

**Land to the east of M40 and south of A4095
Chesterton Bicester Oxon**

19/02550/F

Case Officer: Clare Whitehead

Applicant: Great Lakes UK Ltd

Proposal: Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin; Cllr James Macnamara; Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 16 March 2020

Committee Date: 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks full planning consent for the redevelopment of part of a golf course to provide a new leisure resort incorporating a waterpark with external slide tower, family entertainment centre, 498 room hotel, conferencing facilities and restaurants with associated access, parking and landscaping. To the north of the built section of the development publicly accessible open space is proposed with nature trails, play space and picnic areas. The water park and hotel proposed is the first of its kind in the UK and Europe proposed by Great Wolf Resorts; an American company who own and operate a chain of indoor waterparks in United States and Canada.

Consultations

The following consultees have raised **objections or concerns** about the application:

- Bicester Parish Council, Bletchington Parish Council, Chesterton Parish Council, Fritwell Parish Council, Godington Parish Council, Kirtlington Parish Council, Launton Parish Council, Lower Heyford Parish Council, Middleton Stoney Parish Council, Somerton Parish Council, Wendlebury Parish Council, Weston on the Green Parish Council, Mid-Cherwell Neighbourhood Plan Forum, Bicester Local History Society Campaign for the Protection of Rural England, CDC Bicester Delivery Team, CDC Landscape Services, CDC Planning Policy, CDC Recreation and Leisure, OCC Highways, OCC Local Lead Flood Authority, Ramblers Association

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

- CDC Arboriculture, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Protection, CDC Licensing, CDC Public Art, Environment Agency, Highways England, Legal Services Rights of Way Officer, Natural England, OCC Archaeology, Thames Valley Police, Thames Water

In the region of 820 letters of objection have been received and 43 letters of support have been received.

Planning Policy and Constraints

The site is outside of any built up area and is in the open countryside. The site is not allocated within the Local Plan for development. The site is devoid of buildings and is a largely managed landscape as part of a golf course. A public right of way crosses the site and there are several ditches (some dry some not) and ponds present.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Environmental Statement
- Principle of development
- Transport assessment and highways
- Landscape character impact
- Heritage impact
- Design and impact on the character of the area
- Landscaping and trees
- Residential amenity (incl. noise, air and light pollution)
- Flood risk and drainage
- Sustainability and Mitigating Climate Change
- Ecology Impact
- Crime Prevention
- Mitigating Infrastructure Impacts

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The loss of an 18 hole golf course without appropriate mitigation.
2. Significant development in a geographically unsustainable location accessed via minor rural roads and which will be reliant on the private motor vehicle.
3. The proposed development fails to robustly demonstrate that traffic impacts of the development are, or can be made acceptable, particularly in relation to the Middleton Stoney signalised junction.
4. The proposed building, by virtue of its size, scale and massing will have a detrimental visual impact by significant urbanisation within a rural context close to the historic village of Chesterton. This would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness.
5. The submitted drainage information is inadequate and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage.
6. Absence of a satisfactory S106 of unilateral undertaking.

Members are advised that the above is a summary of the proposals and key issues 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 extends to 18.6 hectares and comprises the western nine holes of the existing 18-hole golf course which forms part of the Bicester Hotel Golf and Spa (BHGS). It is situated on the western edge of the village of Chesterton (approximately 0.5km from the village centre). Little Chesterton is situated approximately 1.3 km to the south of the application site. Bicester is 1.3km from the application site to the east.
- 1.2. The site is located immediately to the east of the M40 which runs north to south along the boundary of the site. Large parts of this boundary are buffered with existing trees, woodland and established shrubs and vegetation. Junction 9 is 2.2km to the south of the site and serves Oxford via the A34 and Bicester via the A41. To the north of the site runs the A4095 which runs east to west and to the south of the site is land and buildings associated with BHGS. To the east of the site are buildings associated with BHGS and two residential properties being Stableford House and Vicarage Farm. Further east and along the A4095 is another residential property; Tanora Cottage.
- 1.3. If the development is permitted, then as part of a course-wide reconfiguration, the eastern nine holes and the hotel and spa facilities associated with BHGS will remain in situ and continue to operate alongside the proposed development.
- 1.4. In terms of the surrounding area, to the north of the site, north of the A4095, is a mix of agricultural land and Bignell Park Barns (which provides office accommodation) and a residential property. There are a number of accesses off the A4095 to serve these uses. Beyond the M40 to the west is agricultural land with associated agricultural and residential properties. The next nearest village to the north west is Middleton Stoney approximately 1.8km away.
- 1.5. The site contains a variety of habitat types of ecological value including ponds, plantation and semi-natural woodland and species rich hedgerow. There are also a variety of grasslands, dense scrub and tall wasteland plants throughout the site. The ponds are mostly located in a cluster to the northern part of the site and have been engineered as part of the design of the golf course landscape. A narrow and shallow ditch runs southeast from the central woodland block towards the Hotel and Spa roughly lying parallel to the A4095. A dry ditch crosses the central part of the site.
- 1.6. The vegetation on site mainly comprises trees, shrubs and grassland. The larger scale and more dense areas of vegetation include plantations, woodland, areas of scrub and hedgerows – largely located along the boundaries but with some areas of plantation toward the centre of the site – with many mature trees scattered across the site individually or in small groups. Most of the groups of trees are established as part of the golf course and whose purpose is to delineate fairways or to provide a degree of low level screening within and around the site. There is well established boundary vegetation in the form of a woodland belt along the M40 and another along the A4095.

