October 2013 of an extension to provide 51 additional bedrooms (13/01102/F refers). This revised application seeks consent for a two storey extension to provide 62 bedrooms (additional 60 net), an additional 11 units above that approved previously. This will provide for a total of 112 bedrooms at the hotel. The extension is proposed in materials to match the existing building, although the fenestration differs. No additional parking is provided as part of this submission. The extension is located to the rear of the building overlooking The Green.

3. Relevant Planning History

13/01102/F - PER - Two storey extension to existing hotel with roof accommodation to form 51 new bedrooms

4. **Response to Publicity**

- 4.1 The application has been advertised by way of a neighbour letter, site notices and a notice in the local press. At the time of writing, no representations have been received as a result of this publicity.

5. **Response to Consultation**

5.1 Chesterton Parish Council:

Once again we have no objection to this application but we would like to know the Planners are aiming to do about the increase in traffic, due to this application, Taylor Wimpey proposal (45 homes) and Hill Residential (10 homes).

5.2 Cherwell District Council:

Planning Policy – The proposed extension concerns the provision of 62 new hotel bedrooms (60 bedrooms net increase) over 2 floors attached to the northern side of the existing hotel. The proposed 2,699.5 sqm GIA will double the existing C1 floor space on site.

On 20 July 2015 the council adopted the Local Plan 2011-2031 – Part 1. The Local Plan replaces a number of the saved policies of the 1996 adopted Cherwell local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031. The policies in the Local Plan 2011-2031 and the saved policies of the 1996 Local Plan most pertinent to this planning application are set out below.

Local Plan 2011-2031-Part 1(July 2015)

PSD1 – Presumption in favour of sustainable development

SLE1 – Employment development

SLE2 – Securing dynamic town centres

SLE3 - Supporting tourism growth

SLE4 – Improved traffic connections

ESD1 – Mitigating and adapting to climate change

ESD2 – Energy hierarchy and allowable solutions

ESD3 – Sustainable construction

ESD7 – Sustainable drainage systems

ESD10 – Protection and enhancement of Biodiversity and the natural environment

ESD13 - Local landscape protection and enhancement

ESD15 – The character of the built and historic environment

Local Plan 1996 – Saved Policies

TR1 – Transportation funding

TR7 – Development attracting traffic on minor roads

T5 – Proposals for new hotels in the countryside

C8 – development in the open countryside

C14 – Countryside management projects

C28 – Layout and design

C32 – provision of facilities for disabled people

NPPF – the main paragraphs of the NPPF which apply are as follows:

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principle

Paragraphs 24, 26 and 27 – applying a sequential test for main town centre uses outside existing centres and the undertaking of an impact assessment

Paragraph 28 – Supporting a prosperous rural economy

Paragraph 29, 30, 32 and 34-36 – Promoting sustainable transport

Paragraphs 56, 57, 61-65 – Requiring good design

Paragraph 118 – Conserving and enhancing biodiversity

Paragraph 162 – Working with other authorities concerning infrastructure

Section 12 – Conserving and enhancing the environment

PPG – The paragraphs most pertinent from a Local Plan perspective are:

Paragraph: 001Reference ID: 2b-001-20140306 Ensuring the vitality of town centres

Paragraph: 010Reference ID: 2b-010-20140306 Use of sequential test in decision-taking

Paragraph: 011Reference ID: 2b-011-20140306 Locational requirements in the sequential test

Paragraph: 013Reference ID: 2b-013-20140306 Impact test

Non-Statutory Cherwell local Plan 2011

Whilst some policies within the Non-Statutory Local Plan may remain material, others have in effect been superseded by those of the Local Plan 2011-2031-Part 1. The following are the main policies which apply for this application:

T5: Tourist facilities in the countryside

TR5: Road safety measures for proposed development

TR6: Public transport

EN39: Preservation of listed buildings and the character of conservation areas

EN40: Preservation of the character and appearance of conservation areas

D3: Policy promoting local distinctiveness in design

D4: Design quality of buildings in general

Material Considerations

Cherwell Tourism Development Study 2008

The study noted in paragraph 7.4 that (at the time) additional hotel rooms in the pipeline would be sufficient to meet increased demand until 2016. Of relevance to the proposal is the acknowledgement in the study (page 32) that although there was a good range of accommodation, this was mostly small scale and there was a lack of higher quality, larger and branded accommodation. With regards to Bicester, paragraph 3.2 of the study noted that there were '.....few hotels in Bicester, and certainly nothing of sufficient quality to attract Bicester Village shoppers'.

Applicant's Information regarding current trends and existing supply of hotel accommodation

The 2008 tourism study indicated there were 19 hotels in the district all 2 and 3 stars or ungraded and proposed hotels (Premier Inn at Bicester, Bicester Golf and Country Club at Chesterton and Holiday Inn at Banbury).

These proposed hotels have since been built and the former Weston Manor Hotel upgraded to 4 Star, now The Manor at Weston-on-the-Green. There is limited high end accommodation in the district including at The Manor and the Bicester Hotel Golf and Spa at Chesterton. A resolution to approve was granted in 2014 (14/00403/F) for a town centre proposal in Bicester including a hotel.

It is acknowledged that although Cherwell may have a good supply of visitor accommodation, this is mainly 3 star accommodation including the opening of the Bicester Premier Inn in 2013. Given current hotel provision in the district, the proximity of Bicester Village and the particular type of accommodation and services provided at the Bicester Hotel and Spa, it is likely that demand levels are high as noted in the information submitted by the applicant but given the date of the latest published Tourism Study (2008) officers should seek advice from CDC's Recreation and Health Department.

Planning History

The site gained planning permission in 2013 for an extension to provide 51 new bedrooms, a net increase of 49 bedrooms (13/01102/F). Current proposal seeks permission for an extension to provide a 60 room net increase.

Sequential Assessment supporting the proposal

The applicant's sequential test identifies a number of alternative sites from:

- Sites in emerging and adopted Local Plan documents indicating hotel use
- Applicants own searches for vacant and available property
- Capacity of existing hotels to accommodate additional rooms in a multifunctional leisure/golf complex, and
- Sites with planning permission but not completed

The applicant makes use of the checklist in PPG Paragraph: 010 Reference ID: 2b-010-20140306 to justify whether the proposal complies with the sequential test and provides adequate information on the particular market and locational requirements of the proposal.

Policy Officers do not concur with the applicant's assessment of Cherwell Local Plan 2001-2031 allocations Bicester 1 and Bicester 3 as being no more sequentially preferable than the application site. Bicester 1 and 3 are intended to provide a mix of uses and infrastructure as part of planned strategic urban extensions to Bicester while Chesterton is a rural settlement. Notwithstanding this, it is considered that the applicants have looked at a proportionate number of sites district wide and investigated sufficiently the capacity of existing hotels to accommodate the type of facilities they intend to provide.

With the information available to us, we consider that it is unlikely to be a sequentially better site capable of providing accommodation of this type with associated uses including: golf, a spa, weddings etc. Also, due to proximity and the higher end accommodation offered, it will be able to respond well to Bicester Village's accommodation demand.

Impact Assessment

NPPF paragraph 26 requires an impact assessment for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan. The requirement is subject to locally set thresholds. Local Plan Policy SLE2 sets the threshold for such assessments at 2,000 sqm gross at Banbury, 1500 sqm at Bicester and 350 sqm elsewhere.

Although the proposed development would fall within the size threshold (c2,700 sqm 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 of paragraph 26 of the NPPF. PPG Paragraph 13 ID: 2b-013-20140306 makes clearer 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 purpose of this application proposal.

Overall Policy Observations

There is a hotel already operating in this site with the principle of an extension to the hotel established by extant planning permission 13/01102/F. However, the proposals will need to be

considered against the current planning policy framework with regards to material considerations.

The NPPF supports economic growth in rural areas including the provision of tourist and visitor facilities in appropriate locations. At the local level, Policy SLE3 supports proposals for new or improved tourist facilities in sustainable locations to increase overnight stays within the District. With regards to rural areas, paragraph B.36 of the Cherwell Local Plan limits employment growth in rural areas to schemes involving amongst other: '*sustainable growth in tourism including recreation based tourism*'. Saved Policy T5 of the 1996 adopted Local Plan considers proposals to extend existing hotels in the countryside acceptable provided they conform to other relevant policies.

The proposal is regarded as tourism development, a 'main town centre use', for the purpose of the NPPF and Policy SLE2 of the adopted Cherwell Local Plan. With regards to vitality of town centres, Policy SLE2 states that retail and other main town centre uses will be directed towards Bicester town centre and it requires a sequential approach to 'main town centre uses' with consideration given first to town centre and then edge of centre before considering out of centre locations. This proposal is in an out of town location but it is considered that the proposal satisfies the sequential test. The principle of the proposal is acceptable in policy terms but officers should consider any potential impact on:

Highway safety by traffic generation in this rural location and the adequacy of the proposed access and parking arrangements in liaison with OCC in accordance to SLE4 and saved policies TR1 and TR7.

Designated tree preservation orders, whether there are UKBAP grassland on the site and the potential biodiversity gain in accordance with Policy ESD10, Policy ESD13 and saved Policy C14.

The landscape/countryside. Policy C8 of the 1996 Local Plan should be considered in the context of Policy ESD13 of the 2011-2031 Local Plan.

Chesterton Conservation area in accordance with ESD15 and NSLP Policies EN39 and EN40.

A high quality design should be sought for this proposal.

There is no planning policy objection in principle subject to detailed consideration of transport, biodiversity, design and conservation matters.

- 5.3 Ecology Officer – the proposed extension covers an area to the North East of the current building mass, some of which already includes an area of hardstanding. There is a pond in close proximity, however, following previous applications on site for a similar extension, the question of the likely presence of great crested newts on site has been largely addressed. The agent has provided information that fish are present in the lake and that the pond is used for irrigation and is frequently dry. In addition the majority of the vegetation to be impacted by the works is already heavily managed as a golf course and such amenity grassland is less favourable as a habitat for most species.

There are however, patches of rougher grassland which are likely to be impacted during construction and by the building footprint which could affect reptiles (which are protected from killing and injury) and amphibians, therefore a precautionary method statement needs to be submitted to ensure no harm will occur to reptiles or amphibians on site during construction. This should include making rough vegetation progressively less suitable for reptiles, ensuring trenches etc. are not left uncovered, no storage of goods or vehicles within 10m of the pond side etc.

In line with NPPF recommendations there are opportunities for enhancements for biodiversity on site, in particular, for swifts given the records in the local area. A plan of proposed locations for swift bricks should be submitted to us and I would advise the applicant to liaise with the Swift Conservation co-ordinator for the area or a qualified ecologist on the best locations for their placement.

A number of conditions and a planning note are recommended.

- 5.4 Environmental Protection Officer: No objections in respect of air quality, contaminated land or noise issues.
- 5.5 Arboricultural Officer: advises that no further action should be taken in respect of the removal of the TPO'd trees from the site, but recommends that replacement planting is carried out.
- 5.6 Oxfordshire County Council:
Transport Strategy – The location of the existing Bicester Golf and Country Club and the rural character of the connecting road, Green lane, make it very challenging to access by non-car means. There are no pedestrian and cyclist facilities to link the facility with the nearby Chesterton Village or to bus services that serve this village and connect onto Bicester or Oxford. Green lane is essentially an unlit single carriageway which would be unattractive to pedestrians and cyclist wishing to access the site, largely due to perceived safety risk and the inconvenience from the lack of facilities.

The Planning, Design and Access Statement's conclusion that the proposal is 'sustainable' because there is no identified increase in traffic movements is very questionable. Sustainability should not be just determined on whether there is an impact on from traffic generation. It should be based on the availability and proximity sustainable transport infrastructure and services, e.g. footways, cycle ways and bus services. The developer's assessment fails to acknowledge access to the site by non-car means. Any extension of the hotel will generate increased travel demand from both guests and staff. Ideally, they should have a choice on mode of access, rather than being restricted to access by car or taxi.

However, OCC acknowledges that this is an established facility and that this extension proposal is unlikely to have an adverse impact on the surrounding road network in terms of trip generation. For these reasons OCC'S Transport Strategy team has no objection to the proposal.

- 5.7 Transport Development Control – The location of the hotel is not considered to be sustainable in purely transport terms. However, the hotel is an established use on the site and in the light of the National Planning Policy Framework, consideration must be given to wider sustainability issues and enabling continued growth and use of an established business and social and leisure facility.

No change is proposed to the existing access or parking arrangements. The existing accesses are suitable for the likely increase in traffic. The existing car park is underused, therefore the lack of increase in parking provision is considered acceptable. It is unlikely that overspill parking would result in parking on the highway or associated highway safety issues.

The additional rooms proposed are unlikely to generate a significant amount of traffic, or to cause severe harm to the local highway network.

It is however requested that an updated travel plan is submitted for approval to reduce trips to the site and encourage use of more sustainable modes of transport where possible.

- 5.8 Drainage – The application form states that a pond is being used to drain the proposed buildings surface water. Information is required on how this will be done and calculations need to be carried out to ascertain whether there is sufficient capacity in the pond.

The current documentation does not contain any information regarding surface water drainage and is therefore not acceptable in its current form. An assessment of the surface water drainage will be required.

- 5.9 Other External Consultees:
None

6. **Relevant National and Local Planning Policy and Guidance**

6.1 **Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

SLE2 - Securing Dynamic Town Centres

SLE3 - Supporting Tourism Growth

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD7 - Sustainable Drainage Systems (SuDS)

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

T2 – Proposals for hotels, motels, guest houses and restaurants within settlements

T5 – Proposals for new hotels, motels' guesthouses and restaurants in the countryside

C8 – sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C32 - Provision of facilities for disabled people

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Cherwell Tourism Development Study 2008

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Sequential test
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Ecological Implications;

Principle of Development

7.2 The development plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031 (Part 1). Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF).

7.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

7.4 The NPPF at paragraph 14 states 'at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking.... For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission, unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or
- Specific policies in the Framework indicate development should be restricted

7.5 The NPPF in Section 2 'Ensuring the vitality of town centres' advises that a sequential test should be applied to applications for main town centre uses. Only if suitable sites within the town centre are not available should out of centre sites be considered, and preference should be given to accessible sites that are well connected to the town centre.

7.6 Section 3 of the NPPF 'supporting a prosperous local economy' should support economic growth and 'support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities'.

Adopted Cherwell Local Plan 2011-2031

7.7 The Cherwell Local Plan has been through Examination and has been considered by Full Council. This plan has now been adopted by the Council. The Local Plan is consistent with the NPPF in that it requires a town centre first approach that directs town centre uses towards the

town centre and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.

- 7.8 Policy SLE2 of the adopted Cherwell Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth, as a destination for visitors and in serving their rural hinterlands. The policy further advises that proposals for 'Main Town Centre Uses' not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations should out of centre sites be considered. An impact assessment will also be required in accordance with the NPPF. Policy SLE3 supports proposal 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.
- 7.9 Saved Policy T5 of the adopted Cherwell Local Plan 1996 addresses new hotels beyond the built up limits of a settlement. It specifically states that 'proposals to extend existing hotels...will be acceptable provided they conform to the other relevant policies in the plan'.

Sequential Test and Impact Assessment

- 7.10 The submission is supported by a sequential test analysis in line with the requirements of the NPPF and the adopted Cherwell Local Plan. The purpose of the test is to ensure that the vitality and viability of town centres is supported which in turn will ensure the development is sustainable. The situation in terms of available hotel accommodation in and around Bicester remains unchanged from when the previous application was considered in 2013. There are currently no hotels in Cherwell District within an existing golf, leisure or country club complex. The hotel that is closest in terms of facilities offered is the Holt Hotel but this does not provide a golf course or leisure and spa facility on the same scale, whilst it has a greater number of bedrooms it is only 3 star rating.
- 7.11 The sequential test submission concludes that there are no suitable and available alternative sites to meet the applicant's needs either in a town centre location or an edge of town centre location, or that there are no known hotels within the District with an existing leisure or country club complex which are better located sequentially. Furthermore, this application relates to provide for the 'high end' of the market (4/5 star). It is accepted that the sequential test has been met in this case and that there are no alternative locations which would be suitable for the hotel accommodation proposed, and is therefore in accordance with the Development Plan policies above and the NPPF in respect of tourism development.
- 7.12 Under the terms of the National Planning policy Guidance, as the proposal relates to hotel use (tourism development) the impact test is not required in respect of this submission.

Design, Layout and Appearance

- 7.13 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'
- 7.14 Paragraph 61 states 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'
- 7.15 Paragraph 63 states 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally within the area'

- 7.16 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that 'control will be exercised over all new development, including conversions and extensions to ensure the standards of layout, design and external appearance, including choice of materials are sympathetic to the character or urban context of that development'.
- 7.17 The appearance of new development and its relationship with its surroundings and built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance.
- 7.18 The new two storey extension will be attached to the existing hotel on its northern side (in a similar position to that approved in 2013), and so is well related to the existing complex, and has been designed to match in terms of scale and design the existing hotel building. Whilst the current submission has been amended to indicate materials and detailing to match the existing building, the fenestration differs and the applicants have declined to amend this aspect of the submission. However, whilst this is considered to be a little unfortunate, having regard to the fact that the existing building is a modern building, and the extension is generally not visually prominent from the public domain (including the public right of way) and it will be set some distance from the boundary of the Chesterton Conservation Area, it is on balance considered acceptable, and therefore in accordance with the above mentioned policies and Government guidance.

Impact on Heritage Assets

- 7.19 The application was advertised as affecting the appearance of the Chesterton Conservation Area, the boundary of which is to the north of the golf course. However, given that the Conservation Area boundary is on the opposite side of the road, at some considerable distance from the proposed extension and with the extensive boundary planting and existing landscaping, the setting of the Conservation Area is not considered to be a constraint to the development. The proposal is therefore in accordance with the NPPF in this respect.

Landscape and Visual Impact

- 7.20 The Bicester Golf and Country Club building is centrally located within the grounds and is not readily visible from the public domain of the surrounding road network. A public footpath crosses to the west side of the building complex but it passes away towards the northwest, away from the proposed siting of the new extension. For much of the public footpath route, the existing buildings of the club house will screen the new extension. Views will be possible from the south, but being contained adjacent to the existing complex, the effect is less evident and is considered acceptable.
- 7.21 Having regard to the above, it is considered that the proposed siting of the extension is acceptable and sympathetic to its environment and will be read against the existing buildings. It is however considered that some softening of the immediate surroundings would be of benefit and a condition requiring the submission of a landscaping scheme is recommended.

Trees and Landscaping

- 7.22 There are a number of protected trees on the site which are in close proximity to the proposed extension. From the site plan submitted it appeared that the proposal will come very close to one of these groups of protected trees (TPO 1/91 refers) which included beech trees.

However, from the site inspection it was clear that these trees had been removed, and their former existence was evidenced by the tree stumps which remained. No consent has been granted for the removal of these TPO trees.

- 7.23 The removal of these trees has been assessed by The council's Arboricultural Officer who has advised that whilst the trees have indeed been removed without consent, he is of the opinion that no further arboricultural investigation is required in this matter and that the situation should now progress forward with the four felled trees being appropriately replaced within the landscaping scheme, and he suggests that this requirement should be subject to a condition. It is considered that the appropriate replacement trees should be 3 number beech (*fagus sylvatica*) and 1 number willow (*Salix chrysocoma*) planted at a suitable distance and location from the development but also as near as practicable to the original trees.
- 7.24 Having regard to the advice of the Arboricultural Officer, it is accepted that whilst the unauthorised removal of these trees is regrettable, provided they are replaced by appropriate species, their loss can be acceptably mitigated.

Highway Safety

- 7.25 The Golf and Country Club is located in an unsustainable location which is not easily accessible by any other means than by car. The submitted Planning, Design and Access Statement concluded that the proposal is sustainable as the highway consultant has identified that there will not be any increase in traffic movements as a result of the extension. This however, was not strictly correct as the Transport Statement dated July 2015 produced by Dermot McCaffery does acknowledge that the additional 11 rooms above those approved in 2013 is likely to generate an additional 76 trips per day. The submission has since been amended to reflect this.
- 7.26 Notwithstanding the above, the hotel is an established use and the increase in traffic generated above the previous permission is unlikely to adversely impact on the surrounding highway network and the car parking provision is adequate for the use. A Travel Plan is required as part of any consent to encourage access to the site by other means than just private car. This matter is conditioned.
- 7.27 Having regard to the above, no objections are raised by OCC as Highway Authority to the development and the proposal is therefore considered to be in accordance with the Development Plan and the NPPF.

Ecology

- 7.28 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.29 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and:
- 7.30 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of conservation Regulations 2010, which states that 'a

competent authority, in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those function’.

- 7.31 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex iv(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 7.32 Under Regulation 41 of the conservation Regulations 2010, it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if three strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature
 2. Is there a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species
- 7.33 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation Habitats and Species Regulations 2010 provides that a Local Planning Authority must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.34 In respect of the application site, the constraints have highlighted that there may be Protected Species, notably Common Frog, Small heath, Common Swift, Slow-worm, Common Toad, grass Snake and Common Kestrel on or within the vicinity of the site and possible UKBAP Grassland Habitat. Following the submission therefore, the applicants were requested to carry out an ecological survey. An ecological walk-over survey was carried out by AA Environmental Limited to determine the existence and location of any ecologically valuable areas and to record any evidence of protected species. The report can be read in full on the application file.
- 7.35 Whilst no species of note were found, the report makes a series of recommendations which will be incorporated into conditions. The survey report has been passed to the council’s Ecologist for comment, but these at the time of writing have not been received. It should be noted that in her initial consultation response a number of conditions are recommended.
- 7.36 Consequently, it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected or other species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and {Policies within the adopted Cherwell Local Plan in this respect.

Engagement

- 7.37 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of this application and through seeking to work with the applicant to enable them to provide sufficient information and revised plans which seek to address the issues raised.

8. Conclusion

- 8.1 Having regard to the above assessment, it is concluded that the proposal to extend the existing hotel is acceptable and will not have a significant adverse effect on the locality and is therefore in accordance with the Development Plan and Government advice as set out within the National Planning Policy Framework.

9. Recommendation

Approval, subject to the receipt of no objections from OCC as Drainage authority and the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission
Reason AR2
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Amended Location Plan received 20.08.2015; Site Plans SK.15-543-53 and SK.15-543-54; Pond Discharge Detail SK.15-543-57 received 08.10.2015; SK.15-A1-543-51 and SK.15-A1-543-52; SK.15-A1-543-55A and SK.15-A1-543-50B received 02.10 2015; Arboricultural Impact assessment dated September 2015; Ecology Report Ref 153312/JDT dated 29th September 2015; Planning Design and Access Statement received 20.08.2015; Sequential Test and Traffic information submitted as part of the application.
Reason AR4
3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone used on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building
Reason BR2
4. The materials to be used for the roof of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building
Reason BR3
5. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement to avoid harm to amphibians or reptiles during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.
Reason KR1
6. Prior to the commencement of the development hereby approved, full details of a scheme for the location of a minimum of three swift bricks/boxes on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and

prior to the occupation of the development, the nesting provisions shall be installed on the site in accordance with the approved details and retained thereafter.

Reason KR2

7. All species used in planting proposals associated with the development shall be native species of UK provenance

Reason KR3

8. C1 Submit a landscaping scheme to include details for the replacement of the TPO trees which have been removed without consent

Reason CR1

9. C2 Carry out the landscaping

Reason CR1

10. C9 Arboricultural Method Statement (AMS)

Reason CR2

11. D20 Submission of a Travel Plan

Reason DR4

12. E2 Drainage

Reason ER1

13. The extension hereby permitted shall be used only for the purpose of hotel accommodation and for no other purpose whatsoever, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason HR10

Planning Notes

PN 24 Protected Species

PN 25 Bats

PN 26 Nesting birds

PN 30 Contamination

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APPENDIX 8 - SoS Decision letter in respect of Center Parcs, Woburn, September 2007

Niall Roberts Esq
Director
Tribal MJP
70 High Street
Chislehurst
Kent
BR7 5AQ

Our Ref: APP/J0215/A/06/2024005

5 September 2007

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78.
APPEAL BY CENTER PARCS (OPERATING COMPANY) LIMITED.
APPLICATION No: 05/01066/OUT (as amended by agreement)
SITE AT WARREN WOOD, MILLBROOK, BEDFORDSHIRE, MK45**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, C S Turner MA BA MRTPI DipTP DMS, into your client's appeal under Section 78 of the Town and Country Planning Act 1990 against the decision of Mid Bedfordshire District Council to refuse outline planning permission for the development and use of land as a Forest Holiday Village – including 700 villas, 2 Centre Buildings incorporating swimming pool, bowling alley and restaurant (Centre Building 1) and sports hall, 75 bed hotel, Aqua Sana and 12 Spa apartments, retail units, conference facilities and restaurants (Centre Building 2); outdoor sports facilities, ancillary buildings, 20 units of staff accommodation, 1400 space car park, main access to Fordfield Road, forest road network, engineering operations and lakes, hard and soft landscaping, and forest management works, along with all associated works and activities – on land at Warren Wood, Fordfield Road, Millbrook, Bedfordshire, MK45. The public local inquiry opened on 13 March and closed on 4 April 2007.
2. On 8 September 2006 the appeal was recovered for the Secretary of State's determination, in pursuance of Section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State disagrees with his recommendation and has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. The Secretary of State notes that the agreed description of the proposed development has been amended (IR2). She does not consider that any prejudice has been caused to any party by accepting these amendments and has determined the application on this basis. She has therefore based her decision on the description at paragraph 1 of this letter.
5. In reaching her decision the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State considers that the ES complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the application. Furthermore, in assessing the merits of the proposed conditions (see paragraphs 35 - 37 below), she has taken account of the fact that one of the reasons for specifying the plans listed in proposed condition number 4 is to ensure that any development would accord with the ES (IR3).

Policy Considerations

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Planning Guidance for the South East (RPG9) (2001), the Milton Keynes and South Midlands Sub-Regional Strategy (2005), the Bedfordshire County Structure Plan to 2011 (1997) and the Mid-Bedfordshire Local Plan First Review (2005). The Secretary of State agrees with the Inspector that the relevant development plan policies are those set out in IR19, 21 and 22, and she also agrees with the Inspector (IR662) that the Green Belt policy in PPG2, the Structure Plan and the Local Plan should be regarded as being substantially the same.
7. The Secretary of State also affords some weight to the East of England Plan (RSS14) as a material consideration, as its preparation is now well advanced (IR20).
8. Other material considerations which the Secretary of State has taken into account in this case include those documents identified by the Inspector at IR23 as well as Planning Policy Guidance Note 4 (PPG4): *Industrial, commercial development and small firms*; Circular 11/95: *The Use of Conditions in Planning Conditions in Planning Permission*; Circular 05/2005: *Planning Obligations*; the Government's Sustainable Communities Plan of February 2003, and the Bedfordshire and Luton Economic Partnership's Joint Economic Development Strategy. She has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1 published for consultation in December 2006. However, as that document is still in draft and may be subject to change, she affords it little weight

Main Issues

The relationship of the proposal to the Development Plan

9. As stated in paragraph 6 above, it is a statutory requirement for an appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The Secretary of State notes that it was agreed

by the parties (IR29) that, without prejudice to the respective arguments with regard to Green Belt policy, provided appropriate controls and mitigation are secured through the planning obligation and planning conditions, the appeal proposal would otherwise comply with all other Development Plan policies. However, it is a matter of fact that this case lies within the Green Belt and it is agreed by the parties that the appeal proposal would be inappropriate development in the Green Belt as designated in the Development Plan. As such, the appeal proposal should only be granted planning permission if the harm to the Green Belt, and any other harm, is clearly outweighed by very special circumstances. In exploring this issue further, the Secretary of State considers it appropriate to adopt the approach taken by the Inspector in his report as set out in IR663

Harm to the Green Belt

10. Government policy as set out in PPG2 imposes a general presumption against inappropriate development within Green Belts except in very special circumstances. As reported by the Inspector at IR34, the parties have agreed that the proposed development as a whole should be regarded as inappropriate development in the Green Belt. Furthermore, for the reasons given in IR664 - 675, the Secretary of State agrees with the Inspector's conclusions in IR676 that there would be very considerable harm to the Green Belt and its openness both as a result of the "in principle harm" of a large inappropriate development and because of the physical impact of so much building and of the perimeter fence on the openness of the site. She also agrees with the Inspector that the new buildings would amount to encroachment into the countryside, irrespective of whether they would be visible from outside the site (IR668); and that this, along with the visual impact of the fence from inside and outside the site would be contributory factors to the extent of the harm to the openness of the site. The Secretary of State must thus consider both (i) whether there are any very special circumstances in this case and (ii) whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations (see paragraph 3 2 of PPG2).

Other matters to take into account

The nature of the proposal

11. For the reasons given in IR679-685, the Secretary of State agrees with the Inspector that the nature of the proposed development is not in itself a very special circumstance. While she agrees with the Inspector (IR685) that the need for a rural location for this type of proposal might contribute to an overall conclusion that very special circumstances exist in this case, she also agrees with his conclusion in IR681 that the need for a rural location does not, by itself, justify either any location in the Green Belt or this site in particular. The Secretary of State also agrees with the Inspector that the degree of weight to be attached to these matters is dependent on whether there are other sites available outside the Green Belt and how important it is to provide such a facility at all (IR682) These matters are considered below.

The need for the proposal

12. The Secretary of State agrees with the Inspector (IR690) that there is nothing specific enough in the development plan with regard to tourism policies to

demonstrate a policy need for this particular proposal. However, for the reasons which are explored in more detail in paragraphs 16 - 19 below, the Secretary of State does not consider that the Inspector has given sufficient consideration to the potential of this scheme to help to create the levels of employment which will be required to match the level of housing provision proposed for the area (IR691). While she agrees with the Inspector that the relevant policies are drawn too widely to demonstrate a need for this particular proposal (IR691), she considers that the number of jobs which it would generate would make a significant contribution towards meeting overall targets for the sub-region and that this contributes to the establishment of very special circumstances.

13. The Inspector goes on in IR 692 - 695 to consider unmet demand for the type of facility proposed. The Secretary of State agrees with his conclusion that no overriding need relating to unmet demand has been demonstrated such as would, on its own, amount to very special circumstances for allowing inappropriate development in the Green Belt, but that it may contribute to a small extent to an overall assessment of whether there are very special circumstances in this case.

Tourism benefits of Center Parcs

14. The Secretary of State agrees with the Inspector's conclusion in IR705 that, for the reasons given in IR699 - 704, the contribution of the appeal proposal to national tourism is uncertain. However, as regards regional tourism, while agreeing with the Inspector's conclusions in IR710 - 711 that, for the reasons given in IR706 - 709, regional tourism considerations cannot by themselves be regarded as constituting very special circumstances, the Secretary of State gives them more weight than that implied in the Inspector's conclusion that they "add little to the overall picture". In so doing, she has taken particular account of the fact that the Inspector considers that the appeal proposal is consistent with the Regional Economic Strategy and the Sustainable Tourism Strategy for the East of England (IR707)
15. The Secretary of State notes that, for the reasons given in IR712 - 714 and IR 716 - 717, the Inspector concludes (IR715 and 718) that the benefits which the proposal would bring to tourism at the county and local level could each be expected to make a small positive contribution to the overall assessment of very special circumstances. However, given the Inspector's conclusion in IR713 that the appeal proposal would make a direct and positive contribution to the tourism sector in Bedfordshire, the Secretary of State considers it appropriate to give less weight than he has to the uncertainties surrounding the scale and spread of these potential benefits (IR715 and 718). Therefore, in agreeing with the Inspector's conclusion (IR720) that the overall impact on tourism would be beneficial, although it would not be such as to amount to very special circumstances in terms of Green Belt policy when considered in isolation, she considers that it makes more of a contribution to the assessment of whether very special circumstances exist than he has assumed.

The economy

16. The Secretary of State has taken account of the Inspector's discussion about the implications of the proposal for the economy of the locality, the County and the Milton Keynes and South Midlands Growth Area (IR 721 - 742) and, as has been indicated in paragraph 12 above, she disagrees with the conclusion reiterated at IR721 that the Growth Area, housing, economic and employment policies for the

area do not amount to an economic need for this proposal. The Secretary of State agrees with the Inspector's conclusion at IR726 that the figures quoted in IR724 and 725 amount to a considerable economic impact which, as he says in IR743, would bring undoubted and very substantial diverse and widespread economic and employment benefits to the area. She also considers it important to take account of the wide range of jobs at differing skill levels and the training opportunities which the Inspector has noted that the proposal would provide (IR742). The Secretary of State notes the reasons why the Inspector considers that these many and considerable economic benefits should not be regarded as constituting very special circumstances that alone would justify siting the proposed development in the Green Belt, and that they should be afforded no more than moderate weight in a combined assessment (IR744 and 745). However, while she agrees with the Inspector that they do not alone amount to a very special circumstance which could clearly outweigh the harm to the Green Belt on its own, the Secretary of State gives them substantial weight in determining whether they could, together with the other benefits she has identified, amount to very special circumstances that are sufficient to meet the test set out in PPG2.

17 Firstly, the Secretary of State sees no merit in the Inspector's argument that less weight should be given to the benefits of the scheme because these would only be proportionate to the size of the site (IR744 (first bullet point) and IR745) The Secretary of State takes the view that the right approach would have been to weigh the harm caused by the proposal by inappropriateness and any other harm against other material considerations, including benefits. Consequently, she is concerned that, by adopting this alternative approach, the Inspector has failed to give sufficient weight to some of the benefits which he has identified, including the economic and employment benefits.

18. The Secretary of State also considers that the Inspector has further eroded the significance of these benefits by concluding that new employment opportunities will only benefit areas further away from the site (IR744 (second bullet point)) While she appreciates that there may be little need for the additional jobs within Mid-Bedfordshire itself (IR731), she considers this to be too narrow a view given the economic circumstances in the wider area over the past 20 years (IR733), and she therefore places more weight than the Inspector gives on the need to find more jobs and inward investment in the Milton Keynes-South Midlands Growth Area, as advocated by Bedfordshire County Council and Renaissance Bedford (IR733 - 737). Thus, while she notes the Inspector's concerns that the policies for the wider area place an emphasis on concentrating development in larger urban areas and that the proposal could increase the overall level of commuting (IR744 (third and fourth bullet points)), she considers that this needs to be balanced against the scale of the need to encourage more employment opportunities into the whole of the Milton Keynes South Midlands Growth Area as defined in the Government's Sustainable Communities Plan of February 2003

19. For this reason, the Secretary of State also disagrees with the Inspector's interpretation of the significance which should be given to the fact that the site does not lie within the Bedford, Kempston and Northern Marston Vale Growth Area (IR744 (fifth bullet point)) as defined in the Milton Keynes and South Midlands Sub-Regional Strategy 2005. The Sub-Regional Strategy has been formulated in the context of the Government's Sustainable Communities Plan 2003 (IR108), the aim of which is to encourage economic growth across the whole Growth Area as

designated by the Government. The Secretary of State does not therefore consider that the fact that the proposal would be sited outside the Bedford, Kempston and Northern Marston Vale Growth Area, as designated by the Sub-Regional Strategy, is a valid reason for rejecting it given that it would contribute to the overall purpose of the Sustainable Communities Plan and requires a rural location.

Bedfordshire's image

20. For the reasons given in IR746 - 751, the Secretary of State agrees with the Inspector's conclusion in IR752 that the wish to improve the image of Bedfordshire and the region does not constitute very special circumstances on its own, and should carry little weight in any overall assessment of the very special circumstances

Countryside and Landscape

21. For the reasons given in IR754 - 762, the Secretary of State agrees with the Inspector's conclusion in IR764 that there would be some harm to the landscape and character of the area but that this would not be sufficiently significant to warrant refusing planning permission pursuant to the development plan policies relating to the fact that the site is in an Area of Great Landscape Value. However, having regard to the arguments set out in paragraphs 16 - 19 above, the Secretary of State does not consider it relevant to give any weight to the Inspector's conclusions in IR732 and 763 that the rural area surrounding the site is in no particular need of a more diversified economy. In coming to this conclusion, she has had regard to the need to support rural diversification, as set out in PPS7 and Structure Plan policy 29 (IR21). She has also had regard to the policies in RPG9 (IR106), the Milton Keynes and South Midlands Sub-Regional Strategy (IR108), the emerging East of England Plan (IR118) and the Bedfordshire and Luton Economic Partnership's Joint Economic Development Strategy (IR130), which recognise tourism as a significant element of economic growth and diversification.

Alternative sites

22. Having considered the arguments rehearsed by the Inspector in IR766 - 783 and the examination of alternative sites in the ES, and having particular regard to the fact that the nature of the proposal requires a woodland setting (IR36), the Secretary of State agrees with the Inspector's conclusion in IR784 that a satisfactory search for alternative sites has been carried out and none have been found. She also agrees with the Inspector that this does not of itself constitute very special circumstances (IR784) However, in the light of her views as set out in paragraphs 11 and 15 - 19 above, she considers that more weight can be attributed to it than the Inspector has given.

Public rights of way

23. For the reasons given in IR785 - 791, the Secretary of State agrees with the Inspector's conclusion in IR792 that the proposal would be likely to have a neutral effect on the local network of public rights of way. She agrees that the changes which would be required to the network (IR785) should neither be regarded as contributing to the very special circumstances which might justify allowing the proposal, nor regarded as materially harmful. However, the Secretary of State

makes these observations without prejudice to the determination of any formal future applications for footpath closures or diversions.

Transport and traffic

24. The Secretary of State notes (IR793) that, although the traffic and transport implications of the proposal are contentious for many local residents and two of the objecting Parish Councils, the local planning authority has not raised any objections for reasons related to traffic and transport, and the highway authority is prepared to accept the proposal subject to the highway improvement works and other measures required to accommodate the increase in traffic resulting from the proposal (IR49 and 794). The Secretary of State agrees with the Inspector (IR803) that the survey and forecast data prepared by the appellant and agreed by the highway authority should form the basis for rational decisions on the appeal and, for the reasons which he gives in IR797 - 808, she agrees with him that, when taken in the round, the impact on highways and safety would be broadly neutral with localised, but significant, safety improvements at the Millbrook and Steppingley crossroads

25. With regard to sustainable transport choices (IR809 - 824), the Secretary of State has had regard to the advice in paragraph 37 of PPG13 that, in determining the acceptability of developments involving leisure, tourism and recreation which generate large amounts of travel and which will not be well served by public transport, consideration should be given to the extent to which the proposal needs to be in the proposed location, including whether the development has a meaningful link with the particular location or attraction, parking and access arrangements, and measures to increase access to the site by sustainable transport modes. She agrees with the Inspector (IR824) that the site is not well located to facilitate the use of public transport, cycling or walking and that, although a positive approach and compensatory measures are envisaged, these are not likely to result in a large proportion of the journeys to the site using these modes. She also agrees with the Inspector (IR832) that, for the reasons given in IR826 - 831, the picture is unclear with regard to the impact of the proposal on the use of the car. However, she notes that the completed Section 106 Agreement (see paragraph 34 below) requires a Travel Plan to be agreed with both the local planning authority and the highway authority before the proposed scheme comes into operation, and she expects this to remedy the weakness identified by the Inspector in the interim Travel Plan (IR829) which includes targets but not sanctions for achieving maximum use of modes of travel other than the private car.

26. In the light of this, the Secretary of State agrees with the Inspector's conclusion on transport and traffic (IR833) that the overall picture with regard to benefits or harm to the area is far from clear-cut. However, she also agrees with the Inspector that the significant localised impact on safety at the two roundabouts referred to in paragraph 24 above should be regarded as contributing in a small way to the overall assessment of whether very special circumstances exist.

Ecology and biodiversity

27. The Secretary of State agrees with the Inspector that the proposals for enhancing the biodiversity of the site (IR834) are clearly a benefit (IR835). However, for the reasons given in IR835 - 836, the Secretary of State also agrees with the Inspector that the enhancement of the biodiversity of the site does not, by itself, constitute

very special circumstances. Nevertheless, while the Inspector considers that it should be regarded as making only a small positive contribution in any overall assessment of very special circumstances, having had regard to the enhancements proposed by the appellant (IR164), the Secretary of State considers that it should be given greater weight

Sustainable development

28 In his consideration of sustainability issues in IR837 - 841, the Inspector has excluded transport and ecological considerations which he has considered elsewhere. Similarly, despite her concerns about the sustainability of the proposal from the transport point of view (see paragraphs 24 - 26 above), the Secretary of State agrees with the Inspector's conclusion in IR842 that the sustainability of the proposal has otherwise been dealt with in a satisfactory way, and that the impact is neutral in terms of the overall assessment of very special circumstances

PPS1 and the design concept

29 For the reasons given in IR843 - 848, the Secretary of State agrees with the Inspector's conclusion in IR849 that, in so far as it is possible to say at this stage, the design of the proposal would comply with the guidance in PPS1, but that this should be regarded as having no effect one way or the other in the overall assessment of very special circumstances.

Consideration of town centre impact and of the hotel and conference centre

30 For the reasons given in IR850 - 851, the Secretary of State agrees with the Inspector that those uses included in the proposal which can be found in town centres and other urban locations, including the proposed hotel and conference centre (IR852 - 859), are appropriately included in the appeal proposal and are neutral in their impact on the overall assessment of very special circumstances

Staff accommodation

31. The Secretary of State notes the Inspector's conclusion (IR863) that the provision of 20 units of staff accommodation on the site (IR860 - 862) constitutes localised but significant harm that should be taken into account in the overall balance. However, while noting that the provision of such housing is directed towards providing temporary accommodation for staff attracted to the area, the Secretary of State takes the view that it must be reasonable to have some members of staff on-site continuously and that the number which could be accommodated would represent a very small proportion of the total workforce. She does not therefore agree with the Inspector that the provision of this housing would constitute significant harm, especially in view of the restrictive terms of the Inspector's proposed condition 26 (now condition 25 at Annex A). Instead, she considers that it should be regarded as being neutral

Overall balance

32. The Secretary of State agrees with the Inspector's conclusion (IR876) that, apart from the proposal's conflict with Green Belt policy, there are no other material considerations of sufficient weight to justify dismissing the appeal. She also agrees with the Inspector (IR865) that the appeal proposal would cause very considerable harm to the Green Belt. The fundamental issues are, therefore, whether, in line

with PPG2, this harm is clearly outweighed by other considerations and whether these can be regarded as being very special circumstances. The Secretary of State agrees with the Inspector that all the benefits which he lists in IR866 should be taken into account in assessing this balance. However, as the Inspector himself recognises, there are valid reasons for giving different relative weights from those which he has allotted to these constituent elements; and he accepts (IR871) that others may not reach the same conclusion.

33. The Secretary of State agrees with the Inspector that the benefits which he has identified are positive factors that weigh in favour of the proposal, but she has then gone on to consider if these benefits could either individually or cumulatively amount to very special circumstances. She has concluded that, in this particular case, the beneficial effects of the proposal on tourism, the economy and employment, along with the positive contribution to ecology and biodiversity, together amount to very special circumstances and are of sufficient weight to clearly outweigh the harm to the Green Belt.