1.7. The landform of the site is characterised by the engineered undulations of the golf course. Overall, the site has a gentle fall from the north-western corner towards the south-eastern boundary, generating a change in level of approximately 7m. The topography of the site is set within the wider context of a transition between broadly undulating but gently rising valley slopes to the northwest and a relatively level and flat landscape to the southeast.

2. CONSTRAINTS

2.1. The application site is not within the confines of a built up area being outside of both Chesterton and Bicester and therefore lies in the open countryside. It is not in land designated as Green Belt.

2.2. There are no buildings on the site and it is not located in a Conservation Area. Chesterton Conservation Area is located to the east of the application site and is approximately 475m at its closest point. The Conservation Area occupies much of the original historic village core that was established by the middle of the 18th Century. Bicester Conservation Area is some 2.9km to the north east of the site. Weston-on-the-Green Conservation Area is located to the southwest of the site approximately 3.3km away at its closest point.

2.3. The site is not located in a designated Archaeological Priority Area however, Alchester Roman Site is approximately 2km from the site. There are two Registered Park and Gardens within 5km of the site; Middleton Park (Grade II) located circa 1.4km to the northwest and Kirtlington Park (Grade II) circa 2.8km to the southwest. In addition, whilst there are no scheduled ancient monuments within the application site there are three within 5km. Those being:

- Middleton Stoney Castle located 1.85km to the northwest;
- Saxon Barrow located 1.43km to the west; and
- Alchester Roman Site located 2km to the southeast.

2.4. There are a number of listed buildings contained within the surrounding Conservation Areas and Registered Park and Gardens as mentioned above. Other notable listed buildings include:

- Barn approximately 40m northwest of Chesterton Fields Farmhouse (Grade II) which is 500m to the northwest of the application site; and
- Bridge approximately 200m northeast of Lodge Farmhouse (Grade II) which is 1.65km to the southeast of the application site.

2.5. A Public Right of Way (PROW) (ref 161/6/10) runs through the site entering off the golf course off the A4095 to the north and crossing the site in a south-easterly direction before exiting through BHGS car park and land. The actual alignment of the PROW is not clearly signed and difficult to locate.

2.6. There are no statutory or non statutory designated nature conservation sites within 2km of the application site. Low amounts of ancient woodland are present within 2km of the application site limited to three small parcels, the closest of which is approximately 1.5km southwest of the site beyond the M40 at Middleleys Spinney. There are a number of waterbodies within 500 metres of the application site including Gagle Brook which is part of the Langford Brook catchment.

- 2.7. Protected and notable species have been recorded within 2km of the site including bats, badger, nine notable bird species, slow worm and grass snake, amphibians including smooth newt, common frog and common toad and a number of invertebrates (moth and butterfly).
- 2.8. The site is located wholly within Flood Zone 1 and as such has a low probability of flooding. There are a number of watercourses and ponds across the existing site which are managed within the context of the golf course.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposed leisure resort at Chesterton includes:

- 498 bed hotel (27,250sq.m)
- Indoor water park (8,340sq.m) with external slide tower (height 22.5m)
- Family entertainment centre including an adventure park, food and beverage and merchandise retail, Conferencing and back of house (12,350sq.m)
- The adventure park will provide activities including ropes course, climbing wall, miniature golf, family bowling, arcade games and an interactive role playing game
- Associated access and landscaping
- 902 new parking spaces
- Public parkland (6 hectares) including nature trails and play spaces

3.2. The hotel comprises of 498 bedrooms typically ranging from 2 to 6 bed spaces. This, along with the amount of parking proposed, indicates that the number of guests on site at any one time is likely to be between 1 to 2 thousand at peak periods. The applicant has indicated that the average length of stay for a family is 1 to 2 nights.

3.3. The back of house floorspace is contained within the hotel and Family Entertainment Centre with the majority of plant space being at roof level over the Family Entertainment Centre. Laundry facilities will be provided on site for both the hotel and waterpark. There is a dedicated servicing area to the side/east of the proposed building, behind the eastern hotel wing. This space includes room for vehicle turning and allows for multiple delivery vehicles to be arriving, unloading and departing at the same time.

3.4. The indoor waterpark is the anchor of a great Wolf Lodge. It will include a range of waterpark attractions including slides, rides, lazy rivers, toddler pools and wave machines. It is designed for use by the target audience of families with children between the ages of 2 and 12 years old.

3.5. Approximately 550sqm of conference space is provided within a conference centre to provide flexible meeting and conference rooms to accommodate different sized groups. The conference facilities are designed and presented to operate closely with the wider resort and often relate to stays in the hotel. The conference centre is supported by a small outdoor terrace looking west beyond which is the public nature trails area.

- 3.6. The proposed nature area will cover approximately 6 hectares and is provided for public use including nature trails and areas for both hotel guests, conference delegates and members of the public.
- 3.7. In terms of the operating hours for various parts of the proposed development, this is summarised below.

Hotel (including guest services)	24 hours
Waterpark	Hotel guests: 9am – 9pm Day visitors: 10am – 9pm
Family Entertainment Centre	Hotel guests: 8am – 9pm* Day visitors: 10am – 9pm*
Food and beverage	Hotel guests: 7am – 11pm** Day visitors: 10am – 11pm
Nature trail	6am – 9pm***

* *specific activities may open later and close earlier*

** *24-hour F&B offer provided in one grab and go outlet*

*** *Variation during winter periods expected*

- 3.8. In terms of the timescales for delivery, it is anticipated that the construction phase of the development would last approximately 2 years. If consent was granted for the proposed development, enabling works on site would start in mid June 2020 which would include: obtaining the relevant licences and approvals, undertaking temporary utilities connections, creation of temporary works accesses, concluding site contamination surveys, commencing the EIA requirements to safeguard the habitat and local ecology, installing hoarding and fencing as appropriate to secure the site, creation of new ponds and making safe the PRoW by re-routing the path around the working areas. It is anticipated that the commencement of development would be in early September 2020 aiming for completion and a soft opening in September 2022.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
19/01255/SCOP	Scoping opinion - Redevelopment of existing 9 holes of the wider 18 hole course at Bicester Hotel Golf and Spa to provide a new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping.	ISSUED
13/01102/F	Bicester Hotel, Golf and Spa - Two storey extension to existing hotel with roof	APPROVED

	accommodation to form 51 new bedrooms	
03/01050/F	Reapplication of partially implemented permission CHS.344/90 to show redesigned extension to existing golf clubhouse inc. fitness gym, swimming pool, health and beauty suite, 52 No. bedrooms. Ancillary service yard, access road, alterations to existing golf course and landscaping. Amendments to 02/00182/F (as amended by plans received 12.06.03 also plans received 04.07.03)	APPROVED

- 4.2. There are a number of other applications which relate to the Hotel, Golf and Spa but are not directly relevant or of interest here.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Extensive and detailed pre-application discussions took place throughout late 2018 and 2019 (reference: 18/00058/PREAPP). The Council confirmed that it was not in a position to support a planning application for the proposal. In summary, the Council made the following comments:
- 5.2. "The scheme would bring some economic benefits, which would weigh in favour of the development. However, the three overarching objectives of the planning system to achieve sustainable development as outlined in the NPPF (economic, social and environmental) are required to be pursued in mutually supportive ways, and in my opinion the proposals result in other impacts (social and environmental) which outweigh those benefits."
- 5.3. It was considered that the proposal would not comply with Policy SLE3 of the CLPP1 which requires new tourism development to be located in sustainable locations. Officers expressed concerns about the lack of public transport and suitable cycling or pedestrian links and the resultant high reliance on the private car to access the facility. In addition, issues regarding the landscape and visual impacts of the development, and the design and scale of the proposal in this open countryside setting were raised. The pre-application proposal would also result in social harm through the loss of an existing area of recreation land for which there appeared to be no justification.
- 5.4. Officers concluded that the significant harm caused by the development would not be outweighed by the perceived benefits.