Section 106 Agreement and Conditions

34. The Secretary of State considers that the completed section 106 Agreements considered by the Inspector in IR636 - 659 are relevant to the proposed development and meet the policy tests of Circular 05/2005.
35. The Secretary of State has considered the proposed conditions and the Inspector's comments and modifications as set out in IR580 - 634 as well as national policy as set out in Circular 11/95. The Secretary of State considers that the proposed conditions, as amended by the Inspector and set out in Annex A to this letter, are reasonable and necessary and meet the tests of Circular 11/95.
36. In particular, the Secretary of State agrees with the Inspector that it would be inappropriate to require the installation of a publicly visible work of art (IR587 and 634); that the condition proposed by the local planning authority regarding the creation and diversion of public rights of way should be imposed (IR593 - 598 and 631); and that it would be appropriate to impose a condition regarding the use of the conference facilities (IR599 - 602 and 632).
37. The Secretary of State has also considered the case for the imposition of a restoration condition (IR603 - 630 and 633) but she disagrees with the Inspector's conclusion (IR628) that a restoration condition would be justified in the circumstances of this case. She takes the view that, as this is neither a personal nor a temporary permission, it would be both unnecessary and unreasonable to include a condition requiring the demolition of the development; and she considers it would be inappropriate to prejudge any future use of the site which should be considered on its own merits through the planning system at the appropriate time.

Overall Conclusions

38. The Secretary of State considers that, although the application proposal is broadly in compliance with the development plan in many respects, this cannot overcome the conflict with both local and national Green Belt policies unless very special circumstances exist. Having carefully considered the proposal, the Secretary of State considers that, in this particular case, the economic and employment benefits of the proposal, when taken together with the ecological and biodiversity

benefits and all the other advantages identified above, constitute very special circumstances and are sufficient to clearly outweigh the harm to the Green Belt

Formal Decision

39. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. She hereby allows the appeal and grants outline planning permission for the development and use of land as a Forest Holiday Village – including 700 villas, 2 Centre Buildings incorporating swimming pool, bowling alley and restaurant (Centre Building 1) and sports hall, 75 bed hotel, Aqua Sana and 12 Spa apartments, retail units, conference facilities and restaurants (Centre Building 2); outdoor sports facilities, ancillary buildings, 20 units of staff accommodation, 1400 space car park, main access to Fordfield Road, forest road network, engineering operations and lakes, hard and soft landscaping, and forest management works; along with all associated works and activities – on land at Warren Wood, Fordfield Road, Millbrook, Bedfordshire, MK45, in accordance with application number 05/01066/OUT, dated 27 June, as amended (see paragraph 4 above), subject to the conditions set out in Annex A.
40. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.
41. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.
42. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

43. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter
44. A copy of this letter has been sent to Mid Bedfordshire Borough Council and all parties who appeared at the inquiry.

Yours faithfully,

Jean Nowak
Authorised by the Secretary of State to sign in that behalf

Conditions

1. Development shall not commence until the following details (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority:-

- (a) the siting of the buildings;
- (b) the design of the buildings;
- (c) the external appearance of the buildings;
- (d) the landscaping of the site.

Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development and all reserved matters applications submitted pursuant to this planning permission shall not materially depart from the following
 - (a) the site location plan;
 - (b) 1948LO/PL/01 - Parameters Plan No. 1 (Zones);
 - (c) 1948LO/PL/02 - Parameters Plan No. 2 (Variations in Tree Cover),
 - (d) 1948LO/PL/03 - Parameters Plan No. 3 (Planting Strategy);
 - (e) C-204073/01 RevP3 – Proposed Village Access from Fordfield Road;
 - (f) 1948LO/PL/11(1) – Site Survey Sheet 1;
 - (g) 1948LO/PL/11(2) – Site Survey Sheet 2;
 - (h) 1948LO/PL/11(3) – Site Survey Sheet 3;
 - (i) Gross external floorspace figures set out below in relation to the following buildings.
 - (i) Staff accommodation block – 806 square metres;
 - (ii) Centre 1 Building – 16,000 square metres;
 - (iii) Centre 2 Building – 24,500 square metres;
 - (iv) Technical Services Building – 1,725 square metres;
 - (v) Beach Kiosk and Pancake House – 510 square metres;
 - (vi) Cycle Centre – 2,468 square metres;
 - (vii) Arrivals Lodge – 155 square metres
5. No development shall commence until details of all engineering works, to include the following, have been submitted to and approved by the Local Planning Authority:
 - (a) formation of lakes;
 - (b) construction of roadways and footways,
 - (c) mounding and all changes to existing ground levels;
 - (d) re-routed footpaths and bridleways.

The Development shall thereafter only be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

6. No development shall commence until full details of the means of vehicular access to the site have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith. The access road shall be constructed in accordance with the approved details for a distance of 30m from the highway before any other construction work commences on site.
7. No development shall commence until detailed plans of the parking and servicing areas together with all internal site roadways have been submitted to and approved in writing by the Local Planning Authority, and the Development shall be carried out in accordance therewith. No building shall be occupied until such works are completed and available for use
8. The forest holiday village shall not be open to the public until the Ridgmont Bypass has been opened to traffic.
9. Development shall not commence until a scheme for the provision and implementation of surface water and foul drainage has been submitted to and approved in writing by the Local Planning Authority. The Development shall be completed in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.
- 10 Development shall not commence until details of all site lighting, including internal lighting to Centre 1 and 2 buildings, external lighting and floodlighting (in accordance with principles set out in the Institute of Lighting Engineers (ILE) 'Guidance Notes on Reduction of Light Pollution' 2000) has been submitted to and approved in writing by the Local Planning Authority. Such lighting shall be installed in accordance with the approved details. If within a period of 12 months following first use of the artificial lighting the Local Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted this shall be carried out in accordance with an approved scheme. The means of illumination shall only be implemented in accordance with these revised details.
11. The landscaping details to be submitted in accordance with condition 1 above shall include:
 - (a) identification of tree groups and specimen trees to be specifically protected with steel posts and wire fencing in accordance with BS5837(2005) Trees in Relation to Construction,
 - (b) a tree survey of all deciduous trees in accordance with BS 5837;
 - (c) a services strategy to minimise trenches and combine service runs and therefore minimise potential impact on trees through root severance;
 - (d) existing hedgerows to be retained;
 - (e) no bunding near deciduous trees;
 - (f) construction details of all internal routes and roadways to include no-dig method for footpath construction.

The landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority

12. The details to be submitted in relation to the design and siting shall include foundation details of all buildings
13. Development shall not commence until full details of boundary or other means of enclosure around the perimeter of the forest holiday village have been submitted to and approved by the Local Planning Authority and the means of enclosure shall be implemented in accordance with the approved details.
14. No development shall take place within the site until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The archaeological programme shall be carried out in accordance with the approved scheme.
15. The Development shall be carried out in accordance with the following, unless otherwise agreed in writing with the Local Planning Authority.
 - (a) no construction work is to take place within 30 metres of any badger set unless any appropriate licence has been obtained,
 - (b) no construction work shall take place during the bird nesting season as defined by section 2 of the Wildlife and Countryside Act 1981;
 - (c) no construction work shall be undertaken otherwise than in accordance with a scheme for the mitigation of any impacts on lizards submitted to and approved in writing by the Local Planning Authority;
 - (d) there shall be no work to the watercourse on the southern boundary except for the purpose of enhancing its habitat structure
16. The overnight holiday accommodation element of the development, including all villas, apartments and the 75 bedroom hotel, shall be for holiday/conference occupancy only in association with the main use of the site as a forest holiday village, except for that used by staff in accordance with condition 25.
17. No facilities or buildings on the site, including recreational, entertainment and retail facilities, shall be used for any purpose other than for, or ancillary to, the primary use of the development as a forest holiday village.
18. No development shall commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) details of the protection of habitats and protected species to include full details of a site resurvey for protected species in advance of development in sufficient time to modify plans and/or acquire relevant licences and details of how the status of protected species within the site will be kept under review during construction;
 - (b) details of retained tree areas and measures for their protection;
 - (c) hours of construction/work on site;
 - (d) details of traffic movements and routing plans;
 - (e) air quality impacts,
 - (f) details of the location and control of the parking and storage of contractor's vehicles and equipment storage;
 - (g) details of a wheel cleaning facility;
 - (h) details of the routes within the site to be used by construction vehicles;
 - (i) details of the storage of hazardous waste.

Construction on site shall thereafter only be carried out in accordance with the approved plan and details, unless otherwise approved in writing by the Local Planning Authority.

19 No development shall commence until a Forestry and Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- (a) planting and management of all forest trees for a minimum of 10 years;
- (b) the baseline information provided in the Environmental Statement;
- (c) proposals for an initial monitoring report after 3 years following construction and thereafter annual monitoring to identify changes to initial baseline information;
- (d) a management/action plan to identify areas of improvement/change;
- (e) targets for the improvement of habitat creation and biodiversity and details of how these are to be managed and monitored for a minimum period of 10 years;
- (f) specific details of the management of the wet woodland area;
- (g) a mechanism for audit and review of the plan.

The Development shall only be carried out in accordance with the approved plan.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification) no motorised watersports, land based motorsports, gun sports (save for laser gun sports) or motorised aerial sports shall take place on the site, unless otherwise approved in writing by the Local Planning Authority.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without modification) no painting, repainting, cladding or rendering of any building shall take place other than for maintenance or by like for like replacement of existing colours and finishes, unless agreed in writing with the Local Planning Authority.

22. Approval of the details of street furniture, traffic barriers, signage and non-perimeter fencing within the application site shall be obtained in writing from the Local Planning Authority before such ancillary features are erected or installed.

23. The approved details of fencing and landscaping, including bunding, to be provided in the areas adjoining the perimeter bridleway and BOAT18 shall be implemented at the same time as the works to install the bridleway are carried out, unless otherwise approved in writing by the Local Planning Authority.

24. The maximum number of delegates for day conferences on the site at any one time shall not exceed 250 delegates; and where the number of delegates is between 50 and 250 delegates, no delegates for such a day conference shall arrive or depart on a changeover day (i.e. Mondays and/or Fridays or as may be altered from time to time). No conference comprising more than 250 delegates shall take place other than as a residential conference, unless otherwise approved in writing by the Local Planning Authority. The development shall not open to the public until a scheme for monitoring compliance with the condition has been submitted to and approved in writing by the Local Planning Authority.

25. The staff accommodation shall only be occupied by staff of the operator of the forest holiday village. No more than 20 units of staff accommodation for single occupation shall be provided, consistent with Parameters Plan 1, in a position to be agreed with the Local Planning Authority. Kitchen and/or sitting room areas shall only be provided as communal areas.
- 26 The hotel facilities hereby approved shall operate as an integral part of the forest holiday village and shall not operate as a separate planning unit.
- 27 No day visitors to the development will be permitted otherwise than in accordance with an access scheme to be submitted to and approved in writing by the Local Planning Authority.
28. Development shall not commence until a plan and specification identifying the alignment of the new public rights of way and diversions to be provided on site has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall comply with the principles set out in drawing no 1948LO/PL/05B.

APPENDIX 9 - Land adjoining Oxford Road Committee Report, April 2017

**OS Parcel 2200 Adjoining Oxford Road North Of
Promised Land Farm
Oxford Road
Bicester**

16/02586/OUT

Applicant: Bloombridge LLP

Proposal: Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sq m (Gross External Area) of B1 employment based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards.

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Major Development

Expiry Date: 12 April 2017 **Committee Date:** 13 April 2017

Recommendation: Approve subject to conditions, legal agreement and resolution of ecology concerns

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to a 3.8ha triangular shaped area of land to the southwest of Bicester between the A41 and Wendlebury Road. The site is bisected by the recently installed Vendee Drive link that connects the new A41 roundabout with Wendlebury Road. Beyond the A41 to the west lies the allocated and approved housing development of South-West Bicester and to the north lies the Bicester Avenue garden/shopping centre. To the south and east lies open countryside with the exception of the nearby chicken farm on the opposite side of Wendlebury Road.
- 1.2. The site is comprised of grassland with mature hedgerows and trees around the perimeter except along its boundaries with the new Vendee Drive link. Some pockets of vegetation and small trees are located within the site at its south-western corner.
- 1.3. A disused slip road lies beyond the southern edge of the site which was formerly part of the Wendlebury interchange. It is within the control of the applicant though not part of the application site. A public footpath passes through the south-eastern corner of the site from the disused slip road through to Wendlebury Road.
- 1.4. The majority of the application site is allocated within the Local Plan through Policy Bicester 10 as part of a wider business park to support knowledge based industry. The allocated site however covers a significantly larger area including land to the east of Wendlebury Road which surrounds the adjacent chicken farm premises. The allocation does not however include part of the southern section of the application site.

- 1.5. The application site itself is not subject to any specific statutory or local planning policy designations relating to heritage, landscape or ecological significance. The Bicester Wetland Reserve (a designated Local Wildlife Site) however lies further to the east and the Alchester Roman Town Scheduled Monument covers a significant area of land immediately to the south.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application has been submitted in outline with all matters reserved. As a result, the plans and drawings provided are for illustrative purposes only but are an attempt to demonstrate that the proposed development can be accommodated on the site and are an indication of what could subsequently be proposed. As a result, the detailed design, layout, landscaping and means of access to the development are not for consideration at this stage. Members are therefore considering the acceptability of the principle of the type of development proposed together with the amount. The application proposes a development consisting of two elements which the applicant describes as Phases 1A and 1B. Phase 1A comprises the smaller triangular shaped part of the application site to the north of the Vendee Drive. A hotel providing up to 149 bedrooms together with associated infrastructure is proposed on this land which the applicant indicates is expected to be developed first. Phase 1B consists of the larger remaining part of the site to the south of Vendee Drive on which the application proposes up to 14,972sq m of Class B1 development (which includes offices, R&D and light industrial uses).
- 2.2. The application also includes proposals to provide a new combined footway/cycleway along the A41, a new bus stop layby to the eastern side of the A41, a signalised pedestrian crossing of the A41 and other highway mitigation works including minor alterations to the A41 roundabout as well as a new mini roundabout in place of the existing priority junction between Vendee Drive and Wendlebury Road.
- 2.3. For clarity, the applicant describes the remainder of the allocated Bicester 10 site as Phase 2 in the plans and documents that accompany the application. Phase 2 is therefore indicated on illustrative plans but is not for specific consideration at this stage albeit regard must be had to it in considering the implications of the proposed development to determine whether anything in these proposals might prejudice achieving the overall requirements of Policy Bicester 10.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to these proposals.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with officers in regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
16/00145/PREAPP	Erection of 150 bed hotel

- 4.2. Officers received a pre-application enquiry proposing a hotel on land now referred to as Phase 1A. The proposal at that time did not include any Class B1 development. Officers raised some concerns about the proposal for a hotel on land allocated solely for Class B1 development and what the implications might be for delivery of the number and type of jobs sought by Policy Bicester 10. Officers indicated that in order to be able to consider a hotel proposal favourably on the site it would have to

be shown to act as a catalyst for the wider development of the business park rather than be a standalone proposal. Officers also recommended that further information be submitted to demonstrate that the hotel proposal could not be accommodated in a more sequentially preferable location with respect to Bicester town centre.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately surrounding the application site that the Council has been able to identify from its records. The final date for comments was 16.02.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. Four third party representations have been received from those with various interests in the development. The following summarised comments have been made:

- The proposals on Phase 1 will create momentum and lead towards the development of the wider business park in due course;
- The development will help deliver employment and assist in the sustainable growth of Bicester;
- The hotel could prove a useful place for business meetings and guest accommodation;
- Site amenities such as a hotel are vital for the success for a new business park;
- Demand for overnight accommodation in Bicester is likely to increase and this hotel is needed to meet demand;
- The proposals would help generate a successful office sector in Bicester which to date has been lacking;
- Vendee Drive/A41 roundabout is dangerous and requires traffic signals. Increases in vehicle trips associated with the proposed development would increase further risk of accidents to which the Transport Assessment underestimates as it only records notifiable accidents which do not reflect real numbers;
- Accessing the Park & Ride from Bicester is difficult and exiting requires a long time for a suitable space to emerge in the traffic;
- The development will involve the removal of much of the existing semi-natural habitat across the site and its replacement with built development indicating that a net loss of biodiversity value is likely;
- A biodiversity accounting approach should be undertaken to establish the impact on ecological habitat given concerns regarding potential net loss.

5.3 Letters of support have also been received from Oxfordshire Local Enterprise Partnership and Experience Oxfordshire that draw attention to the benefits of encouraging business and tourism in the county.

5.4 The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Parish/Town Councils:

Bicester Town Council – No objection though concern raised about increased traffic levels in the area as well as the access to the site.

Chesterton Parish Council – No objection however raises the following comments:

The proposals make no reference to upgrading the Wendlebury Road despite the considerable increase in traffic that will take place and there is no mention of the impact this will have on Chesterton. The proposals will surely increase 'rat running' through both Wendlebury and Chesterton. The proposals should also either directly deliver or provide funding towards making improvements to pedestrian/cycle accessibility between Chesterton and Wendlebury Road as it is likely that some employees would travel from Chesterton. Chesterton is also an expanding village and some of its residents may look to travel to work at the site by bus however the service has been withdrawn due to withdrawal of subsidies by Oxfordshire County Council. The proposals should include a financial contribution towards funding the costs associated with the diversion of an existing service into the village.

Wendlebury Parish Council – No objection but concerns raised about traffic generated by the proposed development using the village as a 'rat run', both north and south bound. A robust, enforceable travel plan is necessary to ensure that employees of the business park do not use the back road through the village.

Cherwell District Council:

Landscape Services

Cordell Design does not appear to be a registered landscape architectural practice with the Landscape Institute. The LVIA is deficient and should be improved for the following reasons:

1. Given that the site is flat and the outlying area is also flat, with intervening structural boundary vegetation, the zone of visual influence is not as extensive as one would envisage. However the scale, massing and height (incl. patina/colour) of the buildings will mean the zone of visual influence is going to be wider than proposed in Figure 4. The ZVI should therefore be revised once scale, height and massing is clarified.
2. Although the developing Kingsmere residential site will intervene and reduce the zone of visibility the new residents of Kingsmere will experience development's impacts and effect to a degree. Therefore future residential receptors will experience some visual harm, and this element should be considered in the LVIA.
3. There is no consideration of the landscape and visual impacts and effects of the development during the winter months when the leaves are off the trees and hedgerow. In this regard a revised Significance of Effect weighting must be considered.
4. We require more clarity of how the results have come about. Where are the landscape and sensitivity matrices? For example Magnitude of Change should be judged against Sensitivity of Receptor to determine Significance of Effect – refer to GLVIA3.
5. The building elevations to be indicated on visualisations/wireframes, based on mutually agreed viewpoints which will enable the landscape consultant to provide

an assessment at each viewpoint, to be clearly explained in terms of receptor sensitivity and rating: Magnitude of Change and sensitivity rating in a written statement in combination with the above matrix in item 4. The 3 story offices and the 5 story offices actual height above ground level must be identified the design and access statement currently does not indicate the actual measured heights of the buildings – the proposed elevations would be very helpful.

6. In view of items 1 -5 the Slightly Adverse judgement can be challenged.
7. There must be sufficient landscape buffering and screening which incorporates existing/retained structural vegetation. The Significance of Effect weighting is to be determined at years 1 and 15, taking into account growth rates of the structure planting.
8. The hotel site (Phase 1A) will require a landscaped buffer zone to the car park against the A41. The parking bays are proposed to be on the application site boundary which does not allow sufficient tree planting on this boundary to address landscape/visual impacts.
9. The distance between the hotel elevation to the site boundary on the A41 is only 6 m (approx.) This depth does not allow the growth of large, mitigating trees. This depth must therefore be increased to allow the planting of such trees.
10. Increase the number of car park trees.
11. Detailed hard and soft landscape proposals, along with hard and soft tree pit details are required.

Business Support Unit

It is estimated that this development has the potential to secure Business Rates of approximately £468,900 per annum under current arrangements for the Council.

Economic Development

This outline proposal to create 'Bicester Gateway Business Park' is welcomed, a key employment site and component of the Adopted Local Plan.

Planning and Economy Overview

The Planning Statement & Statement of Community Involvement appear sound, as does the Sequential Test. However, I would be happy to provide further views on any element of the submissions.

The proposal to construct the hotel ahead of the offices is understandable and should facilitate the attraction of key 'knowledge based' business investment that is central to the Council's economic development strategy.

Hotel & Visitor Market

The hotel market in Bicester has performed well in recent years, leading to the expansion of Bicester Hotel & Spa at Chesterton, the continued town centre operation of the Littlebury Hotel and the entirely new Premier Inn and Travelodge. Whilst visitors to Bicester Village are important to all hotels, the demand for overnight accommodation also includes executives and tradespeople working locally, people passing through on the strategic road network, and many other leisure visitors from the UK and overseas. With considerable further development planned for Bicester, the need and demand for further overnight accommodation is to be expected. This particular proposal has the potential to differentiate itself from other hotels in and around the town through its scale, prominence and unique location providing a 'business hub' to serve the needs of other businesses by being integral to the operations within subsequent phases of the Business Park.

Access

In considering the inter-relationships between the large format sites alongside the A41, it is of paramount importance to carefully manage vehicular access and to integrate pedestrian and cycle ways. This is not only fundamental to the garden town philosophy and to the creation of a sense of place where people choose to

spend time – both indoors and out - is also of practical importance to the workforce, residents and visitors being able to easily access the site and to move between sites.

Design

The intention to use high quality building materials and design are indicated and I would support this approach, rather than mitigating a poor design through over-planting alongside the A41. This will be particularly important if the site is to attract globally-renowned business occupiers.

Ecology

The Ecological Assessment states that a Phase 1 habitat survey was carried out in April 2016. During this visit trees were inspected for bat potential; signs for badger presence and on-site reptile refugia disturbed. A second survey for bats was undertaken in September 2016 to include a transect survey and two static detectors were left overnight. In the Amphibians (section 5.4) the Ecological Assessment refers to 2013 surveys on ponds nearby that found no records from Great Crested Newts and that "checks of suitable refugia within the application site did not reveal the presence of any amphibians". Although, the report then states that the habitat for grass snake is sub-optimal.