6. RESPONSE TO PUBLICITY

- 6.1. 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 **19 December 2019**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. In the region of 820 comments have been received objecting to the proposal. The comments raised by third parties are summarised as follows:

Principle of Development

- The development is not needed nor required
- Lack of consultation from the developer with CDC and failure to engage in the process to find a suitable site through land allocation in the local plan process
- The development will not bring benefits to the local population
- Unsustainable location for such a development on the edge of a small historic village
- Lack of evidence that Great Wolf have looked seriously into assessing other potential sites and concern and criticism given regards the submitted sequential assessment
- Concern regarding the viability of the project and whether it will function long term
- Sufficient hotel rooms and conference space in the area and more under construction or planned
- Greenbelt under threat – loss of countryside
- The comparison to developments in the USA in terms of traffic numbers, walking and cycling numbers is not useful and is a false comparison
- No accommodation on site for staff

Loss of Golf Course

- Loss of a highly acclaimed and financially viable golf course, the only one close to Bicester, concern about the future viability and survival of the golf club only having 9 holes. Open spaces for sports provision should be protected
- Doubt over the reliance and accuracy of the planning statement in terms of its assessment of the existing Golf Club and the impact of the development on the facility
- Loss of the golf course as physical health, mental health and wellbeing facility

Economic Impacts

- Low employment opportunities locally in poorly paid service jobs and be transient in nature. Contradicts Cherwell Employment Strategy which supports increase in knowledge based jobs.
- The application refers to employment opportunities for Oxford Brookes students but this is likely unfeasible due to the poor public transport links. Students would travel 2.5 hours per day to get to and from the facility using public transport.
- Shortage of hospitality industry workers in the area already and few local residents are looking for this work.
- Limited access to the waterpark for local residents and only at low season or weekdays. Day passes scarcely available to purchase
- Day passes likely to be too expensive for local families
- The hotel will adversely affect the existing hotel and conference business at the golf club and the future viability of the Health Club and remaining golf facility to the detriment of residents of Cherwell District.
- No trickle down effect of visitors using local facilities as all contained in the resort
- The negative effects of the development outweigh the limited local economic benefit

Landscape and Visual Impact (incl. heritage impact)

- The development would have a significantly harmful effect on the setting of Chesterton and on the rural character and appearance of the area
- The development will have an irreversible impact on the landscape and views of the site
- Vast scale of the proposal is out of keeping with a rural location and the scale and size of the development will be a visual distraction to road users affecting local roads and motorway traffic
- No amount of screening will disguise the height of the proposed 4 storey buildings and water park detrimental to the visual amenity of the area
- The proposed building has no architectural merit
- Elevations are far too large and high for the site
- Sprawl of built form across the site has an urbanising impact
- Potentially harmful to heritage assets including archaeology. A full archaeological survey of the site should be carried out to determine whether any archaeology exists.

Transport and Traffic Impact

- Impact of extra traffic on an area which already suffers heavy traffic and congestion on the A41, A34 and M40. Concern over traffic delays
- Significant increase in traffic from visitors, buses, staff, deliveries and construction traffic through the local villages including Chesterton and Kirtlington and to the detriment of the amenity of existing residents in terms of noise and fumes
- The development will have a significant reliance on car travel which is contrary to the Cherwell Strategy of reducing car usage in the district
- Costly road improvements will be required as current infrastructure is not sufficient to cope with the increase in traffic
- Concern about the proposed protected right turn into the site and how that will affect access to and from the opposite agricultural accesses
- Concern about the tight roads in surrounding villages and rural area and how they will be accessible to coaches and construction traffic
- The proposal envisages guests arriving by train but this is unlikely as most will travel with children and a lot of luggage. The proposed shuttle buses running between the site and the train stations do not relate to the train timetable and people will not wait for extended periods of time for a bus and will opt to drive
- There is no space at Bicester Village Railway Station for a shuttle bus to operate from
- There is no pedestrian or cycle lane access to the site nor is there any street lighting

Neighbour and Amenity Impact

- Detrimental to neighbouring properties particularly Stableford House by light pollution at night, loss of privacy and overbearing building
- Light pollution in rural area
- Discrepancies in the lighting documentation compared to the application detail as the assessment only relates to a two storey structure when the hotel alone is four storey
- Increased air pollution from increased traffic numbers
- Noise from the motorway will affect the park users

- Unbearably intrusive development having a detrimental impact on local residents
- Disruption to local area during construction period (2 year programme)
- Ongoing noise and light pollution when resort is operational
- Detrimental impact upon air quality due to removal of trees and increased development in an already compromised area adjacent to the motorway as well as increased traffic numbers and traffic idling in queues for the facility

Ecology, Drainage, Flooding and Climate Change Impact

- Loss of natural habitat and trees as well as devastating impact on wildlife (hawks, frogs, hedgehogs and grass snakes on site)
- Concerns over surface water drainage and the increased risk of flooding
- Concern over capacity of the existing waste water and sewage systems
- Overuse of water by the water park facility and the hotel and where this water will be sourced from
- Concern regarding the absence of an environmental policy statement by Great Wolf Resorts Limited and this raises questions about the company's policies on plastic use, carbon footprint issues and carbon offset policy. Where is the corporate commitment to the environment?

6.3. Some 43 letters of support were received, and the comments are summarised as follows:

- The scheme will bring a variety of new jobs to the area with opportunities for young people to train in and foster careers in hospitality management, engineering, aquatics management
- It will provide a world class leisure facility for local residents and visitors
- Local construction professionals will benefit from the jobs created through the construction of the scheme
- The scheme will bring £200 million investment to the area and boost the local economy
- Businesses across Oxfordshire will benefit from an estimated £5.7million increase in expenditure from the resorts guests
- The area is currently lacking in this type of facility and it will assist in Bicester to continue to thrive as a town
- The resort will be a diverse and fun array of family orientated activities and indoor water park
- It will create a free, public nature trail
- Great Wolf Resorts is committed to supporting local and national charities like the Make-A-Wish Foundation

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

6.5. As well as the individual consultation response letters received from local residents, the Council has received petitions of objection totalling over 753 signatures. It is important to consider that many of these signatures will also have submitted their own individual letters of objection or concern.

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. BICESTER TOWN COUNCIL: **Objection.**

- The site is not allocated in the Local Plan and is a contravention of transport and green open space policies.
- Significant concerns regarding anticipated traffic issues, the impact that users of Satnav will experience, impact of traffic on both Bicester and surrounding villages.
- In addition, the building footprint is large and excessive, overbearing and not in keeping with the size or scale of development locally.
- Concerns about the impact on water resources locally to facilitate such a development.
- Cumulative effect of development with other approved applications for hotels in the area is in excess of local demand and therefore overdevelopment.
- Location is unsuitable, being outside of the development envelope of local settlements and having an adverse impact on the open green areas.
- Guest turnover of 1.5 days with 900 car parking spaces in addition to other associated vehicle movements will result in an unacceptable number of vehicles using the road network which is already at capacity.

7.3. BLETCHINGDON PARISH COUNCIL: **Objection** on the following grounds:

- Major concerns about the increase in traffic which will have a major negative impact upon the already busy roads. Roads are in a poor state of repair and will be made worse, especially during the development stage.
- All surrounding villages (Chesterton, Little Chesterton, Middleton Stoney, Weston on the Green, Bucknell, Ardley with Fewcott, Bletchingdon, Kirtlington) will all be impacted on.
- Increased traffic through deliveries, laundry services, staff etc
- The proposal is not in keeping with Oxfordshire County Council plans of being carbon neutral by 2050.
- Such developments should be directed to brownfield sites.
- The design of the development is not in keeping with the Oxfordshire landscape, e.g. 80ft high indoor water park and a 4 storey hotel twice the size of the existing Bicester Golf Hotel.
- Concerns over disruption and pollution caused by a two year build programme and the impact this will have on the environment, local wildlife and the neighbouring farming communities.

- Noise pollution, light pollution during evening/night time, air pollution from extra vehicles and construction vehicles.

7.4. CHESTERTON PARISH COUNCIL: **Objection** on the grounds of lack of sustainability, unsustainable location and that the proposal is against both the adopted Local Plan and NPPF Guidelines.

7.5. Carter Jonas LLP has been instructed by Chesterton Parish Council to submit a formal objection to the application. This is supported by the adjoining Parish Councils of: Weston on the Green, Middleton Stoney, Ardley with Fewcott, Wendlebury, Piddington, Kirtlington, Bletchingdon, Bucknell, Fringford and Ambrosden. Carter Jonas submitted a 55 page document in response to the consultation and the objections of Chesterton Parish Council are summarised here:

- The application does not take proper account of development plan policies, nor national policy, and neither does it provide proper justification. Bicester and Banbury are the most sustainable locations for growth,
- Chesterton is suitable for minor development, infilling and conversions only
- Policy SLE4- development that is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported
- Significant negative traffic impacts on the surrounding areas. Despite the signage strategy, visitors will likely route via unsuitable roads, & the impact on local road network hasn't been mitigated
- It has also not been proven that safe & suitable access is achievable due to issues with the drawings & the lack of Road Safety Audit. Inadequate footways and cycle paths to Bicester.
- Trip generation calculations based on USA and have failed to consider several factors including impact & subsequent parking requirements of on-site conference facilities.
- Parish Councils note that objections have been submitted to the proposal from Highways England and the Local Highway Authority (Oxfordshire County Council).
- Out of character with the locality. 498-bedroom hotel with occupancy of up to 8 people per room in a small village without basic amenities.