It is noted that the TVERC data was generated on 13th May 2016 after the Phase 1 survey had been carried out and so did not inform the site visit. Therefore, species records not considered prior to the site visit include barn owl (Bicester Wetland Reserve), grass snake (recorded on site (28/07/1987 - field record) and otter (Bicester Wetland Reserve). Similarly, the report references the use of the NBN Gateway as an information source despite the website clearly states that the data on the site is not to be used for commercial purposes.

Our concern is that there has not been enough survey effort to determine the presence or absence and use of protected species onsite.

Bats:

The Bat Conservation Trust Guidelines suggest for low suitability habitat for bats the following surveys are required:

- Transect/spot count/times search surveys: One survey per season (spring - April/May, summer - June/July/August, autumn - September/October); and
- Automated/static bat detector surveys: One location per transect, data to be collated on five consecutive nights per season (spring - April/May, summer - June/July/August, autumn - September/October in appropriate weather conditions for bats.

Without this information one cannot determine how the pipistrelles or other bats missed through no-seasonal surveys are using the site or its boundary features and how any entrance feature(s) into the site could disrupt this activity.

Otters:

Otters have been recorded on the Bicester Wetland Reserve and there is a watercourse that links this site with the reserve and no mention of this is included in the Ecological Assessment.

Grass Snake:

A Grass snake, albeit 1987, has been recorded on site and there is a wetland reserve hydrologically linked to the site. If grass snake persists on the site then an April survey of looking under naturally occurring refugia does not follow national guidelines.

Barn Owl:

Barn Owls have been recorded on and/or adjacent to the Bicester Wetland Reserve and semi-improved grassland would provide suitable habitat for their prey species, however, there were no surveys for this species nor a reference to them in the Ecological Assessment.

Great Crested Newts:

Although the statements in the Ecological Assessment may be correct the evidence to back this up has not been submitted.

Botanical Surveys:

April (actual date unknown) is not the best time to survey grassland, guidelines recommend late May to early July. To accurately assess the grassland's condition a survey at these times for lowland meadow would be required.

Recommendations: Further surveys are required to determine the presence or absence of the above species and how they use the site throughout the year. The current indicative layout does not illustrate how either Phase 1a or Phase 1b have flexibility to compensate for these species, should they be found to occur on the site at a later date. It is also recommended that the supporting evidence for the great crested newt absence statements within the Ecological Statement is submitted as part of this application.

Biodiversity Impact:

Phase 1a has been shown to have a biodiversity loss. Ecology Solutions (applicant's ecological consultants) suggest a loss of 2.3 biodiversity units using the Warwickshire Biodiversity Impact Assessment Defra metrics. Phase 1b suggests an additional loss of 4.39. Due to the lack of an accurate assessment of the grassland the actual impact could be greater than this; our calculations suggest a potential impact of 6.82 and 15.22 biodiversity units loss respectively. Indicatively this could infer Biodiversity Offset costs of £212,700 and £463,900.

Recommendations: That Biodiversity Offsetting is included within a Section 106 obligation to ensure no net loss. However, it is strongly recommended that this is informed by an appropriate assessment of the grassland to assist with any viability assessment for the phases.

Conclusions:

There is not enough survey data to inform how this development (phase 1a and/or 1b) will impact on protected species and as such it does not accord with the ODPM Circular 6/2005, local authority NERC Duties (2008) and the Habitat Directive (2010). Therefore, it is recommended that the application is refused until further surveys are carried out.

Oxfordshire County Council:

Transport

OCC continue to object to the proposed development and maintain that an assessment of the transport impacts of developing the entirety of Bicester 10 (i.e. Phases 1 and 2) is a necessary part of ensuring that each component part provides its appropriate share of this overall mitigation. However, it is recognised that Policy Bicester 10 does not explicitly require this. The objection is made on the basis that:

- Traffic impact has been assessed in isolation without considering the wider impact of Bicester 10 with the risk that adequate mitigation for the wider site will not be provided.

- There are outstanding queries with the methodology of the Transport Assessment (TA) including the rationale for only subtracting the main flows associated with Bicester 10 development from the Bicester Traffic Model, i.e. inbound in the am peak and outbound in the pm peak, in order to get back to a base scenario upon which to assess the addition of the development. However, even if the minor flows are small, it slightly inflates the base case thereby potentially reducing the proportional impact of the development and gives a false forecast of turning movements and junction capacity. The difference could be minor but on the other hand the methodology chosen could be masking some impacts.
- Without minor alterations to the A41/Vendee Drive roundabout, the traffic congestion would become severe by 2024 following full occupation of the office development. The proposed mitigation scheme is relatively minor and involves increasing the entry width at the Vendee Drive arm by less than 1 metre by reducing the width of the splitter island, with no increase in effective flare. On the Vendee Drive Link arm, the scheme involves increasing the effective flare by 11m. Whilst our preference would be for a more substantial scheme with longer lasting effect and capable of mitigating the impact of the whole of Bicester 10, it is acknowledged that the residual impact of Phase 1A and B with this mitigation scheme as modelled is not severe in terms of queues or delay. The developer should commit to providing this mitigation scheme by 2024.
- However, by 2024 the junction between Vendee Drive and Wendlebury Road would be operating above capacity and the modelling indicates the need for mitigation at this junction. The applicant disputes the 2024 modelled flows on Wendlebury Road from the Bicester Transport Model, and it is on this basis that they propose a 'monitor and manage' arrangement, which OCC does not accept. OCC recommend that a sensitivity test is undertaken (with traffic flows to be agreed with OCC), to understand the impact that a potentially lower flow on Wendlebury Road might have. The proposed mini roundabout scheme may need some design tweaks to ensure adequate visibility, and would rely on a 30mph speed limit being introduced. Nevertheless it is required to mitigate the predicted impact of Phase 1A and B by 2024 and therefore the developer should commit from the outset to providing it.
- The plan submitted demonstrates that suitable visibility for the hotel access can be achieved even if the TRO to reduce the speed limit is not successfully made, with appropriate clearance of vegetation and assuming the land up to the highway boundary is in the control of the applicant. Although plans have not been supplied showing visibility splays for access(es) to the offices, with the reduction in speed limit to either 40mph or 30mph it should be possible to provide adequate visibility splays with appropriate clearance of vegetation and assuming the land up to the highway boundary is in the control of the applicant. A reduction in speed limit to 30mph, necessary for the mini roundabout, may require some additional traffic calming features. A s106 planning obligation is necessary to require the developer to enter into a S278 agreement for the mini roundabout scheme prior to commencement of Phase 1B to ensure that the office development does not go ahead without ensuring that it is delivered in time to mitigate the impact of the development.
- The TA and Technical Note acknowledge the impact of the development on the A41 corridor. Therefore it should be possible to agree a strategic contribution, with an appropriate trigger, towards a scheme to relieve traffic congestion on this corridor, rather than leaving it for future assessment. Further details and justification for our proposed contribution will follow.
- The proposed number of parking spaces shown is sufficient but it is recommended that a car park management plan is conditioned.
- There are currently no other developments that could be required to contribute towards a crossing of the A41 here. As the hotel is proposed to open first, and as a crossing is required for sustainable, suitable and safe access to the hotel, it is our opinion that it must be provided by the developer in advance of the first occupation

of the hotel, along with the bus infrastructure. We require drawings showing the indicative design of the crossing in conjunction with the proposed bus stop and a S278 agreement to be agreed prior to commencement. We believe that the requirement for RTI is justified in order to maximise opportunity for sustainable travel. Given the location and particularly the potential for overseas tourism, we consider that there is a strong likelihood of visitors wanting to access the hotel by public transport.

- Off-site highway works required in connection with access to the proposed hotel (vehicular access, crossing, bus stop, cycleway/footway north of the roundabout) should be secured and agreed prior to commencement, with the works themselves being required prior to occupation. Likewise, off-site highway works associated with Phase 1B should be secured and agreed prior to commencement of phase 1b – this would include the cycleway/footway south of the roundabout, the Vendee Drive roundabout mitigation scheme, and the Wendlebury Road junction mitigation scheme. The cycleway/footway would be required to be delivered prior to occupation of phase 1B. The mitigation works could be required by a later trigger point.
- As explained, OCC is not satisfied with there being no upfront commitment to deliver mitigation. The reliance on a future transport assessment runs the risk of this not being agreed within the timeframe for delivery. Even if it were possible to agree such a complex S106, the monitoring would be highly complex requiring numerous notifications to be programmed in which in practice would be unworkable.

Drainage Engineers

Following the receipt of further supporting information and the proposed inclusion of swales within the development to manage and treat rainwater, the proposals should be able to be served by an appropriate sustainable drainage scheme as part of detailed subsequent proposals that ensure no increase in surface water discharge from the site would occur beyond pre-development levels. Conditions are recommended to be imposed on any grant of outline planning permission.

As the site is identified to be located with Flood Zone 1 as defined by Environment Agency flood mapping, the proposed development is considered to be at a low risk of flooding from any source.

Archaeology

The site is located in an area of considerable archaeological interest immediately north of the scheduled Roman Town of Alchester (SM 18). An archaeological evaluation has identified a number of Roman deposits within the area of the site which is shown as proposed for car parking. These deposits are proposed to be preserved in situ in line with a preservation strategy submitted with the planning application. A programme of archaeological investigation and mitigation will still be required for the rest of the site but following the removal of any built development proposals from the area identified to contain dense Roman deposits we are satisfied that this can be secured through appropriately worded conditions.

Economy

The proposed development would create a significant number of new jobs at end user stage which is welcomed. To ensure that the development enables local people to better access the training and job opportunities arising from the development, a Community Employment Plan (CEP) should be required and implemented through imposition of a planning condition. A CEP should relate to outcomes from both the construction and end user phase.

External Consultees:

Historic England

Policy Bicester 10 requires that the setting of the scheduled monument should be conserved and enhanced and opportunities should be set out to better reveal its significance. In our view, this might be better achieved if the outcome for the whole of Bicester 10 is understood at the outset.

The proposed development appears to relate to only a part of the whole of Bicester 10, and in fact appears to relate largely to the construction of a hotel. The impact from this particular proposal on the significance of the scheduled monument through the impact upon its setting would be limited to the southern end and in our view the harm would be minor. We are concerned however that this proposal is limited to this area and the overall impact of subsequent development throughout Bicester 10 cannot yet be assessed as a whole. The area labelled as Future Phase II has considerably greater potential to impact upon the setting of the scheduled monument and we feel that it might be premature to accept this development without understanding the final outcome. We also have concerns in relation to a potential south-eastern peripheral road, and we raised these in our consultation on the Proposed Submission Plan. We understand that Oxfordshire County Council has considered possible routes for such a route and has requested your authority to safeguard a southern route which would pass around the south side of the scheduled monument. We have made clear to them that we do not understand the basis upon which this choice has been made, and that it remains possible that a more northerly route would have less of an impact. In our view the County Council does not have the necessary information to make an informed decision. Our concern here is that the more northerly route would pass through Bicester 10, and we would not wish to see any development here which might preclude that option if it was found to be the preferable one.

Thames Water

The existing water supply and wastewater infrastructure has insufficient capacity to meet the additional demands of the proposed development. Conditions should therefore be imposed preventing development until capacity studies have been submitted and approved by the LPA in consultation with Thames Water to determine any new additional capacity required in the system and suitable connection points.

Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT)

In accordance with paragraph 109 of the NPPF (National Policy Planning Framework) and Policies ESD10 and Bicester 10 of the Cherwell Local Plan, development on this site should achieve a net gain in biodiversity. Being mindful of the current nature of the site and in the absence of information that clearly demonstrates a net gain I am unconvinced that a net gain is currently being achieved. Experience elsewhere has shown that use of Biodiversity Accounting Metrics such as the ones developed by Defra, the Environment Bank or Warwickshire County Council can be useful in quantifying losses and gains in biodiversity to check that a net gain is being achieved. The applicant should check with the local authority ecologist which metric to use.

There is little evidence of biodiversity being integrated into the development in accordance with Local Plan Policy ESD10 and paragraph 118 of the NPPF, which encourages opportunities to incorporate biodiversity in and around developments. I would expect a development in this location (gateway location, Bicester Eco town) to set exemplary standards for biodiversity in built development. This could include green roofs, green walls, sensitively managed native street trees, diverse road verges, and the incorporation of integral wildlife boxes where possible.

We are also concerned that the ecological effects of the development on designated sites and species are assessed for the first development phase only rather than comprehensively for the Bicester 10 site as a whole and in the wider development context. The development affects the most westerly part of the larger strategic development site of Bicester 10, the latter of which extends eastward up to the Bicester Wetland Reserve LWS (Local Wildlife Site) encompassing the District Wildlife Site of Promised Land Farm. An ecological survey has been carried out by Ecology Solutions Ltd for this application. The survey did not find any protected or notable habitats or species on site or immediately adjacent to the site. The report does also not identify any significant adverse effects on the nearby LWS (Local Wildlife Site). I don't question the findings of the survey but consider it insufficient to assess the effects of this development in isolation.

Future development phases of Bicester 10 will include the grasslands of Promised Land Farm up to the boundary of the LWS bringing development close to the reserve. I am concerned that it is proposed to assess the impacts on the LWS as part of future development phases rather than considering effects comprehensively and cumulatively at this stage. This is in line with Bicester 10 policy, which states amongst other things: "...An ecological survey should be undertaken, investigating the cumulative impacts of development at this site and at other sites on the Local and District Wildlife Sites in the vicinity. ..."

In addition, other strategic development sites are located to the north (Bicester 4) and northeast (Bicester 2 – Graven Hill) of the LWS, so that the reserve might be almost completely surrounded by development in the future. I am concerned about the effects this might have on the ecological interest of the LWS and the ability for it to be managed for nature conservation in the future. I consider it important that the effects on this site are comprehensively assessed.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning legislation requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLPP1)

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)

- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- T2 - Proposals for hotels, motels, guest houses and restaurants within settlements
- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of the Proposed Development;
- Access and Transport Impacts;
- Design, Appearance and Impact on the Character of the Area;
- Ecology;
- Impact on the Historic Environment;
- Flood Risk/Drainage;
- Energy Efficiency/Sustainability;
- Planning Obligations(s);
- Local Finance Considerations.

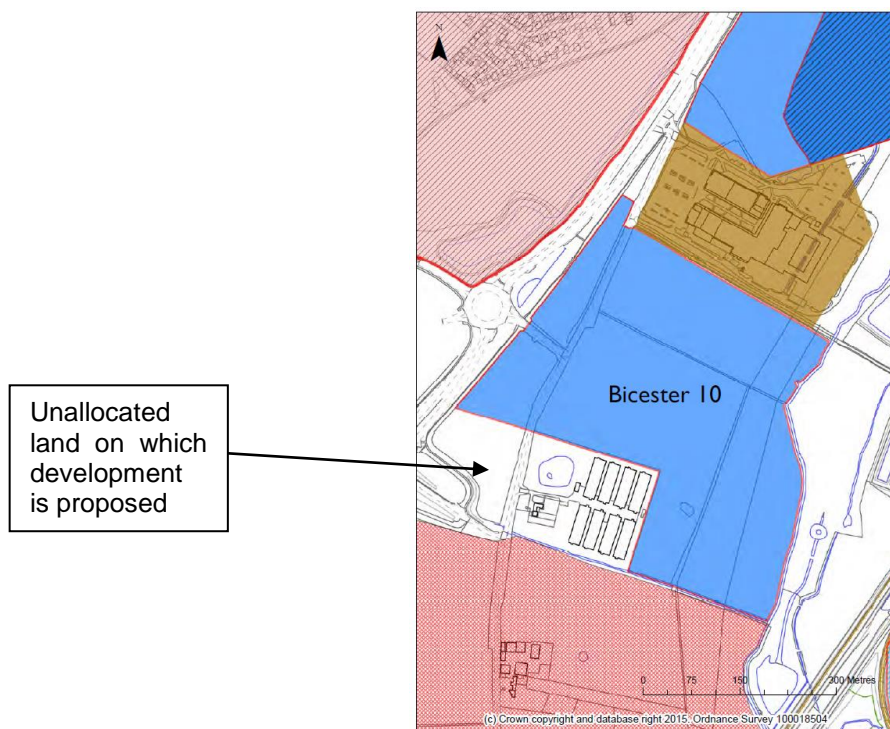
Principle of the Proposed Development

8.2 Policy Bicester 10 allocates an area of land (as shown in the Policies Map) to the southwest of Bicester (described as Bicester Gateway) for the provision of Class B1 (office, R&D, light industrial) development based on high-tech knowledge industries. The policy suggests that approximately 3500 jobs could be delivered through such development on the site. The supporting text to Policy Bicester 10 explains that the site has the potential to be a major high quality employment area at a critical gateway into the town and that there is an opportunity to encourage the knowledge economy associated with Oxford to locate to Bicester.

8.3 The application relates to a small part of Bicester 10 between the A41 and Wendlebury Road. This land is separated into two by Vendee Drive. The smaller triangular shaped northern parcel of land is proposed to accommodate up to a 149 bedroom hotel whilst the larger southern section of the site is proposed to accommodate up to 14, 972 sq m of Class B1 development. The applicant describes the land associated with the hotel proposal as Phase 1A and the land associated with the Class B1 development as Phase 1B. The land actually allocated through

Policy Bicester 10 is however significantly larger than the application site and includes land to the east of Wendlebury Road which the applicant refers to as Phase 2. The applicant currently has no control over the land known as Phase 2. Whilst not desirable in planning terms, there is no restriction on applications being submitted that relate to only part of an allocated site as is the case here. It is however important that in considering such an application that due regard is given to any difficulties or potential adverse impacts that the current proposals may have on later phases of development that might prejudice the ability to achieve the overall requirements of the allocation policy. Consequently, there is no reason in principle to object to this application on the basis that it relates to only part of an allocated site though in considering the application officers and Members do need to be mindful of the wider implications of the proposed development on the overall requirements and objectives of Policy Bicester 10.

- 8.4 The application proposes up to 14,972 sq m of Class B1 floorspace on the southern parcel of land referred to as Phase 1B. This type of development is in accordance with the purposes for which the site is allocated through Policy Bicester 10 and so the principle of such a development is acceptable subject to compliance with other detailed requirements of the policy. However, the proposals depart from the provisions of Policy Bicester 10 in two ways and as such the application has been publicised by the Council as a departure from the development plan. First, the application proposes up to a 149 bedroom hotel on the northern parcel of land (Phase 1A) which differs from the Class B1 (office/light industrial) development supported by Policy Bicester 10. Second, some of the Class B1 development proposed on the southern part of the site includes land that is not specifically covered by Policy Bicester 10 as shown in the adopted Policies Map (extract shown below).



- 8.5 In addressing the potential acceptability of the principle of these departures from adopted planning policy, officers will first consider the matter of the proposed encroachment of Class B1 development into unallocated land.

- 8.6 The boundary of the Policy area, as shown on the above extract from the adopted Policies Map is peculiar in that after following the boundary of the existing chicken farm, the southern boundary line of the allocation continues in a straight line over to the edge of the A41. There is no delineating built or natural boundary that this line follows and it simply cuts across a field. Officers can think of no logical reason why the boundary line should have been drawn in this way and, whilst it forms part of an adopted policy document, following further discussion between officers in the Development Management and Planning Policy teams it appears likely that the map has an error and that Bicester 10 should instead have included the land to the southwest up to the boundary with the disused slip road. Nevertheless, even with this apparent error the Policies Map forms part of the Development Plan and the application must be assessed against it.
- 8.7 The unallocated land comprises grassland surrounded by hedgerows along the western, southern and eastern boundaries. The northern boundary is open and the land blends into a wider grassland field comprising the allocated Bicester 10 site. Policy C8 of the CLP 1996 seeks to resist sporadic development in the open countryside and is thus material in this respect. This policy has weight but as a wholly restrictive policy it is not necessarily completely consistent with current national planning policy in the NPPF. Policy ESD13 is up-to-date and resists development proposals where they would cause undue visual intrusion into the open countryside or be inconsistent with local character.
- 8.8 Whilst the proposals would result in the loss of countryside, the remaining technically unallocated part of the application site is very contained by existing vegetation rather than appearing to form part of wider open countryside. Furthermore, its retention as isolated, vacant and unusable grassland would appear wholly incongruous adjacent to the new business development given that it so clearly and logically forms part of the same piece of land. For this reason officers have concluded that its development would not be materially harmful to the intrinsic attractiveness of the open countryside and neither would it cumulatively have any materially greater local or wider landscape impact than that caused by development of the rest of the allocated site. Consequently, whilst the proposals would result in some new built development on unallocated greenfield land, officers are satisfied that for the above reasons this would not have a materially adverse effect on the natural landscape and would help deliver further employment development on land that would, if left undeveloped, have little environmental, economic or social value.
- 8.9 Turning now to the matter of the proposed hotel, at its heart Policy Bicester 10 seeks to create a business park providing premises for knowledge based industries. Any loss of land to other types of development reduces the availability of land on which such premises could be provided and could therefore affect the underlying purpose of the allocation as well as affect the number and type of jobs created through development on the overall site. Given that planning legislation requires decisions to be taken against the provisions of the development plan unless material considerations indicate otherwise, the starting point would ordinarily be to view the proposals unfavourably in this regard due to their apparent conflict with up-to-date development plan policy.
- 8.10 However, officers agree with the applicant that it is often very difficult to secure the first occupier on a new employment site and that once one premises is operational, others often quickly follow. This is because businesses are reluctant to commit to the disruptive process of moving premises until there is complete certainty surrounding timescales, infrastructure and the site circumstances. Whilst officers do not necessarily consider a hotel or similar development to be a prerequisite for a modern business park (and there are numerous new examples without one), officers are receptive to the notion that a business amenity (such as a hotel with associated

conference/meeting facilities) is an attractive feature which, once committed, has the potential to act as a catalyst for other interest of the kind directly supported by Policy Bicester 10. Not only would the hotel, once operational, give the impression of the whole site being 'open for business' it would also provide useful meeting facilities for nearby businesses as well as overnight accommodation for visitors/customers. Indeed it is on this basis that the applicant has proposed the development with an initial phase for the hotel (Phase 1A) and a second phase (Phase 1B) with Class B1 development proposed on the remainder of the site.

- 8.11 In addition to potentially providing an attractive amenity to business, officers are also conscious that the construction of the hotel would necessitate provision of power, gas, water, sewage and communications infrastructure to the site which would in turn enable straightforward connection to subsequent business premises thus reducing time and cost implications for an interested business occupier. This would further help to encourage businesses to develop new premises on the site. It is also worth noting that whilst the hotel would not be expected to deliver jobs to the same extent or perhaps skills level as other employment types might do, it would still generate a reasonable level of employment and given the nature of many the jobs (part time, lower skilled, seasonal) it is likely that a high proportion of the jobs would be filled within the local population.
- 8.12 With the above in mind, officers have concluded that whilst the hotel proposal is in conflict with the specific provisions of Policy Bicester 10 it has the potential ability to help facilitate further Class B1 development on the site and thus help deliver on the wider long term objectives of Policy Bicester 10. In coming to this view officers have been mindful of the circumstances on the nearby allocated Bicester 4 site which also has had the benefit of outline planning permission for a significant amount of Class B1 development since 2008. The re-location of the Tesco superstore to the front of this site was partly predicated on the basis that it could help act as a catalyst to interest from prospective developers of Class B1 premises but this has so far not proven fruitful. However, in comparison to the food superstore, officers believe that a hotel would provide a more complementary, attractive and higher quality amenity that is directly relevant to businesses. For this reason officers do not consider that the experience to date on Bicester 4 is of particular relevance to the merits of this proposal.
- 8.13 In further considering the principle of the development of a hotel on the site, officers also have to be mindful that such a use is defined as a Main Town Centre Use in both Policy SLE2 of the Cherwell Local Plan as well as the NPPF. In order to maintain and enhance the vitality and viability of town centres, such developments should first look to be provided on suitable and available sites in a town centre before considering edge of centre and then out of centre locations. The application site constitutes an out of centre location for these purposes. The process of considering the availability of such alternative sites is known as a sequential test.
- 8.14 The applicant has submitted a document to address the requirement for a sequential test. Officers do not however consider the approach set out in the document to be completely robust. It considers the suitability and availability of sites on the basis of the whole of the proposed development rather than simply the hotel element. As the site is allocated for Class B1 development (also a Main Town Centre Use) it is not necessary to apply the sequential test to this. Given that the hotel is a separate element (on a discrete parcel of land) that does not in any way rely on the Class B1 development to operate (and indeed is shown to be phased so that this could occur), officers are of the view that in order to be a robust sequential test it could and should have been disaggregated from the remainder of the Class B1 proposals and sequentially tested on that basis. The applicant has not therefore assessed suitable and available sites for a proposal similar in scale and format to the hotel

element alone and 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.

- 8.15 Notwithstanding any deficiencies in this regard however, officers are mindful that if the hotel was provided in an alternative location closer to Bicester town centre it would not be fulfilling its role as a potential catalyst and amenity to further Class B1 development on the allocated site. Moreover, whilst the proposed hotel would be located on the edge of Bicester it should be recognised that overnight accommodation (either for leisure or business purposes) would provide additional visitors to the town and that at least some of hotel guests would venture into the town centre, helping to support both the day and night time economy. It should also be noted that both the Council's Economic Development team and North Oxfordshire Tourism Study 2014 (which forms part of the Local Plan evidence base) have identified that there is a shortfall in overnight accommodation within Bicester due to a combination of increased population growth, increasing affluence and growth in overnight visitors to attractions such as Bicester Village.
- 8.16 Taking the above together, officers are content that the provision of a new hotel would bring about economic benefits both generally and to Bicester 10 itself that would outweigh the loss of part of Bicester 10 to a use other than that for which it is specifically allocated. Furthermore, as a result of the application proposing Class B1 development on unallocated land to the southwest, there should not be an overall net reduction in land available to provide the development that Policy Bicester 10 supports. On this basis officers are satisfied that the principle of the overall proposed development is acceptable.
- 8.17 Notwithstanding the above, Members should note however that the applicant is proposing the hotel and the Class B1 development in two separate phases which each stand alone and can be delivered in isolation. As a result, there is no guarantee that the development of a hotel would swiftly lead to delivery of the Class B1 development. However, on balance, officers are content that the hotel would act as a sufficiently attractive first occupier on the allocated site (in addition to the other economic benefits previously outlined above) and thus increase the likelihood of the overall objectives of Policy Bicester 10 being realised.
- 8.18 Members should also be aware that despite the provisions of Policy Bicester 10 and the applicant's claims of intent, there is no specific commitment as part of the application towards ensuring that the Class B1 development that takes place is occupied by high-tech or knowledge-based businesses. As a result, there is nothing to suggest that this first phase of the wider allocated business park would provide anything more than generic office or light industrial employment space. However, given recent difficulties in securing Class B1 development in Bicester, officers are disinclined to seek to require or impose further restrictions on the nature of the business occupiers that could prejudice delivery of employment on the site though such approaches have been known to have taken place successfully elsewhere such as at Oxford Science Park though in different market circumstances. If Members were to disagree however and wish to seek to specifically control the nature of the businesses on the site as part of granting planning permission, officers could explore the use of appropriate conditions or planning obligations to secure this.
- 8.19 In conclusion therefore on matters of principle, officers are satisfied that the proposed Class B1 development on the allocated Bicester 10 site has already been established as acceptable in principle through allocation of the site in the CLPP1. Whilst other elements of the proposal do not specifically accord with the requirements of Policy Bicester 10, on balance, officers are satisfied that the

provision of the hotel as well as further development on unallocated greenfield land would assist in achieving the wider economic objectives of the development plan and that their benefits generally outweigh their harm. As a result, the overall principle of the proposed development is found to be acceptable.

Access and Transport Impacts

- 8.20 Policies Bicester 10 and SLE4 of the CLPP, inter alia, require new development to maximise opportunities for access to sustainable modes of travel. The policies also seek improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development. Policy Bicester 10 also adds that development on the allocated site should safeguard land for future highway improvements.
- 8.21 Policy Bicester 10 also requires provision for safe pedestrian and cyclist access from the A41 including facilitating the provision and upgrading of footpaths and cycleways to improve links between the site and surrounding development as well as the town centre. The policy also requires maximisation of walking and cycling links as well as a high degree of integration and connectivity between new development on Bicester 10 and the new mixed use urban extension at South West Bicester, the existing garden centre to the north as well as Bicester Village and Bicester town centre. Accommodation of bus stops to link new development on Bicester 10 to the wider town are also required by the allocation policy.
- 8.22 The application is made in outline and, somewhat unusually, access is proposed to be a reserved matter meaning that the means of access to the proposed development is not fixed at this stage. Nevertheless, it is a legal requirement for an application to indicate points of access and the applicant has done so in the submitted plans.
- 8.23 Vehicular access to the hotel (Phase 1A) is shown to be via a single priority junction onto Wendlebury Road approximately midway along the site's eastern boundary. OCC as the local highway authority (LHA) has reviewed the proposal and concluded that due to the straight alignment of the road and availability of adequate visibility splays, there is no suggestion that a suitable means of vehicular access could not in due course be provided to the hotel. This is the case even at the current national speed limit though it is proposed to reduce the speed limit along this stretch of Wendlebury Road to 40mph which would require OCC to make a Traffic Regulation Order (TRO) for which financial contributions are sought through a planning obligation. As access is a reserved matter, the precise means of vehicular access to the hotel would have to be proposed and assessed as part of a subsequent reserved matters application.
- 8.24 With respect to the southern section of land on which Class B1 development is proposed (i.e Phase 1B), the illustrative plans submitted indicate two potential vehicular access points from Wendlebury Road. Whilst the precise means of access would need to be determined as part of reserved matters, OCC has advised that there is no reason to conclude that such accesses would be unsuitable or unsafe at the proposed reduced 40mph speed limit. The applicant has not however demonstrated that suitable visibility splays would be available at the existing national speed limit and so officers would recommend that in the event that outline planning permission is granted that a condition is imposed preventing any development on Phase 1B until the speed limit has been formally reduced by OCC through a TRO. There is no suggestion from OCC that proposals along the lines of the type indicatively shown would cause unsafe or difficult manoeuvring for delivery or servicing vehicles (including for refuse collection) into and out of the two parts of the site and as such there is no reason to conclude at this stage that Wendlebury Road is too narrow or unsuitable to serve the proposed development.

- 8.25 As described previously, it is an important requirement of both local and national planning policy to maximise opportunities for sustainable travel to and from new development both in terms of walking/cycling and public transport. To this end the applicant is proposing a new 3m wide combined footway/cycleway within the verge of the A41 that would run all along the western boundary of the site and link into the disused slip road at the site's southern boundary. This footway/cycleway would feature numerous points of access into the development though the details of this would need to be resolved at reserved matters stage. This work would need to take place on public highway land and OCC has indicated its support for this. These works would be phased to ensure that the relevant sections of the footway/cycle are completed (including lighting) prior to first occupation of development on Phase 1A and 1B respectively. The applicant is also proposing further works to the public highway away from the site to ensure that there is suitable means for pedestrians/cyclists to cross at existing junctions when heading to/from the town centre. Such works are considered to be appropriate and necessary and would need to be secured through a planning obligation.
- 8.26 An existing footway runs along the part of Wendlebury Road adjacent to Phase 1A and turns the corner into Vendee Drive. As a result, there would be pedestrian connections towards the town centre and adjacent garden centre development using either the new footway/cycle along the A41 or via the existing footway. The existing footway however terminates shortly before the entrance to the garden centre development on the opposite side of Wendlebury Road. However, the land necessary to provide an extended footway is not within the applicant's control and so further works are not proposed to take place. Nevertheless, even without this officers are satisfied that the proposed new combined footway/cycleway together the extent of existing footway ensures suitable and safe access to and from the development by both pedestrians and cyclists.
- 8.27 Policy Bicester 10 specifically requires provision of new bus stop facilities along the A41 to serve the development. The S5 service provided by Stagecoach currently passes the site via the A41 and links Bicester with Oxford. Alterations are proposed to the existing layby on the A41 adjacent to Phase 1A in order to accommodate a new bus stop in the southbound carriageway verge and OCC has confirmed that they are satisfied with these proposed works which would need to be secured through a planning obligation if planning permission was to be granted. It is however recognised that crossing the A41 to reach the northbound bus stop would be undesirable and potentially dangerous for pedestrians and so the applicant has agreed to provide a new signalised crossing of the A41 in the vicinity of the site to which OCC approve. The applicant has also offered to provide electronic real time passenger information displays at the bus stops to encourage their use by both future employees as well as guests of the hotel. Such works would need to be secured by planning obligation and required to be provided in advance of first occupation of the any part of the proposed development.
- 8.28 Consequently, in terms of matters of accessibility, officers are satisfied that the proposed development is able to be served by safe and suitable vehicle access whilst also taking the opportunities available to encourage sustainable modes of transport in accordance with the requirements of Policies SLE4 and Bicester 10 of the CLPP1.
- 8.29 In accordance with the requirements of Policy Bicester 10 the applicant has submitted a Transport Assessment (TA) in support of the application. Amongst other things this assesses the likely impact of the proposed development on the local highway network both at the time of the projected first opening of the development (2018/19) as well as in 2024. The TA has concluded that the operation of the

proposed hotel by itself (either in 2018/19 or 2024) causes no cumulatively severe adverse impact on the safety and operability of the local road network and so consequently no direct off-site highway mitigation is required. Broadly speaking, OCC agree with this conclusion and as result there is no reason to restrict or object to Phase 1A of the proposed development in this regard.

- 8.30 The traffic impacts associated with Phase 1B of the proposed development are a little more complicated but in essence the expected vehicle trip generation is expected to cumulatively cause severe problems at the A41/Vendee Drive roundabout as well as at the Vendee Drive/Wendlebury Road junction at some point between 2018/19 and 2024. This worsening is, in part, due to increased general background traffic growth on the network as well as the impact of other approved/committed developments in the local area. As a result, the TA recommends a couple of measures to ensure that the proposals result in no detriment to the highway network. The first involves alterations to lanes at the A41/Vendee Drive roundabout to increase capacity which OCC agrees is both necessary and appropriate and such works would have to be secured via a planning obligation. The second involves the creation of a new mini roundabout to replace the existing priority junction between Vendee Drive and Wendlebury Road. The mini roundabout would be installed within the existing extent of the public highway and would require a further speed limit change down to 30mph. A scheme for this has been submitted by the applicant and, whilst OCC has indicated that modifications to this scheme are necessary, they have confirmed that a suitable similar scheme is deliverable and do not object to the proposed approach. The mini roundabout works would need to be secured through a planning obligation.
- 8.31 To complicate matters slightly, it is necessary to be mindful of avoiding anything that might prejudice successful delivery of development across the remainder of Bicester 10 in the manner provided for by the allocation policy. The applicant has however demonstrated that there is sufficient land left available either side of Vendee Drive to allow for future widening of the Vendee Drive link so that it can facilitate a more comprehensive highway solution that accommodates more traffic in order to serve development on Phase 2 of Bicester 10. Officers are comfortable that there is nothing within the current proposals that would seem to prejudice the ability to achieve suitable access to a future wider business park. However, providing suitable vehicular access to Phase 2 is likely to see the need for a more significant roundabout as well as associated alterations to the alignment of Wendlebury Road with the result that any aforementioned mini roundabout solution might be short-lived. Nevertheless, assumptions cannot be made regarding the timescales for any Phase 2 proposals and, in any event, such potentially short-lived works would be funded by the applicant and without any public finance implications. Within its consultation response OCC has also commented that they believe that a wider assessment of the full transport impacts of the entirety of development on Bicester 10 should be undertaken in order to be able to generate a cohesive and meaningful package of transport mitigation rather than piecemeal highway improvements. Whilst officers sympathise with this view, it is necessary to consider the application proposals on their individual merits and where development is proposed that broadly complements successful delivery of development across the whole of Bicester 10, there can be no reasonable objection to part of the development coming forward without the entirety. There is no suggestion from OCC that the proposed development would jeopardise or fetter suitable transport arrangements being available to serve and mitigate a wider business park operating across the whole of Bicester 10.
- 8.32 OCC is developing a long term strategy for managing traffic along the A41 corridor in light of expected significant increases in traffic growth as a result of new development. Part of this strategy involves the proposed southeast perimeter road

which, following public consultation, now has a preferred route. In recognition of the fact that the proposed development would materially increase traffic along the A41, OCC is seeking a financial contribution from the development towards its strategy. At the time of writing this report the sum sought from OCC has not been determined but officers nonetheless recommended that, once OCC has clarified its position, financial contributions are sought in line with OCC's recommendations through a planning obligation to ensure the adverse impact on the A41 is appropriately mitigated. The applicant is instead proposing what they refer to as a 'monitor and manage' approach which would see a requirement in a planning obligation for further TAs to be submitted at defined stages in the development to ensure that the assessments are up to date and relevant to the detailed reserved matters proposals. Officers however have concerns about this approach as it could lead to difficulties securing mitigation (direct or funding), could add uncertainty and delay to deliverability of Class B1 development and would require an unduly complicated and cumbersome planning obligation. OCC has also indicated that it is unwilling to accept this alternative approach.

- 8.33 In summary therefore, officers are satisfied that subject to appropriate conditions and planning obligations the proposed development would be suitably accessible by a range of modes of transport and would not give rise to severe traffic congestion or highway safety risks. Moreover, officers are also satisfied that the current proposals do not appear to fetter the ability to achieve suitable and safe access to Phase 2 in due course. As a result the proposals are considered to be in accordance with the requirements of Policies SLE4 and Bicester 10 of the CLPP1 as well as national planning policy set out in the NPPF.

Design, Appearance and Impact on the Character of the Area

- 8.34 Policy Bicester 10 requires development on the site to be of high quality, modern design and finish with careful consideration given to architecture and layout and with care given to building heights to reduce overall visual impact. Policy Bicester 10 also requires development on the site to provide structured open spaces and planting that provides a strong landscape setting. Policy ESD15 of the CLPP1 is also material and requires new development to respect its context and for it to take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design in achieving sustainable development.
- 8.35 The application is made in outline with details of scale, appearance, layout and landscaping reserved for later approval. As a result, the plans and drawings that have been submitted are for illustrative purposes only and are not necessarily reflective of the final detailed proposal. Nevertheless, it is necessary to be satisfied at this stage that the type and amount of development proposed can be satisfactorily accommodated on the site and that consequently there is a detailed reserved matters scheme that could subsequently be found to be acceptable.
- 8.36 The illustrative site layout plan and supporting design and access statement indicate that the buildings proposed would be of quite significant scale if the upper limit of the amount of development sought was to be proposed in a detailed reserved matters scheme. Indeed it is suggested that the proposed hotel would need to be a five storey building (approximately 18.5m in height) in order to accommodate 149 bedrooms. Given the lack of existing vegetation along Vendee Drive as well as the loss of sections of hedgerow along Wendlebury Road in order to create a new vehicular access (with associated visibility splay), a 149 bedroom hotel would appear visually very prominent within immediate countryside views as well as from surrounding roads due to its scale and mass. It is the applicant's intention to create a modern high quality development and a sense of arrival to Bicester and the

supporting text to Policy Bicester 10 supports this approach. The specific requirements of Policy Bicester 10 however suggest that the scale of new buildings should be sympathetic so that the landscape setting is respected.

- 8.37 Details of the level and treatment of parking provision within the site would fall to be considered as part of the detailed layout of the scheme which is a reserved matter. However, it is necessary to be mindful at this stage of the likely parking requirements and OCC's parking standards suggest that 149 spaces would be required to serve a 149 bedroom hotel together with servicing/delivery area and cycle parking. The illustrative site layout plan has been prepared on this basis and does indicate a significant covering of the Phase 1A part of the site with built development leaving little space for meaningful planting or green spaces to respond to the site's existing landscape setting.
- 8.38 The proposed Class B1 (office etc) buildings are indicated to be of slightly lower height but with quite a continuous mass presented onto the A41. The illustrative plans also indicate that they would be close to the western site boundary and so very prominent from the A41. Given archaeological constraints (discussed later in the report) it is inevitable that the proposed buildings would need to be sited away from the south-eastern corner of the site and so closer to the A41. A conceptual massing visualisation submitted by the applicant confirms this and does indicate that the proposed development would give rise to a significant and perceptible change in character on the entry to Bicester from the southwest. Furthermore, the indicatively shown levels of parking provision to serve the proposed offices show that a large proportion of the site would be subject to built development with little space within the site for meaningful new soft landscaping and green spaces.
- 8.39 Wendlebury Road is currently a rural lane with a narrow carriageway and undefined soft hedge-lined verges. It feels far removed from the urbanisation of Bicester to the north. The lane's rural nature is particularly appreciated to the south of the junction with Vendee Drive with its character becoming more urban closer to the Bicester Avenue garden centre development. The proposals would result in buildings of significant scale and associated hardsurfacing on land currently comprising grassland. The proposals would also introduce formalised vehicular accesses which would necessitate removal of existing hedgerow as well as cutting back of further hedgerow to enable sufficient visibility splays to be provided. The impact of such development would give rise to a significant loss of the rural character of the lane. This impact would be compounded as a result of any development on Phase 2. The Council's landscape officers have also raised some concerns about the robustness of the Landscape and Visual Impact Assessment submitted as part of the application which they have concluded underestimates the likely visual impact of the proposed development from key viewing points including, in particular, from public footpath 161/2/10 which links Chesterton to SW Bicester where the change to the visual experience is likely to be close to major in significance.
- 8.40 However, whilst the proposals are not necessarily sympathetic to local landscape character and would be visually prominent in immediate views, the site has been allocated for development and landscape harm is an inevitable consequence of that. Indeed such harm would have been balanced against the benefits associated with new employment development as part of the decision to adopt Policy Bicester 10 in the CLPP1. The principle of it has therefore already been established. Furthermore, officers are receptive to the notion that a modern business park on this new gateway into Bicester should create a sense of arrival and therefore contain buildings of some scale, architectural merit and presence. That being said, officers do continue to have some concerns that the amount of development proposed on the site is pushing at the limits of what could be appropriately accommodated on the site having regard to the character and appearance of the area. On balance however,

officers have concluded that development of the scale proposed through a contemporary and high quality design could outweigh concerns regarding wider visual impact and therefore be able to be satisfactorily accommodated on the site in a manner that is visually appropriate and thus in accordance with the requirements of Policies Bicester 10 and ESD15 of the CLPP1.

- 8.41 A public footpath, Chesterton Footpath 8 (161/8), passes across the south-eastern corner of the Phase 1B element of the site. This public footpath enters the site from the disused slip road and then exits via a footbridge (over a ditch) onto Wendlebury Road. Clearly the proposals would result in a substantial visual change to the experience of users of this public footpath but such an impact has been established through the decision to allocate the site for development. Indeed it is highly likely that this public footpath would require diversion as result of the proposed development, either within the site or around it. However, this public footpath is not thought to be well used and in fact its passage through the site provides little benefit given that it does not connect to a wider footpath network and exits onto Wendlebury Road which is unsafe for pedestrians who then have to walk in the carriageway. In short, whilst detailed proposals have not been shown for the public footpath at this stage, officers are satisfied that any impacts on it would not be particularly detrimental to the wider public given its lack of regular use, absence of wider connectivity and its general poor quality. OCC (as the local highway authority responsible for recording and maintaining public rights of way) has also raised no objection to the proposals in this regard.