Policy ESD13- The proposal is inconsistent with local character, the proposal would harm the setting of settlements, the proposal would harm the historic value of the landscape. Impact both visually & in terms of change to the landscape character, is considered significant & a development of such a scale, footprint and massing is not commensurate with a site of this nature in this location

- Chesterton Conservation Area encompasses most of the village (Policy ESD15- development should contribute positively to an area's character)
- Does not represent sustainable development. Policy ESD1- reiterates the importance of locating development in sustainable locations; promotes sustainable construction techniques; and, seeks the use of resources more efficiently, including water.
- Area of severe water stress, proposal expects use of 400,000 litres per day

- Environmental net gain calculation classifies the current golf course as 'poor' to enable their required result.
- In the open countryside where the prevailing character is if of agricultural fields and the landscaped 'Bignell Park' to the north. Policy C8 clarifies that sporadic development in the open countryside will generally be resisted.
- Loss of half of an existing and well-established golf club. Policy BSC10: Open Space, Outdoor Sport and Recreation Provision states that – access to open space, sport and recreation provision will be secured through protecting existing sites. 18-hole golf course users would have to travel further afield representing a further unsustainable result of the proposals and increase in car usage. Remaining 9 holes likely to be financially unviable with over 75% of members leaving if proposals go ahead.
- No evidential need for such a holiday resort in the area, and what benefits it would bring. Multiple new hotels in Bicester recently all within the area the local plan.
- Destination resort, guests are expected to stay onsite, so very limited benefit to the local economy and tourism. Employment of low paid, seasonal in nature not in line with the Oxford Local Industrial Strategy 2019.
- Day pass offering wholly inadequate for local communities during school holidays and weekends, 30 passes per day of nearly 3000 potential users.
- Business rates contributions should not outweigh harm to landscape, road networks and local communities.

7.6. Notwithstanding the Parish Council's objection to the proposal, if the planning committee were to support the proposal the Parish Council would expect significant Section 106 investment in the local infrastructure and road network both locally and sub-regionally. Including the following contributions to village improvement issues:

- Improving the energy efficiency of both the Community Centre and Village Hall along "low carbon" lines
- Electric charging points adjacent to the Community Centre
- Extension to the existing kitchen in the Community Centre
- An extension to the Sports Pavilion to house necessary equipment and an extension to the Car Park, necessitating land purchase
- The conversion of the Annex to create storage, an archival centre and an internet café
- Increased recreational activities to include a bowling green and tennis courts, necessitating land purchase
- The creation of a kitchen and toilet facilities in the Church
- Improved signage to village amenities
- A contribution to the management and maintenance costs of the above.

7.7. FRITWELL PARISH COUNCIL: **Objection** on the following grounds:

- Traffic and transport impacts upon the local roads causing hazardous conditions for residents.
- The development would compound the problems on an already overloaded network to an unacceptable degree.
- Increases and encourages the use of the private motor vehicle adding to greenhouse gas emissions.
- Loss of footfall to Bicester Town Centre, Bicester Village and Tesco Superstore because they would be too busy and difficult to access due to traffic problems.
- The proposed development in a historic village is unsustainable and inappropriate to the rural setting incurring irreparable loss of visual and recreational amenities.
- It is out of keeping with the surrounding area and involves building on a greenfield site destroying valuable habitats for wildlife.

7.8. GODLINGTON PARISH COUNCIL: **Objection.** The development does not take into account the Local Development Plan Policies and would have a significant negative impact to traffic on local roads in an area already struggling to cope with a massive increase due to recent ongoing developments. It would be highly visible and intrusive in what is a pleasant, rural area and out of character with Chesterton village and have a significant negative effect on the quality of life of people living in Chesterton and surrounding area. There are no apparent benefits to the local area as guests are encouraged to stay onsite throughout their stay ensuring local businesses do not benefit from the massive influx of visitors.

7.9. KIRTLINGTON PARISH COUNCIL: **Objection** on the following grounds:

- The transport and access analyses are deficient and the site is wholly inappropriate in terms of traffic impacts. A development of these proportions which is anticipated to generate large volumes of traffic movements should be accessed directly from a motorway junction and not via rural roads.
- Concern regarding the volume of traffic through Weston-on-the-Green; 62% of the total traffic will travel north on the B430 and 40% south on the B430 and all converge at the crossroads junction with the A4095. The transport assessment does not mention this. Prediction of no traffic travelling along the A4095 and passing through villages en route including Kirtlington. This is wrong and misleading.
- Traffic load through Kirtlington and neighbouring parishes on the A4095 is already unacceptably high and the existing increase in traffic at rush hour will coincide with projected peak arrival and departure times at the site.
- The site is contrary to the adopted Development Plan. The site is not situated within any settlement boundary and is within the open countryside. It is not allocated for any development in the adopted Development Plan. The site is also shown on the Green Infrastructure theme map (Local Plan) as an existing Outdoor Sports Facility and protection of existing sites falls under Policy BSC 10.
- The proposal would be contrary to Policy ESD 13 in as much as it would cause undue visual intrusion into the open countryside.
- There is no established need case for this development and the analysis of the economic need is deficient. The local area enjoys full employment particularly in

the leisure and service industry but struggles with housing shortages and transport networks. The need case for this development is ill considered.

7.10. LAUNTON PARISH COUNCIL: **Objection** on the following grounds:

- The development would cause considerable harm and would be of great detriment to local area amenity land
- The site is not specified for any form of development in the Local Plan
- Inappropriate siting of the development in a greenfield area with unsuitable road access which would compound already significant traffic issues
- Concerns about water usage and treatment
- The harm to the area would greatly outweigh any perceived local benefits.

7.11. LOWER HEYFORD PARISH COUNCIL: **Objection** on the following grounds:

- Speculative development in the open countryside which is not allocated for development in the Local Plan.
- It will result in the loss of a valued 18 hole golf course in an area where more golf courses are identified as a need within the period plan.
- The scale and design of the proposal will have a harmful impact on the rural character of the countryside and the village of Chesterton.
- The impact on wildlife and habitat will be significant.
- The impact of greenhouse gas emissions in relation to climate change has not been assessed.
- The site is unsustainable and encourages private car use. It will add a large volume of traffic onto a sensitive road network.
- The traffic will have a severe impact on the Middleton Stoney crossroads and neighbouring villages. Construction traffic should not be routed through the villages. The traffic forecasts are unreliable and the mitigation is insufficient.
- The proposal is contrary to the relevant policies in the Local Development Plan and there are no material considerations that warrant planning permission being granted.

7.12. MID-CHERWELL NEIGHBOURHOOD PLAN (MCNP) FORUM: **Objection** on the basis of inadequate analysis of traffic generation and resulting significant increase in traffic volumes on routes connecting to the M40 and elsewhere. The MCNP Forum supports the objections and concerns expressed by the other Parish Councils. In addition the proposed scheme does not conform with the NPPF and Local Plan Policies regarding sustainability, building in open countryside and loss of existing recreational facilities. Should the application be refused the MCNP Forum wish to see measures in a S106 legal agreement to calm traffic through the villages in the MCNP area.

7.13. MIDDLETON STONEY PARISH COUNCIL: **Objection** on the following grounds.

- The proposal is not in keeping with the local development plan or with any commitment to the environment.
- The traffic problems in Middleton Stoney are well known and would be made worse by the Great Wolf resort in conjunction with the traffic from the new Heyford Park development and other approved developments in the surrounding area.
- Existing air quality in Middleton Stoney is amongst the very worst in the County and the air and noise pollution would be made worse by the Great Wolf development due to the increase in traffic.
- The PC agree with the other reasons for objection raised by Chesterton and other Parish Councils.
- The building would be out of keeping with the rural character of the local area and with the Council's stated desire to tackle climate change.
- The business case does not comply with Cherwell's strategic aim of championing a knowledge-based workforce. The developers are predominantly promoting low-skilled employment and training.

7.14. SOMERTON PARISH COUNCIL: **Objection** on the following grounds.

- The proposal is not in accordance with the local development plan and there are no material planning considerations that would warrant planning permission being granted.
- It is unsustainable in an inappropriate location on the edge of a small historic village.
- The development includes a 900-space car park, indicating a significant reliance on car travel which goes against the Cherwell Strategy of reducing car usage.
- The existing road infrastructure cannot cope with the projected increase in traffic and local roads experience major congestion when there are traffic issues on the M40 and A34. The effect of cumulative impact with other significant proposals approved in Bicester.
- It will comprise 500,000 square feet of building on a greenfield site, irreversibly removing important green space and disrupting ecological habitats for an abundance of wildlife.
- The design and scale of the buildings is not in keeping with the character of the local area.
- Lack of employment market in locality for hospitality industry. Taking employees away from existing local businesses (a negative economic impact) or bringing in employment from other areas (increase in traffic numbers).
- Little economic benefit to local businesses.
- Concern over the loss of 9 holes of golf course and how will the remaining 9 holes be safeguarded. Open space provision is rapidly disappearing in the district.
- Deterioration in air quality and increase in noise pollution.