Ecology

- 8.42 Policy Bicester 10 and Policy ESD10 of the CLPP1 require the investigation, protection and management of priority and protected habitats/species on the site and for biodiversity to be preserved and enhanced. This reflects one of the core planning principles set out in the NPPF which is for the planning system to achieve net gains for nature. The Council also has a statutory duty through s40 of the Natural Environment and Rural Communities Act 2006 to have regard to the purposes of conserving biodiversity as part of exercising its functions.
- 8.43 The application has been accompanied by an ecological appraisal that assesses the proposed development's implications on biodiversity, protected/priority species and wildlife sites. The Council's ecologists are however concerned that protected and priority species have not been properly surveyed in accordance with well-established methodology and therefore that the impact on such species is not clear. Furthermore, the Council's ecologists are also concerned that the proposals would result in a significant net loss of habitat that would be detrimental to the objectives of protecting and enhancing biodiversity.
- 8.44 The applicant is to give further consideration in the period of time between the writing of this report and the Planning Committee meeting to the concerns raised by the Council's ecologists and whether there are measures that could overcome the above concerns. In order for officers to consider the proposals acceptable in ecological terms, the proposals would have to be able to genuinely demonstrate potential for net gains for biodiversity as well as the lack of material harm to any statutorily protected or priority species. It is currently unclear whether this can be achieved but officers are working on the assumption that it can and will be resolved in advance of the Planning Committee meeting. Where officers are not satisfied that this is the case, an alternative recommendation will be proposed at Planning Committee. Members will be updated accordingly at the meeting.

Impact on the Historic Environment

- 8.45 National planning policy contained within the NPPF places great weight on the importance of conserving the significance of a designated heritage asset. It further

adds that the more important the asset, the greater weight it should be given. The NPPF additionally states that the significance of a designated heritage asset can be harmed through development within its setting. The NPPF also adds that where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

- 8.46 With respect to the application site and the proposals, there are two designated heritage assets that could conceivably have their settings affected by the proposed development. The first, the Chesterton Conservation Area, is over 600m away to the west. However, due to the significant separation distance and the extensive intervening tree belts, any impact on the setting of this designated heritage asset would be negligible.
- 8.47 The second is the Alchester Roman Town scheduled monument which covers a large area to the south of the application site. Given the potential implications for the scheduled monument, Historic England has been consulted on the application. However, due to the intervening A41 flyover as well as thick and well-established vegetation along the southern boundary of the application site, Historic England has concluded that the proposed new development would not be visible from the scheduled monument and so would again have a negligible impact on its setting. Any minimal harm that would take place to the setting of the Chesterton Conservation Area or the Alchester Roman Town scheduled monument would undoubtedly be more than outweighed by the significant benefits associated with the provision of new employment development which is a strategic objective of the Local Plan.
- 8.48 An archaeological field evaluation has been undertaken on behalf of the applicant and a report submitted as part of the planning application. The field evaluation recorded a number of archaeological deposits dating to the Roman period with activity concentrated in the 2nd to 4th centuries AD. These include probable floor surface and a possible oven or kiln with a number of ditches and pits. The deposits were located within a discrete area in the south-eastern corner of the site which is proposed for car parking. The applicant has submitted a method statement setting out how these features will be preserved in situ. This is considered to be an appropriate scheme for preservation. A programme of archaeological investigation and mitigation will still be required for the rest of the site but, following the removal of intrusive ground works from the area of dense Roman deposits, officers are satisfied that this can be secured through an appropriately worded condition.
- 8.49 Consequently officers have concluded that, subject to conditions requiring further archaeological investigation/mitigation, the proposed development would have negligible adverse impact on the historic environment. In any event, where any minor harm would occur to the setting of the Chesterton Conservation Area or Alchester Roman Town scheduled monument, officers are in no doubt that the significant economic public benefits associated with the proposals would clearly outweigh any harm. In this regard the proposals are therefore considered to be in accordance with the requirements of Policy Bicester 10 as well as national planning policy set out in the NPPF.
- 8.50 Policy Bicester 10 includes a further requirement for new development to set out opportunities to better reveal the significance of the Alchester Roman Town scheduled monument. The applicant has not proposed anything in this regard. However, as the current proposals are expected to have no material impact on the scheduled monument and appear to provide little opportunity to directly enhance interpretation of its significance, officers are minded not to pursue this requirement at this stage. Given the scale and potential impact of development proposed on

Phase 2 of Bicester 10, this is likely to provide a better opportunity to meet this requirement.

Flood Risk/Drainage

- 8.51 Policies ESD6 and ESD7 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that proposals incorporate sustainable drainage systems (SuDS) in order to prevent increased risk of flash flooding caused by surface water discharge from new developments. These policies essentially reflect that which is established in both the NPPF and PPG.
- 8.52 A Flood Risk Assessment (FRA) has been submitted as part of the planning application which demonstrates that the site is not within an area at high risk of flooding from any source. Officers concur with this assessment and see no reason why the site is unsuitable in this regard for the proposed development.
- 8.53 In accordance with Policy ESD7 of the CLPP1, the development is also proposed to incorporate SuDS through a combination of natural storage and infiltration together with associated swales and permeable paving to ensure that no increase in surface water discharge occurs from the development up to a major storm event. The incorporation of swales ensures a natural treatment train which together with permeable paving and petrol interceptors would ensure that there is no adverse effect on water quality that enters the ditch system along Wendlebury Road. Consequently, subject to conditions requiring the submission, approval and implementation of a detailed surface water drainage scheme, officers are satisfied that the proposals are acceptable with respect to flood risk and drainage implications and in accordance with relevant development plan policies. OCC, as the lead local flood authority, confirms that in principle it has no objection to the proposals with regard to flood risk and drainage implications and that a suitable drainage scheme is able to be proposed in due course.

Energy Efficiency/Sustainability

- 8.54 Policy ESD5 of the CLPP1 requires new commercial developments of over 1000sqm in floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD4 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated. The applicant has not submitted an Energy Statement to demonstrate either of the above. Officers therefore recommend that a condition be imposed on a grant of outline planning permission that requires an Energy Statement to be submitted either before or alongside the first application for reserved matters approval to ensure that the detailed proposals incorporate such energy provision. Furthermore, a condition would also need to require the on-site renewable energy and CHP (where feasible) as detailed in the Energy Statement to then be provided on site from the point of first occupation of the development. Officers consider this approach to be in accordance with the requirements of Policies ESD4 and ESD5 of the CLPP1.
- 8.55 Policy ESD3 relates to sustainable construction and requires all new non-residential development to meet at least BREEAM 'Very Good' standard. No details have been provided at this stage but it will be necessary to demonstrate how the development has been designed to achieve this standard as part of reserved matters applications. A condition is therefore recommended to be imposed that requires such details to be submitted and approved at the relevant stage.
- 8.56 Subject to the aforementioned conditions, officers have concluded that the proposed development will be able to be designed to achieve sustainability through

construction in accordance with the requirements of Policies ESD3, ESD4 and ESD5 of the CLPP1.

Planning Obligation(s)

8.57 Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for any mitigatory infrastructure or funding to be secured through a planning obligation (i.e. s106 agreement). Each requirement within a planning obligation must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

8.58 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

8.59 Having regard to the above, officers' recommend that in the event that Members resolve to grant outline planning permission, that the following items need to be secured via a legal agreement with Oxfordshire County Council in order to mitigate the adverse impacts of the proposed development:

- That the developer commits to enter into a s278 highway agreement prior to commencement of development in relation to providing the vehicular accesses into both phases of the development;
- Provision of combined footway/cycleway prior to relevant occupations on Phases 1A and 1B;
- Provision of a signalised pedestrian crossing of the A41 to provide access to the northbound bus stop prior to occupation of any part of the development;
- Provision of a new bus stop layby within the verge of southbound carriageway of the A41 together with provision/funding of bus stop infrastructure;
- Provision or funding of 2 x real time information displays at the bus stops;
- Financial contribution towards the cost of monitoring travel plans;
- Provision of off-site highway improvements as detailed in the TA to enable improved pedestrian/cycle accessibility between the development and town centre;
- Delivery of agreed A41/Vendee Drive roundabout mitigation prior to first occupation of development on Phase 1B;
- Delivery of agreed Vendee Drive/Wendlebury Road junction mitigation (or similar scheme as agreed with OCC) prior to first occupation of development on Phase 1B;
- Financial contribution towards OCC's A41 corridor strategy;
- Financial contributions to cover OCC's costs associated with making TROs.

Local Finance Considerations

8.60 A local finance consideration includes, inter alia, a grant or other financial assistance that would or could be provided to a local authority. A local finance consideration can be material in the determination of planning applications. The proposed development has the potential to secure Business Rates of approximately £468,900 per annum under current arrangements for the Council. However, Government guidance set out in the PPG is clear that whether a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Government guidance goes on to state that *'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.'*

8.61 In the case of the proposed development, it is not clear how the funds secured through Business Rates would either directly or indirectly make the development acceptable in planning terms. Furthermore, it is not clear what proportion of the Business Rates would be able to be retained by the Council nor what the Council's intentions would be with such funds. As a result it should not be afforded material weight in the determination of this application. In any event, officers do not think it appropriate that any adverse impacts of a development should be balanced against direct financial gain for the Council and to do so would jeopardise public confidence in the planning system.

Other Matters

8.62 Chesterton Parish Council has queried whether the proposed development should be required to provide a new footway link from the village to the site. It has also queried whether financial contributions could be required to fund a new bus service between the village and the development on the basis that residents of the village could be employed at the site. However, officers do not consider these to be genuinely necessary or reasonable given the limited numbers of employees likely to be coming to the site from the village. Furthermore, in light of the withdrawal of subsidies for bus services, any financial contribution is unlikely to be able to secure a bus service beyond the short term as it would be unlikely to be commercially viable. The infrastructure requests made by the Parish Council would need to be secured through a planning obligation and, for the reasons set out above, they are not considered to meet the statutory tests set out in paragraph 8.57 and so should not be sought.

9. PLANNING BALANCE AND CONCLUSION

9.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up-to-date development plan should be approved without delay.

9.2 The application proposes development that, with respect to the proposed Class B1 development, is considered to be, in principle, in accordance with the development plan. Whilst officers have some reservations about the scale of the proposed development, subject to the proposals being robustly demonstrated to protect and enhance biodiversity in accordance with local and national planning policy requirements, then officers are satisfied that the Class B1 development proposed on allocated Bicester 10 land is in accordance with the development plan.

9.3 With respect to the proposed hotel and the Class B1 development on unallocated greenfield land, these are not considered to be in specific accordance with the development plan. However, despite some reservations about the scale of the proposed development and subject to robust demonstration that the proposals would preserve and enhance biodiversity, officers have concluded that, on balance and for the reasons set out in this report, the benefits associated with the proposed hotel outweigh its adverse impacts. Such benefits include the proposed hotel's potential ability to facilitate Class B1 development on the remainder of Bicester 10 together with its ability to help meet an existing deficient in overnight accommodation which is considered to outweigh the harm that could potentially result from the loss of allocated land that could accommodate more employment intensive (and higher skilled) Class B1 development as well as the vitality of Bicester town centre. Furthermore, officers consider that the economic benefits associated with the additional Class B1 development on the unallocated greenfield land

outweigh the limited environmental harm caused by the loss of what would be an awkwardly sited and unremarkable part of countryside. For these reasons officers consider the proposed development to be, in part, in accordance with the development plan. Where the proposals depart from the development plan officers consider there to be other material considerations that, on balance, are considered to outweigh conflict with the development plan. Officers therefore recommend that outline planning permission is granted accordingly.

10. RECOMMENDATION

That Planning Committee resolves to grant outline planning permission and delegates the issuing of the decision notice to the Head of Development Management subject to the following:

- a) Satisfactory completion of a legal agreement to secure the items listed in paragraph 8.59 (with delegated authority to make any necessary minor amendments but only with the prior written agreement of the Chairman of the Planning Committee);
- b) Imposition of the conditions listed below (with delegated authority to make any necessary minor amendments but only with the prior written agreement of the Chairman of the Planning Committee);
- c) Satisfactory resolution of outstanding concerns regarding the ecological implications of the proposed development including that the applicant can robustly demonstrate that the proposals would achieve a net gain for biodiversity and that no material harm would occur to protected/priority species.

Conditions

1. No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. Prior to the submission of any application for reserved matters approval and notwithstanding any plans submitted as part of this application, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National

Planning Policy Framework.

3. In the case of the reserved matters, no application for approval shall be made later than:

a) With respect to development identified as Phase 1A on drawing no. 16084 P102, the expiration of one year beginning with the date of this permission.

b) With respect to development identified as Phase 1B on drawing no. 16084 P102, the expiration of five years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Neither Phase 1A or Phase 1B of the development to which this permission relates shall be begun later than the expiration of two years from the final approval of the reserved matters relating to that phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:
16084 P101 Rev. P1

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

6. All applications for reserved matters approval shall be accompanied by details of the existing ground levels together with proposed finished floor levels of all buildings within that phase. Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of a subsequent grant of reserved matters approval.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking, amending or re-enacting that order), all water, waste, energy and communication related services on the site to serve the proposed development shall be provided underground and retained as such thereafter except with the prior express written approval of the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the

Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Except to allow for the means of access and necessary visibility splays, the existing hedgerows along the western (A41), southern and eastern (Wendlebury Road) boundaries of the site shall be retained and properly maintained at a height of not less than 3m from the date of this planning permission, and if any hedgerow plant/tree dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All applications for reserved matters approval that submit details of 'access', shall be accompanied by full details of the access visibility splays relating to that phase of the development (including layout and construction). Thereafter, and prior to the first occupation of the development within that phase, the visibility splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of a phase of the development, a Construction Management Plan relating to that phase shall be submitted to and approved in writing by the local planning authority which details measures to protect biodiversity during construction and mitigate impact on the local highway network. The development shall thereafter only be carried out in accordance with the approved Construction Management Plan.

Reason – To ensure adverse impact on biodiversity and the transport network is minimised during construction works in accordance with the requirements of Policies SLE4 and ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

11. Prior to first occupation of development on a phase, a Travel Plan relating to development in that phase shall be submitted to and approved in writing by the local planning authority. Thereafter, the development in that phase shall operate in accordance with the approved Travel Plan.

Reason – In the interests of encouraging sustainable travel and minimise harm to the local highway network in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

12. Prior to first occupation of any Class B1 development on land indicated in the application drawings as Phase 1B, a car park management plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the entirety of the development on Phase 1B shall operate in accordance with the approved car park management plan.

Reason – To ensure that the proposals do not have an adverse implication on the operation of the nearby Park & Ride or create parking problems in the immediate locality.

13. Prior to the first occupation of development in a phase, a delivery and servicing plan relating to that phase shall be submitted to and approved in writing by the local planning

authority. Thereafter, deliveries and servicing shall thereafter take place for that phase in accordance with the approved delivery and servicing plan unless otherwise agreed in writing by the local planning authority.

Reason – To ensure that the proposals do not adversely affect the operation of the local highway network in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

14. Prior to the commencement of development in a phase, details of a scheme of surface water drainage to serve that phase shall be submitted to and approved in writing by the local planning authority. The development in that phase shall thereafter be implemented in accordance with the approved surface water drainage scheme and shall not be occupied until the approved surface water drainage scheme has been full laid out and completed.

Reason – In the interests of reducing risk of flooding in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

15. No development shall commence on any phase until impact studies on the existing water supply infrastructure relating to that phase, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

16. Development shall not commence on any phase until a drainage strategy detailing any on and/or off site drainage works for that phase has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

17. Prior to the commencement of development on a phase, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation for that phase which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the National Planning Policy Framework.

18. Following the approval of the Written Scheme of Investigation referred to in condition 17, and prior to the commencement of development in a phase (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out in that phase by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the National Planning Policy Framework.

19. The development hereby approved shall be carried out at all times in accordance with the methodology contained within the submitted "Archaeological Protection Measures Report – produced by Brian Hamill and dated 19th January 2017" unless otherwise with the prior written agreement of the local planning authority.

Reason - To safeguard heritage assets in situ and therefore preserve their significance in accordance with the National Planning Policy Framework.

20. The development on Phase 1A shall only be used only for purposes falling within Use Class C1 as specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever notwithstanding any provisions otherwise contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any amendments or re-enactments of this Order). The development on Phase 1B shall only be used only for purposes falling within Use Class B1 as specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose whatsoever notwithstanding any provisions otherwise contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any amendments or re-enactments of this Order).

Reason – To ensure that the local planning authority can give consideration to the environment, social and economic impacts of any change of use having regard to the development plan.

21. All applications for reserved matters approval relating to a phase shall be accompanied by details of the external lighting to be installed within that phase including details of luminance and light spillage. The development shall thereafter only be constructed in accordance with the lighting details approved as part of the grant of reserved matters approval and no other external lighting thereafter installed without the prior written consent of the local planning authority.

Reason – In the interests of assessing the impact on wildlife and the surrounding landscape in accordance with the requirements of Policies ESD10 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1.

22. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

23. All applications for reserved matters approval shall be accompanied by a statement that appraisals the ecological implications of those reserved matters proposals including how they would mitigate harm to protected/priority species and contribute towards achieving an overall net gain for biodiversity as part of the overall development. Thereafter, measures set out in the statement shall be implemented in full on site in accordance with the details approved as part of the grant of reserved matters approval.

Reason – To ensure the ecological implications of the proposals are established and assessed throughout the application process in the interests of robust decision making.

24. If the development on Phase 1A or Phase1B does not commence within three years of the date of this decision, updated surveys for all statutorily protected species assessed as part of the planning application shall be re-undertaken prior to the commencement of the development in order to establish changes in the presence, abundance and impact on such species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of any development on that phase. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

25. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. All applications for reserved matters approval relating to a phase shall be accompanied by details demonstrating how the buildings within that phase would be designed to achieve the BREEAM 'Very Good' rating.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

26. The first application for reserved matters approval relating to each of Phases 1A and 1B shall be accompanied by an Energy Statement relating to that phase that demonstrates the significant on-site renewable energy provision that will be incorporated into the development on that phase except where such on-site renewable energy provision is robustly demonstrated within the Energy Statement to be unfeasible or unviable. The on-site renewable energy provision approved as part of the reserved matters approval shall thereafter be fully incorporated within the development and no occupation of development within that phase shall take place until the approved on-site renewable energy provision is fully installed and operational.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

26. No development shall commence on a phase until full details of the 3m wide combined footway/cycleway (including lighting) along the A41 to serve that phase has been submitted to and approved in writing by the local planning authority. The approved combined footway/cycleway shall thereafter be provided to serve that phase prior to the first occupation of any development within that phase.

Reason – In the interests of ensuring that suitable access is provided to the development that prioritises sustainable travel in accordance with the requirements of Policies Bicester 10 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

27. No development shall take place until full details of the provision of a new bus stop layby along the southbound carriageway of the A41 (adjacent to Phase 1A) have been submitted to and approved in writing by the local planning authority. No development shall thereafter be occupied until the bus stop layby has been provided in accordance with the approved details.

Reason – In the interests of ensuring that suitable access is provided to the development that prioritises sustainable travel in accordance with the requirements of Policies Bicester 10 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

28. No development shall take place until full details of a signalised pedestrian crossing (between the new southbound and existing northbound bus stops of the A41 in the

immediate vicinity of the site) has been submitted to and approved in writing by the local planning authority. No occupation of any part of the development shall occur until the approved signalised pedestrian crossing has been provided in accordance with the approved details.

Reason – In the interests of ensuring that suitable access is provided to the development that prioritises sustainable travel in accordance with the requirements of Policies Bicester 10 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

29. No development shall take place on Phase 1B until full details of a new mini-roundabout system to replace the existing Vendee Drive/Wendlebury Road priority junction have been submitted to and approved in writing by the local planning authority. No occupation of development on Phase 1B shall take place until the approved mini-roundabout system has been completed.

Reason – To ensure that the traffic generated by the development does not lead to unacceptable harm to the highway network in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

30. Unless otherwise agreed in writing by the local planning authority, no development shall be occupied on Phase 1B until the works to the highway shown in drawing no. 35172/5502/008 (contained in the Transport Assessment) have been carried.

Reason – To ensure the significant adverse traffic impacts of the development are adequately mitigated in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031.

31. Development shall not be occupied on Phase 1B unless and until Oxfordshire County Council as the Local Highway Authority has made a Traffic Regulation Order introducing a speed limit reduction to 30mph along the length of Wendlebury Road adjacent to the application site.

Reason – To ensure that safe visibility splays are available from the new accesses as well as a suitable means of controlling speed following the introduction of the new mini-roundabout system.

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**APPENDIX 10 - Extracts from Practice Guidance on Need, Impact and the Sequential Approach, DCLG
December 2009**

Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider social, environmental and economic objectives and for sustainable communities.



PLANNING

Planning for Town Centres

Practice guidance on need, impact and the sequential approach



Practice guidance

on need, impact and the sequential approach

December 2009

Department for Communities and Local Government

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PART 7: Assessing impact

KEY PRINCIPLES

- 7.1 Proposals which are in accordance with an up to date development plan strategy will not require an impact assessment, as it is expected that this will have been undertaken at the policy formulation stage. In all other cases, an assessment will be required to identify the **key** impacts identified in EC16 focusing in particular on the first five years after the implementation of a proposal.
- 7.2 National policy requires impact to be applied in respect to all main town centre uses. The new impact test is particularly relevant to retail and leisure/entertainment proposals. Other main town centre uses (including offices and arts, culture and tourism) will require impact testing, but the scope and level of detail required will vary according to the local circumstances. Applicants and local planning authorities should seek to agree the scope and level of detail of impact assessments in advance of applications being submitted.
- 7.3 The objective of an impact assessment is to measure and where possible quantify the impacts of proposals or policy options. This can be used to gauge their potential impact on the development plan strategy, their effects on planned new investment and their overall consequences on the vitality and viability of existing centres such as reduction in footfall, impact of vacancies etc. This section explains how to measure the different impacts. It will be for the decision maker to determine what constitutes an 'acceptable', 'adverse' or 'significant adverse' impact, based upon the circumstances of each case, having regard to national and local policy objectives.

SCOPE/LEVEL OF DETAIL

- 7.4 PPS4 sets out the circumstances where impact assessments are required. In addition, national policy allows local planning authorities to set out specific floorspace thresholds in LDFs for edge of centre and out of centre development above which impact assessments will be required. In setting such thresholds, important considerations are likely to include the scale of known proposals relative to town centres; the existing vitality and viability of town centres; the cumulative effects of recent developments; the likely effects on a town centre strategy and the impact on any other planned investment.
- 7.5 Where authorities decide not to set out specific floorspace thresholds in LDFs, national policy requires impact assessments to be submitted for retail and leisure developments over 2,500sq.m gross. In advance of LDFs being revised to reflect PPS4, it may occasionally also be relevant to consider the impact of proposals below this threshold, for example if they are large compared to a nearby centre, or likely to have a disproportionate effect or 'tip the balance' of a vulnerable centre.

- 7.6 As explained above, the scope of any assessment should be agreed in advance. Four key considerations should be taken into account:
- First, it should be **fit for purpose**, setting out what the purpose of the impact assessment is e.g. whether to test alternative policy options, establish the principle of a form of development or test the detailed impacts of a specific proposal. The type of impact assessment required for plan-making will differ to that supporting a planning application.
 - Second, it should **avoid duplication**. Regions and local planning authorities are required to consider the impact of policy choices and proposals as part of preparing RSS/LDFs. Where impact assessments are up to date, there should be no need to duplicate this work when considering planning applications. However, it may on occasion be necessary to update this work to focus on any specific aspects which may have changed or consider certain matters in more detail since the impact assessment was undertaken.
 - 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’ e.g. offices, hotels etc., where there is no established methodology for assessing impact in any detail.
 - Finally, the assessment should **focus on the key issues**, which should be agreed in advance. Where authorities have clear up to date policies and strategies for their centres, the potential areas of concern should be relatively easy to determine.
- 7.7 All impact assessments should set out clear conclusions in respect to the impacts identified in national policy, and any identified locally important impacts. Checklists might be helpful in this respect, identifying what impacts need to be addressed and what existing analysis is relevant. Where additional work is identified, the checklist can agree the level of detail required to address each of the impacts, as well as highlighting the key issues and other impacts which the assessment is expected to focus on.

APPROACH TO DIFFERENT 'MAIN TOWN CENTRE USES'

- 7.8 To date, the main focus of impact assessments has been on retail proposals, particularly the key town centre impacts outlined in national policy. Studies have identified the potentially significant impacts of major out of centre developments, for example in the case of the Merry Hill Shopping Centre as set out below.

The Merry Hill impact study

A quantitative assessment *The Merry Hill Impact Study* was carried out in 1992/1993. It aimed to "examine the impact of Merry Hill upon the vitality and viability of established shopping centres within the West Midlands" so as to inform future planning policy.

The study concluded that the major centres in the wider catchment area had lost market share between 1989 and 1993, while that of Merry Hill had risen considerably. In particular, Dudley's market share in 1993 was one third of its 1989 level, which is equivalent to an impact of 70 per cent on the pure comparison offer. Significant declines in market share also occurred in Stourbridge and West Bromwich whilst Birmingham, Wolverhampton and Walsall were within 15 per cent of their 1989 market shares.

The consultants examined qualitative and quantitative indicators of impact including changes in retail composition and retail floorspace, market perceptions and the views of retailers. They concluded that the effect of Merry Hill on Dudley went deeper than a reduced market share, as the town centre had experienced the loss of vital town centre anchor stores and major multiple retailers. In particular, the increase in vacancy levels combined with the decline in retailing had undermined the vitality and viability of Dudley.

The Merry Hill study highlights one of the best documented and extreme cases of impact, arising as a consequence of the unplanned growth of a major out of town shopping centre when Dudley was already a vulnerable centre. In many other cases, the impact of new developments has been less significant, and often less immediate.

- 7.9 In the convenience sector, concerns have been expressed about the potential impact of large out of centre foodstores on market towns and district centres. This issue was considered in research published by DETR, which sets out some of the different circumstances which have a bearing on impact. Other examples, such as Beverley (see earlier case study) illustrates the potential positive effects of well integrated edge of centre stores, but there are also cases where even modest sized foodstores, and extensions have been judged to have unacceptable impacts on small or vulnerable centres.

The impact of foodstores on market towns/district centres – DETR

The research report, *The Impact of Large Food Stores on Market Towns and District Centres* was published in September 1998. The study aimed to examine the impact of large foodstore development on market towns and district centres through a series of detailed case studies.

The research showed that large food stores can have an adverse impact on market towns and district centres, but the level of impact is dependent on the local circumstances of the centre concerned. In particular, smaller centres which are more dependent on convenience retailing to underpin their function are more vulnerable to the effects of larger food store development at edge-of-centre and out-of-centre locations.

The report concluded that it is vital that those responsible for the future of market towns and district centres take positive steps to improve the range and quality of food shopping in these centres, and adopt a cautious approach to considering the location and likely long-term consequences of the development of large food stores in non-central locations.

- 7.10 Retail impact assessments undertaken to date suggest the scale of development, degree of overlap between the proposed development and the role of nearby centres, proximity, and the state of the health of nearby centres are all key factors which have a bearing on the level of town centre impact. Such assessments should also identify the effects of the different types of floorspace proposed (i.e. whether it is convenience or comparison goods) to enable more detailed consideration of their impact upon different retail sectors in nearby town centres.
- 7.11 In the case of 'higher order' centres, assessments tend to focus upon the effects of the comparison (non-food) floorspace although in smaller towns and local centres, the impact of convenience (food) stores may be of greater significance. Assessments should not only be confined to major new developments. In some cases, extensions, redevelopment or variation of conditions can materially alter the effects of a development. The cumulative impact of recent/committed proposals may also be particularly relevant in some cases.
- 7.12 Where proposals relate to a specific type of goods (for example a DIY retail warehouse) it may be appropriate to focus the impact assessment on that specific sector, notwithstanding the need to consider the impact of the proposal on the overall vitality and viability of town centres. Where assessments focus upon a specific retail category or other town centre use, it will be appropriate to apply conditions to subsequent planning permissions to only allow those uses which have been considered (see Section 8 on the use of conditions).
- 7.13 In the case of commercial leisure proposals, whilst there are fewer cases where detailed impact assessments have been carried out (involving cinemas, bars, restaurants and health clubs etc), there are some good examples such as the

Wolverhampton racecourse ‘Racino’. In the case of hotels, having regard to the level of demand and occupancy in different market 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 prejudice the potential to secure further hotel development on a more central site.

Wolverhampton racecourse leisure impact assessment

Wolverhampton City Council granted planning permission in 2008 for the extension of Wolverhampton Racecourse to provide the UK’s first “racino” (a destination casino at a racecourse), a hotel extension and additional horse racing facilities. Arena Leisure’s planning application, submitted in 2007, was accompanied by a town centre and leisure statement setting out the quantitative and qualitative need for both the casino and hotel elements of the scheme, the sequential approach to site selection, scale of the development and impact on the vitality and viability of Wolverhampton City Centre.

To assess the need for the casino, the number of occupied ‘player positions’ within casinos was measured against the number of potential casino visits from within the identified catchment area that could occupy these positions, based on the propensity of the resident and visitor population to gamble and the estimated frequency of casino visits. The assessment of need for additional hotel rooms took into consideration the overall health of the hotel and conference centre provision in Wolverhampton, to determine the general demand for hotel rooms. In addition, the proportion of bedrooms to conference space at the existing Wolverhampton Racecourse hotel was assessed in comparison to similar towns.

A qualitative assessment of the impact of the proposed development on Wolverhampton City Centre was undertaken. This comprised a review of the existing leisure and cultural offer in Wolverhampton, the contribution of the other existing casinos to the leisure offer and health of the city centre, and the extent to which the turnover of the proposed ‘racino’ was expected to be diverted from these other casinos.

- 7.14 In the case of offices and other cultural proposals, it is unlikely that a number of the key impacts set out in policy will be directly relevant (e.g. trade diversion). In such cases, applicants should seek to agree with the LPA which key impacts will be focused on. There may be cases, for example, where a key town centre site is earmarked for a new office quarter, which depends on securing key occupier requirements, where there is legitimate concern that a new development will cause displacement and/or deflect occupier demand to a less central location.
- 7.15 In every case it will be necessary to reach a balanced decision, having regard to the provisions of the development plan, the sequential approach and impact considerations.

MEASURING TOWN CENTRE IMPACTS

- 7.16 Policy EC16 identifies the main impact considerations which are required to be considered in every impact assessment. These are:
- *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.*
 - *The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.*
 - *The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan.*
 - *In the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy.*
 - *If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.*
 - *Any locally important impacts on centres under policy EC3.1.e.*
- i) Effect on planned investment*
- 7.17 Where the LPA and/or the private sector has identified town centre development opportunities and is actively progressing them, it will be highly material to assess the effect of proposals on that investment. Key considerations will include; the stage at which the proposal has reached; the degree to which key developer/occupier interest is committed; and the level and significance of predicted direct and indirect impacts.
- 7.18 Where new development is proposed within an existing centre, the effects on other planned development in other parts of the centre are not necessarily significant planning considerations, particularly where the overall impact of the proposal on the town centre is considered to be positive. It will normally only be appropriate to consider in detail the impact of new development in one part of the centre on other parts of that centre in any detail where the impact could undermine a clearly defined town centre strategy, developed through the local development framework, which identifies priorities and/or need for phasing new development.

- 7.19 The key factors which will determine whether a proposal is likely to undermine committed or planned investment will include the effects on current/forecast turnovers, operator demand and investor confidence. Many of the factors relevant to need assessments will also have a bearing on the effects of new proposals on committed/planned development. For example, will the proposal reduce the current turnover of retailers/leisure operators to the extent that new development will not be viable, or lead to a reduction in the market share of relevant town centres, making it more difficult to attract operator demand and support the development in expenditure terms.
- 7.20 The 'quantitative' impacts considered above should be assessed in parallel with qualitative considerations such as operator demand and investor confidence. For example, it will be relevant to consider whether key anchor retail or leisure operators underpinning the viability of committed or planned town centre investment are likely to be affected by a proposal. Where planned investment is likely to be affected in terms of reduced turnover levels or rental growth, this may also have a bearing on the viability of such schemes proceeding.
- 7.21 In any case, the significance of the proposed investment, including its contribution to the public realm, infrastructure, employment etc. should be balanced against any adverse effects on planned investment in nearby centres. The policy status of the planned investment, progress made towards securing the investment, and the degree of risk to that investment will all be relevant considerations. Like many aspects of the assessment of impact, the effect of a proposal on planned investment in nearby centres is a subjective matter, but the following 'checklist' suggests some relevant considerations.

How to: measure the effects on planned investment in nearby centres

In the case of proposals which are not in accordance with an up to date development plan and not within an existing centre, their effects on a planned investment in a nearby centre may be highly material. The level of risk to planned investment and its significance, in planning terms, will depend on, among other things:

- What stage they have reached e.g. are they contractually committed?
- The policy 'weight' attached to them e.g. are they a key provision of the development plan?
- Whether there is sufficient 'need' for both?
- Whether they are competing for the same market opportunity, or key retailers/occupiers?
- Whether there is evidence that retailers/investors/developers are concerned; and
- Whether the cumulative impact of both schemes would be a cause for concern.

Equally, any adverse impacts as outlined above should be balanced against the positive effects of the proposals, in terms of; investment; employment generation; social inclusion; and physical and economic regeneration.

ii) Effects on vitality and viability

- 7.22 Taken as a whole, consideration of the effects on the development plan, committed and planned investment and impacts on the town centre turnover provide a good indication of the overall effects of a proposal on the vitality and viability of town centres. It will also be appropriate to consider the implications of a proposal on retail diversity, particularly the range, type and quality of goods available. This will be especially relevant in historic market towns, or centres which have developed a distinct and unique character which contributes to their vitality and viability. This needs to be factored in when reaching an overall judgement on town centre impacts.
- 7.23 The Merry Hill study demonstrates an extreme example of where a major out of centre development materially undermined the vitality and viability of Dudley town centre and has led to a fundamental change in the network and hierarchy of centres in the area. In most cases, impacts are more gradual and it is the cumulative effects of developments over time (often compounding wider trends) which can result in a decline in vitality and viability.
- 7.24 In some cases, the strategy for a particular centre may need to recognise these trends and plan for diversification. However, it will still be necessary to develop a clear understanding of the current and potential role of the centre, and the market sectors and town centre uses which are key to its vitality and viability. This enables the LPA to develop a better understanding of the impacts of new proposals based on the type of uses and market sectors they are targeting.

- 7.25 In other cases, where there is a clearly defined strategy to promote the expansion of a centre through new development, the potential impact on operator demand or investor confidence, and the risk to the development plan strategy are likely to be the overriding concerns. In such cases, where there is significant overlap between the proposals being tested, and the aspirations for the town centre, they are likely to raise related concerns in respect of the sequential approach as well as their impact on vitality and viability.

How to: judge the effects of a proposal on the vitality and viability of a centre

It is evident that the various 'key' impacts are interrelated. Judging their significance requires a proper understanding of the vitality and viability of the centre how it is changing over time, and its vulnerability.

Any adverse impact on planned investment is likely to be of particular significance, particularly if it forms part of the development plan strategy. Significant levels of trade diversion from the centre, or key sectors, can seriously undermine its vitality and viability resulting in reduced footfall, increased vacancies, a more 'down market' offer etc.

Some centres may be particularly vulnerable. In others, such as important historic centres, or centres which rely on a particular diversity and special character, it may be appropriate to take a cautious approach to potential adverse impacts.

Impacts may not be widespread, or necessarily significant in quantitative terms. Loss of a key town centre use, or loss of demand from a prospective operator needed to reinforce the existing offer may be highly significant in some centres.

The weight attached to the key impacts will vary in every case, and may be considered by LPAs as part of the LDF process.

(iii) Effects on allocated sites outside town centres

- 7.26 Where sites are allocated in up-to-date plans which include retail or other main town centre uses, there is an assumption that they have addressed the key impact considerations (or locally important impacts) required by national policy. However, where the plan is out of date, it will be necessary to consider proposals against the sequential approach and impact considerations in national policy.

- 7.27 Where new development within an existing centre is proposed, which will be likely to prejudice an out of centre allocation, the LPA should consider what weight to give this factor in light of the overarching objective of national policy to focus new development within existing centres wherever possible. Where competing proposals come forward on other edge or out of centre sites, the effects of both will need to be assessed and a judgement made as to which offer the most overall benefit in policy terms. Where there is a real potential for several proposals to come forward as above, their cumulative impact on town centres will need to be considered as part of any assessment.

(iv) Impact on turnover/trade

- 7.28 It is inevitable that new retail or leisure development will have some impact on the turnover of existing facilities within the catchment area. The approach outlined in Appendix D sets out a framework for making judgements about the likely extent of trade diversion. These will be informed by experience drawn from case studies, having regard to the nature of the proposals.

How to: assess impact on turnover/trade

The starting point for the assessment is a realistic assessment of current consumer spending and shopping patterns, based on modelling supported by survey evidence. Against this 'baseline' position, it will be necessary to assess likely changes at the 'design year' arising from ongoing trends, other 'committed' developments, and the effects of the proposals.

This task inevitably involves subjective judgements about the likely turnover, and trading pattern of the development, and the centres most likely to be affected. If there are details about the type of development proposed and its market position etc. this may assist in such judgements, but unless the proposal is to be conditioned accordingly, it may be necessary to test the sensitivity of different forms of development.

Having established the likely catchment area, market position and turnover potential of the proposal, the key factors affecting judgements about where it will draw its trade from will be determined by:

- The intended market sector/role, on the basis that 'like affects like'; so the centres currently serving the intended catchment population will experience the greatest impact; and
- Distance, on the basis that consumers will generally use the nearest centre/facility which meets their needs in terms of quality/convenience etc.

All assessment of trade diversion rely on judgement, having regard to these factors. However, they should clearly explain the basis of the judgements reached, and enable these to be tested.

- 7.29 As with the factors to be taken into account when assessing need as explained earlier, it will be necessary to balance the desirability of maintaining and enhancing the turnover of existing facilities with the benefits of improved consumer choice, competition and access to new facilities. In this respect, there are no meaningful benchmarks of what constitutes an ‘acceptable’ level of trade diversion resulting from such proposals. The relevant factors will depend on the circumstances of each case.
- 7.30 In the case of proposals within a centre, impact on other retail/leisure operators within that centre may not be a significant issue unless it undermines a clearly defined strategy to maintain or reinforce specific parts of the centre, or to promote major new development in a particular area. However, it may be relevant to consider the effects of trade diversion, in terms of the possible consequences for increased vacancies and reduced footfall in other parts of the centre, and to consider mitigating factors as part of an overall strategy for the centre.
- 7.31 In the case of proposals on the edge of or outside of existing centres, the impact upon current and forecast turnovers will be influenced by a number of factors, including the vitality and viability of the centre, and evidence of the current and expected performance of existing retail and leisure operators within the centre. The turnover levels needed to maintain and enhance vitality and viability will vary between different centres according to the level of overheads/rents etc.
- 7.32 Where a centre is experiencing falling rents, high levels of vacancy and declining footfall, even modest levels of trade diversion can have significant adverse impacts. Where centres are vital and viable, and existing retailers/leisure operators are achieving high levels of turnover, they may be able to withstand high levels of trade diversion resulting from a proposal, although this does not mean in itself mean that such impacts are acceptable. In most cases, unless there is clear evidence of a significant impact on turnover likely to undermine the vitality and viability of the centre, the negative effect of trade diversion needs to be balanced against any positive town centre or wider impacts as part of reaching an overall judgement.
- (v) Whether in centre/edge of centre proposals are of an appropriate scale*
- 7.33 This will involve considering whether a proposal is consistent with the role and function of the town centre and its catchment, as specified in the network or hierarchy set out in the relevant RSS/LDF. The consistency or otherwise of the scale of any proposal with similar facilities at other centres at a similar level in the retail hierarchy, and the scale of the proposal itself relative to similar retail developments in those centres are also relevant considerations.

- 7.34 Where the development plan sets out an indication of the scale of new development likely to be appropriate in the centre, based on considerations of need and the appropriate distribution of new development between different locations, it will be clear whether a proposal is of an appropriate scale. In other cases, it will be relevant to consider the effects of the proposal against the other key test e.g. their accessibility to their intended catchment and impact on nearby centres.
- 7.35 An indicator of the appropriateness of a proposal's scale is whether there is a demonstrable need based upon current/forecast expenditure and current market shares. Where a significant increase in market share, and/or an extension of the town centre catchment area is required to support the scale and form of development proposed, it may be relevant to consider the impact of such an increase on neighbouring centres.
- 7.36 It will also be necessary to consider other issues related to scale, such as the accessibility of the proposal to its intended catchment, its effect on overall travel patterns, and consistency with the network and hierarchy and overall planning strategy for an area.

How to: Determine what constitutes an 'appropriate scale'

The RSS/LDF may provide guidance as to what represents an 'appropriate' scale of development in different centres, based on an assessment of needs and how best to meet them within the hierarchy and network of town centres.

Where the RSS/LDF do not set upper thresholds, relevant considerations may include:

- Whether the proposals could be accommodated in whole or in part on more central sites in other centres (i.e. the sequential approach).
- Whether the proposals will be accessible to their likely catchment by alternative means of transport.
- Whether if they rely on a significant change in market shares, they will have an adverse effect on planned investment or the trade/turnover of nearby centres.

Equally, in reaching a balanced judgement, it may be relevant to consider the positive effects of the proposed scale of development, such as employment; infrastructure or physical and economic regeneration of areas of social deprivation.

PRE-APPLICATION DISCUSSIONS AND SCOPING

- 7.37 Prospective applicants should provide a clear indication of the scale and form of development proposed, with an indication of the quantum of floorspace, the types of use envisaged (with indications of any suggested conditions governing range/type of goods to be sold, unit sizes etc).
- 7.38 When responding local planning authorities will want to provide a clear indication of any particular concerns (and why the council is concerned) and equally to identify any aspects of the proposals which are unlikely to be contentious. For example, while all the impacts identified in the PPS should be considered, it might be readily apparent and agreed that the main focus of any assessment should be on the impact of a proposal on its town centre strategy, or planned investment in a particular centre.
- 7.39 One way to facilitate this process is to seek to scope the impact assessment with the LPA. The following provides a checklist of some of the key information which should be provided, and how the LPA may be able to help to refine the scope and the main focus of the impact assessment.

Checklist: scoping impact assessments

The prospective applicant should, as far as possible, provide details of:

- The scale of new development i.e. floorspace, net sales area etc.
- The type of floorspace i.e. food/non-food, and any suggested planning conditions e.g. range of goods, unit sizes etc.
- The characteristics of the development, where known – e.g. catchment area, target market etc.
- The proposed levels of parking; and
- The site, broad layout principles and degree of integration.

The Local Planning Authority should, where practicable provide an initial view in writing, to include:

- Whether it considers the proposal is in accordance with an up to date development plan.
- Whether the site is appropriate, or if it considers there are potentially sequentially preferable sites, to identify them (see sequential site assessments).
- Any initial views on key town centre impacts e.g. effects on other investments planned, and on the vitality and viability of any nearby centre(s).
- Any other initial views on wider impacts which the council considers may be particularly significant, including employment, social inclusion, regeneration.
- Initial comments on the adequacy of the proposed levels of accessibility and linkages.

- 7.40 The purpose of this exercise is twofold. First, it provides an effective means of pre-application consultation to identify key issues likely to be raised by new development in advance of the significant expense involved in working up detailed proposals. Second, it enables both parties to focus on the key issues and ensure that the impact assessment is proportionate to the scale and significance of the proposal.

APPENDIX 11 - TVAC report on tourist benefits, January 2021

LEISURE AND TOURISM IMPACT OPINION

THE VISITOR ATTRACTION CONSULTANTS

We have been asked to submit a short paper expressing our professional opinion on the likely leisure and tourism impact of the Great Wolf Lodge scheme. Specifically, we were asked to express an opinion on the suitability of the site, the market need for such a project and its likely impact on the local community.

1. OUR EXPERIENCE

1.1 Tim Rusby and Simon Ody formed The Visitor Attraction Consultants in 2009 having previously held senior roles in every aspect of the planning and operation of visitor attraction projects. Combined, we have over 60 years' experience of operating and advising on the development of tourist attractions and visitor destinations.

1.2 Our client list includes The London Eye (original business and economic planning), Queen Elizabeth Olympic Park (Legacy masterplan), Ferrari World Abu Dhabi (original concept masterplan), Legoland Windsor (market appraisal), Canal and Rivers Trust (development plans for their most visited sites), Alnwick Castle and Garden (development plan). We have advised on waterpark projects in the UK, France and Egypt and adventure park and family entertainment centre projects in the United Kingdom, Middle East, Europe and Asia.

2. SUMMARY OF FINDINGS

In our professional opinion:

- The location is suitable for the proposals
- The proposals reflect evolving leisure trends and social factors, and will meet a market need
- The proposals will have:
 - a positive impact on the local economy;
 - create local employment and career development opportunities;
 - provide a substantial enhancement in local leisure activities.
- The proposals provide significant opportunities for family audiences to engage in healthy active leisure and wellbeing.

Suitability of Location

2.1 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.

2.2 Whilst some of the family entertainment activities that would be on offer as part of the experience can be found in urban developments in isolation, the overall mix is far better suited to a more rural or urban fringe setting and there are no better located sites within or closer to urban centres that we are aware of in light of the searches that have been carried out by the Appellant.

Market Need

2.3 In our professional opinion, the appeal proposals match and would directly serve several evolving leisure trends and social demands and reflect a clear market need and opportunity.

2.4 The resort provides hybrid of popular recreational activities and entertainments aimed at families with younger children who want to have ‘active’ fun together.

2.5 It will provide a year-round, all weather, high-quality, short break, family staycation offer.

2.6 There is no provision of a comparable amenity in the locality.

Local Economic Impact

2.7 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.

2.8 It will help promote the region as a tourist destination.

Local Employment Impact

2.9 It will provide a wide range of short term and lifelong career opportunities to local communities.

Local Amenity Impact

2.10 The proposals represent a substantial enhancement in wider local leisure activities.

2.11 Encouraging visits from the local market will create 'ambassadors', recommending the resort or attraction to visiting friends and relatives.

2.12 There will be no direct competition with other local hotels.

Health and Wellbeing

2.13 The Appeal Proposal will support the UK government's commitment to reducing physical inactivity.

2.14 The Appeal Proposal will further support family health and wellbeing agendas.

2.15 Significant consideration has been given to meeting the needs of disabled guests and their families.

3. SUITABILITY OF LOCATION

3.1 A key criterion for a short stay leisure destination of this kind is proximity to its market.

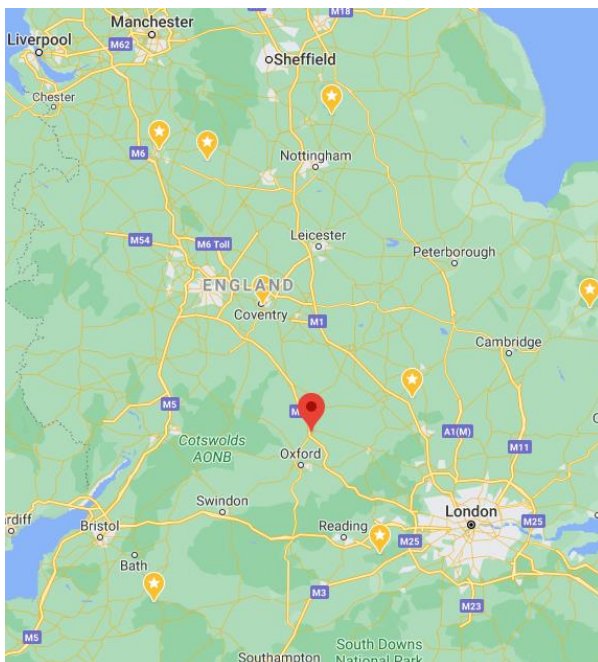
3.2 By way of example, when Lego decided to build their first children's theme park outside of Denmark in the UK, it undertook a detailed review of the market and site search.

3.3 The criteria were very similar to those adopted by Great Wolf and the site chosen was the old Windsor Safari Park, it being:

- within a comfortable day trip of London and the West Midlands (ie most of south east and central England);
- a sufficiently large site, ideally with previous or existing leisure use;
- and with proximity and ease of access to the motorway system

3.4 In view of these principles, we would strongly support the chosen location (just off the M40 and north of Oxford) as being close to ideal for the Great Wolf resort proposal.

3.5 The main indoor waterparks in England are: Waterworld in Stoke; the Alton Towers Waterpark; Alpamare in Scarborough; Sandcastle in Blackpool, Splashdown in Poole; Coral Reef in Bracknell; the Wave in Coventry; and the 5 Center Parcs. The closest, the Woburn Center Parcs, is some considerable distance being approximately 50 miles away and there is no similar provision in this area.



4. MARKET NEED

4.1 Water based leisure in the UK started with Romans, with baths being used as a centre for meeting, eating and recreation.

4.2 The birth of the modern waterpark industry came in 1976 with the introduction of fiberglass slides and the opening of Wet 'n' Wild in Orlando, Florida. Water parks were soon being built all over the United States. European holiday resorts in Spain, Portugal and France were quick to copy with outdoor waterparks.

4.3 Spas and bathing centres of northern Europe took the experience indoors, building slides, wave machines and lazy rivers in their local water centres.

4.4 Northern European resort operators also saw the attraction of indoor water parks, the most successful being Center Parcs which opened its first park in Holland in 1971. There are now 22 resorts in the Netherlands, France, Belgium and Germany and 6 in the UK and Ireland.

4.5 Able to operate year-round, indoor waterparks are the fastest-growing segment of the waterpark industry.

4.6 Indoor waterparks appeal to families who want to spend quality recreation time together in an extremely safe environment. Extending the offer to include other forms of family entertainment, accommodation and a range of family restaurants transforms the water park offer from a fun day out to a mini break that doesn't take a lot of planning or involve a lot of travel.

4.7 From Billy Butlins first holiday camp in 1936 through the heydays of the 1950 and 60s, through a decline with the growth in cheap foreign holidays in the late twentieth century, the UK holiday resort sector continues to evolve,

4.8 This evolution is being driven by macro level social trends such as concerns over the environmental impact of flying and the continued growth in short break holidays to bring about the return to fashion of the *staycation*.

4.9 Great Wolf would provide an all-weather year-round resort that will directly serve the trend of rising demand for staycations and this trend is expected to continue.

4.10 Even before the current pandemic, there was already an increasing interest in domestic holidays; however, this has spiked in relation to the COVID-19 crisis during the past few months.

4.11 A recent report ¹ found that 52% of 25-34 year olds and 39% of 35-44 year olds in the UK planned to increase their UK-based holiday time. Most hospitality and leisure businesses in every region of the UK have seen rising demand from domestic tourists.

4.12 Another report² reveals that the most common number of days taken at one time for holidays by UK residents is 2-3 days and that the share of people taking holidays exclusively within the UK in 2019 was 8% higher than those who take holidays exclusively abroad.

4.13 All the trends point towards more UK tourists choosing to stay within the country for their holidays in the near future.

4.14 Great Wolf is owned by Blackstone, formerly owner of Center Parcs and currently a major shareholder in Merlin Entertainments, Britain's most successful leisure company. Blackstone are very experienced in the UK market and mindful of market need.

¹ The Great British Staycation, Barclays Rise of Staycations – UK Travel in 2020/21 by Schofields Insurance

² The Rise of the Staycation – UKM Travel in 2020/21 by Schofields Insurance

5. LOCAL IMPACT

Local Economic Impact

5.1 Great Wolf, like other UK resorts such as Center Parcs and Butlins, would generate significant benefits to the local economy, delivering much needed jobs with all the benefits that flow from that (as dealt with in more detail below), along with additional spend in the 'hyper-local' level (particularly for nearby shops and restaurants within walking or cycling distance). Within the village of Chesterton, the current lack of a local shop would naturally reduce the potential for a spend in the shop, but it is likely that both the pub and brasserie at the local hotel will benefit from the large number of such visitors within a short walk.

5.2 In addition, the proposed shuttle bus service would provide a convenient and regular service to Bicester Village, facilitating spend in those businesses.

5.3 Examples of how other resorts or major attractions directly benefit the local economy, particularly in delivering local jobs, include the following:

Center Parcs, Sherwood Forest

Center Parcs is a major employer in North Nottinghamshire, with 1,500 jobs at Sherwood Forest and a further 250 employees based at the head office in Ollerton.

A large majority of employees live within 15 miles of the Sherwood Forest Village.

Butlins Minehead

Minehead has been home to the Butlins holiday resort since the 1960s and has recently benefited from £30 million of investment to upgrade the facilities and create high quality chalet accommodation. Butlins alone contributes some £60 million of economic value to the town³, supporting over 1,000 jobs and attracting 400-500 thousand staying visits per annum.

The Eden Project

The Eden Project in Cornwall employs some 400 people. Since opening to the public in 2001, the place has attracted more than 18 million visitors, contributing more than £1.7 billion to the local economy⁴.

³ Minehead Coastal Community Team³ report 2016

⁴ Eden Project website

Alton Towers

Alton Towers⁵ contributes over £73 million in the regional economy - both for local suppliers and other support businesses which rely on its guests for their income, such as hotels, B&Bs, restaurants, shops and taxi firms. It is one of the largest private sector employers in the area, directly and indirectly being responsible for 2,900 jobs in the local area, and 3,520 jobs in the West Midlands region.

Alnwick Gardens

Alnwick Gardens first opened to the public in 2001 and attracts more than 350,000 visitors a year. It has generated more than £282m for the regional economy and supported over 2800 jobs across the region⁶.

Center Parcs Woburn

In 2005 Center Parcs applied for planning permission for a new resort in the Green Belt in Bedfordshire, which had been turned down on the basis of the chairman's casting vote. The planning inspector recommended that Hazel Blears, the Secretary of State at the time, should refuse the scheme permission.

The Secretary of State disagreed with the Inspector report on the basis that she attached more weight to the economic benefits the scheme would deliver.

The Council's decision was overturned on appeal by the Secretary of State who considered the building on green belt land was justified under "very special circumstances" due to the advantages to the economy, ecology and tourism of the village.

The subsequent success of the Center Parcs resort in that location and the benefits it has delivered confirm the correctness of that decision. The holiday village generated 1,200 construction jobs during the two-year build, and 1,500 permanent roles for local people⁷.

5.4 It is clear from this experience that the Great Wolf resort will generate significant benefits to the local economy, but this is also evidenced by the support for such resorts which come from

⁵ Stravelandtourism

⁶ Alnwick Gardens Trust

⁷ Barclays

communities in the United States where Great Wolf Lodge have opened, after they have opened.

Examples include:

- the statement from the mayor of Garden Grove in California – *‘In addition to the 700+ jobs created and millions in tax revenue generated by Great Wolf Lodge, the local businesses surrounding the resort have seen tremendous growth since opening. The guests and staff at the resort have frequented local restaurants, retail outlets and gas stations helping fuel additional development in the area’*
- from the mayor of La Grange Georgia which states *‘some of our downtown restaurants have said that the majority of their dinner business comes from families staying in the lodge’* and *‘people leave with a very positive feeling about our community. This helps market the city as a tourism destination, but also markets the city to future residents and other businesses’*
- from the mayor of the City of Fitchburg, Massachusetts *‘I would encourage every municipality to find such community minded businesses like Great Wolf Lodge to bring to your city’.*

5.5 Clearly there will be economic benefits to local businesses and, as with the American examples, it is likely that the direct benefits will include pre and post-visit as well as during the stay.

5.6 A potentially significant economic benefit will be one of repeat visitation to the region and awareness of its wider tourism appeal as Great Wolf Lodge visitors return.

Local Employment Impact

5.7 The UK experience of the impact of major leisure attractions and resorts on their surrounding communities in terms of employment is a very positive one.

5.8 Leisure attractions and resorts offer a wide range of employment opportunities to their local communities and whilst most typically the benefits are measured in terms of FTE full time equivalent jobs created we must also consider the qualitative impacts of such employment

5.9 Leisure attractions and resorts provide lifelong career opportunities and skills training but also deliver valuable vocational pathways for employees of all ages and particularly young people. For example, Merlin Entertainments have facilitated many thousands of career opportunities across their UK portfolio in the decades since their constituent attractions first opened - with many of their management, senior management and indeed executives, having started their successful careers on the ‘shop floor’ as ‘casual’ staff.

5.10 But it is not just the direct vocational value of employment opportunities in the local communities that is important. Of far greater significance is the value of part-time and casual /

flexible employment that a major attraction and resort delivers. Working in hospitality helps develop 'soft skills' which include communication, collaboration and interpersonal awareness. It also offers career development opportunities for those seeking full or part-time work, those starting out on their careers and those returning after a break.

5.11 Not everyone in the community is looking for full-time work or vocational employment with the restrictions and commitments that accompany them. Many instead, value the flexibility that part-time work brings and the ability to successfully earn an income whilst at the same time fulfilling other obligations & opportunities such as family, caring or education.

5.12 For young people in particular, access to the workplace and the invaluable range of life skills that brings, is irreplaceable. Working in a leisure attraction or resort can allow them to grow and develop their future plans whilst amassing invaluable life skills that ultimately make them more employable in their future careers.

5.13 Indeed, in one recent family entertainment centre business (tiny by comparison with the offer that Great Wolf Lodge would bring) that we (the authors) helped set up, just five years after opening, the business had generated from its complement of casual staff - two bank managers, a patissiere, a children's entertainer, a lawyer, an import-export entrepreneur, a civil engineer, a professional dancer and a senior employment consultant – plus many individuals who went on to full-time positions in retail and hospitality. All of these individuals would commend the value of the life skills and experiences they acquired during their first forays into the workplace provided by the family entertainment centre business.

5.14 Many of the roles at Great Wolf are likely to be filled by employees aged between 18 and 24. The majority will live locally.

5.15 As a comparator, the Center Parcs workforce is 70% female and the average length of service is five years. However, 20% of the workforce has been with the organisation for more than 10 years.

5.16 A leadership development programme at Center Parcs offers awards from team member to supervisor level, and then junior manager, a foundation degree and a BA degree. More than 400 staff have gone through the programme.

Local Leisure Amenity Impact

5.17 Objections to the Great Wolf development have suggested that the reduction of the golf course from 18 to nine holes would result in less active leisure because some members may choose to join another (18 hole) golf club. As set out in the evidence of John Ashworth (CD12-9) which we have seen and with which we agree, there will be no loss of amenity associated with golf participation

owing to the changes to the golf course resulting in a significantly more attractive golf facility, along with the potential for the investment in the golf course and facility enhancement works which would present an opportunity to attract new golf users, including ‘casual players’ from the local community. The proposals would in fact counter the established trend of declining golf participation and associated amenity benefits.

5.18 Moreover, and considering wider ‘leisure amenity’, the proposals represent a substantial enhancement in the provision of wider active leisure activities, not only through the resort (the water, climbing, mini golf) but also through the on-site public nature trails (accessible to all, particularly those living in the area) and the investment and delivery of off-site footpaths and cycle paths. These are discussed more as part of the wider package of substantial public benefits in the evidence of Chris Goddard (CD12-3).

5.19. Many resorts and visitor destinations have recognised the value of encouraging their local community to visit and use the facilities. The local community can become ambassadors for the venues, recommending them to visiting friends and relatives.

5.20. Center Parcs employees have access to discounted breaks for their families. They can also bring their families in on day passes and get a 20% discount at the villages’ retail and food and drink outlets.

5.21. The Eden Project offers a discounted Locals’ Pass to residents of Devon and Cornwall.

5.22 The Sandcastle Waterpark in Blackpool offers 50% off for local residents.

5.23 Alton Towers provides a limited number of free Local Resident tickets to people living within 3km of the centre.

Impact on Local Hotels

5.24 We would expect a destination like Great Wolf Lodge to include provision for MICE⁸ activities, as they would be most likely to occur during quieter periods for leisure guests.

5.26 The unique selling proposition of Great Wolf will be providing delegate access to the leisure facilities when the resort is not at full capacity. For example, Alton Towers target corporate away days and other functions to drive hotel visits in low and off seasons, with the Splash Landings water park and early ride access offering a strong leisure offer.

5.27 Great Wolf Lodge conference organisers will have chosen the venue because of the on-site leisure facilities and these events will be incremental to other local conferencing demand.

⁸ Meetings, Incentives, Conferences and Exhibitions

5.28 Unique and unusual venues, ranging from museums to indoor ski slopes, are increasingly popular amongst event organisers and now make up 18 per cent of the overall venues market⁹.

5.29 The peak seasons for MICE events are spring (March to June) and autumn (September to November). Low seasons are during school holidays. Week-time peaks are midweek.

5.30 These are the opposite of the likely peaks for general resort guests.

5.31 The provision of conferencing facilities at Great Wolf Lodge will be, in our opinion, synergistic with other local hotel provision. We do not consider that it will create direct competition with the Bicester Hotel and Spa and other local hotels (existing and planned) for conferences.

5.32 Indeed, as not all delegates (to a Great Wolf conference) will stay in the resort, the resort could increase demand at local hotels.

5.33 Indeed, with increased awareness of the area as a leisure destination it is more likely to increase demand at, not compete with, the local Travelodge, town centre hotels such as the Kings Arms, Guest Houses and Bed and Breakfast providers in the area

⁹ Lime Venue Portfolio Research Report

6. ACTIVE LEISURE

6.1 The UK Government is committed to reducing physical inactivity. This commitment and the rationale for it were set out in the Moving More, Living More report of February 2014. This reiterated the government's aim to increase the number of people meeting the UK Chief Medical Officer (CMO) guidelines on physical activity and reduce the number of people deemed to be inactive by being active for less than 30 minutes a week.

6.2 The proposed Great Wolf concept provides a valuable active family leisure resource because it offers a universally accessible form of active recreation, bridging the divide between family entertainment and more formal and rigid sport and recreation facilities such as those to be found in municipal leisure centres.

6.3 A key challenge for many local authorities in the UK is accessing and mobilising hard to reach audiences and communities and engaging them with active leisure. Recreation and waterparks and the kind of 'dry physical activities' on offer within a Great Wolf resort, such as high ropes courses etc, are ideal 'entry level' activities, not only because they are active, but because they encourage all the family members to participate, irrespective of age or ability.

6.4 Whilst the range of leisure activities is deliberately accessible, it is also scalable too. For example, in new facilities we understand that more outdoor activities with rope courses, climbing and activities will be included for older, more able and more adventurous guests

6.5 Thus, Great Wolf resort would offer an interactive, shared family leisure experience, for the broadest possible range of ages, abilities and appetites for activity challenge. 6.4 Successive governments have recognised the value of this and have placed themselves firmly behind making sport and leisure activities easily accessible to everyone

6.6 According to a 2017 report¹⁰, community leisure contributes more than £3.3bn to UK society through wellbeing (£2.4bn) and health (£715m). The study findings also demonstrated benefits for wider social issues like education and crime, not traditionally considered to be impacted by the physical activity sector. A major new report from Sport England and Sheffield Hallam University¹¹ reinforces the point and demonstrates that every £1 spent on community sport and physical activity generates nearly £4 for the English economy and society in social value, provided by a healthier

¹⁰ UK Active. Physical Activity – A Social Solution 2017

¹¹ Sport England & Sheffield Hallam University - Social and economic value of community sport and physical activity 2020

population, consumer expenditure, greater work productivity, improved education attainment, reduced crime and stronger communities.

6.7 Whilst of course it would be an overstatement to say the Great Wolf resort alone can deliver all these benefits, the resort will deliver an accessible and scalable form of entry level active leisure and active leisure demonstrably delivers social value and community benefits.

6.8 Moreover, for the reasons outlined above and dealt with by John Ashworth in more detail, the use of the area of land currently occupied by 9 holes of the adjacent golf course would not result in less active leisure. It will in fact offer greater opportunities for greater numbers of people to be attracted to golf. But even if it were the case that it reduced golf activity (which we are sure will not happen), it is clear that making provision for the large number of family guests per year to be involved in active leisure (water, climbing, mini golf, etc) would more than compensate and deliver far greater actual use of the site for physical recreational purposes and far greater participation in such physical recreation.

Provision of Accessible Leisure

6.9 Leisure activities are particularly important for many people with disabilities, who may struggle with issues surrounding social isolation. For people with both learning and physical disabilities, leisure activities can help build friendships, and improve mental and physical health, their well-being and confidence. For the parents and carers of children with a learning disability, finding suitable and accessible leisure activities can be a big challenge. As a result, the prospect of organising an activity or a day trip can be a daunting prospect. Whilst equal rights of access for people with disabilities are statutory, it is often the smaller, more discretionary elements, like levels of customer care and welcome that make disabled people and their carers feel an inclusive part of a leisure offer and therefore truly able to participate in it.

6.10 In their resorts, Great Wolf go to great lengths to encourage guests with disabilities and have demonstrated their abilities in this respect. Their US facilities are designed to be fully ADA compliant (ADA - Americans with Disabilities Act and analogous with the UK's DDA – 2005 Disability Discrimination Act) and their existing sites include:

- Pool areas with some combination of sloped zero-depth entries
- Poolside transport systems or pool lifts for accessibility
- Poolside waterproof wheelchairs are available for use at no charge
- Accessibly designed public and common spaces
- Dry entertainments and activities accessible to a very wide range of ages and abilities.

- Guest relations training for staff in supporting guests with special needs
- Accessible outdoor nature reserve walkways
- Advanced Ticket Purchases
- Special Access to Attractions

January 2021