7.15. WENDLEBURY PARISH COUNCIL: **Objection** on the following grounds.

- Opportunist application which falls outside the current CLP and is contrary to Policy SLE3 which requires new tourism development to be located in sustainable locations.
- Wendlebury and Chesterton Parishes are close neighbours and suffer from the cumulative effect of piecemeal developments in Bicester with no mitigation. This application has the potential to further undermine their ability to maintain a sustainable quality of life in the communities.
- The proposal is contrary to the NPPF and the overarching objectives of the planning system to achieve sustainable development (economic, social and environmental).
- Concern raised about the effect of drainage changing hydrology and the increased flood risk; the proposed hard surfaces of the hotel, car park and other facilities will increase the volume of storm water flowing down stream through Little Chesterton and increase the risk of flash flooding in Wendlebury.
- Concern that the drainage proposals and mitigation works proposed will not address flooding risk.
- Concern about traffic through the villages and rural roads. Flaws in the submitted assessment as traffic modelling is only designed to predict traffic flows for strategic routes and has not appeared to have taken account of all of the developments in the area with extant planning consent. No account has been taken to consider the impact upon the A41 and wider impact on local road structures specifically the Vendee Drive roundabout.
- The proposal is contrary to Policy ESD1 which seeks to reduce the need for travel by car and make full use of public transport, walking and cycling.

7.16. WESTON ON THE GREEN PARISH COUNCIL: **Objection** on the following grounds:

- Contrary to Local Development Plan and to its strategic aims for i) sustainable development in an historic landscape; ii) preservation and enhancement of biodiversity; iii) reduction in the use of private motor vehicles and their effect on climate change.
- The site is outside any defined settlement boundary and in the open countryside. It is not allocated for any development within the Development Plan and thus is contrary to policy.
- Sustainability issues:
 - Hotel will have a massive energy requirement with only a fraction of it being sustainably generated
 - Traffic movements will stretch the local road network to breaking point
 - Reliance on private vehicles and increase in heavy service vehicles is directly contrary to the Cherwell Local Plan policies TR2 and TR16
- The development will have an impact upon natural habitats and increase in hard surfaces and built areas. Extreme revision and management of the rural landscape is contrary to Cherwell Local Plan policies EN27, EN30, EN31, EN34 and EN35.

- Concerns about the submitted Transport Assessment and consider it contains significant flaws including:
 - The data only includes five planned development schemes in the area and fails to take into account other significant developments with extant planning permission
 - Comparisons are made to Center Parcs who operate a significantly different model
 - Despite the claim that changeovers will be spread throughout the week, as it's a family resort, due to school hours, peak traffic will be on a Friday and departing on a Sunday/Monday during term time
 - Proposal suggests signage will advertise access using the A34 from J9 and along the B430 to junction with B4095. Despite this the traffic data within the proposal only assumes 50% of journeys will access the B430. The majority of visitors will follow signage and it will be higher than 50%.
 - Volumes of traffic already use Church Lane/Road in Weston on the Green as an alternative to the A34/M40 J9 route. This will increase. The traffic data fails to recognise this.
 - There is no traffic projection to cross the B430 at the A4095 junction and continue west towards Witney and Blenheim Palace. This is wrong and clearly misleading with modern satellite navigation.
- Construction traffic and their proposed routing will put further pressure on a junction (M40 J9) that Highways England, in its latest report, have admitted is failing. The Transport Assessment suggests this junction will still be within theoretical limits however in reality the traffic on this junction already exceeds capacity.
- Contrary to Cherwell's strategic aim of prioritising Knowledge Based business investment as a priority thereby offering employment support the Knowledge Economy.
- No local business support in Weston on the Green to the scheme.
- The business model keeps guests on site to use their facilities so there will be no economic benefits shared with the local area.
- Local businesses already find it difficult to recruit to the hospitality industry. Taking existing employees from existing local businesses will have a negative economic impact or they will bring in external employment from outside the area increasing traffic movements further.
- Development will have a significant urbanising impact on the rural location and would not be in keeping with the local area.
- The outside space would be next to a major motorway and be unhealthy to guests due to noise and fumes.
- Great Wolf should have worked with the Local Authority to be allocated an appropriate site through the local plan process.

- Resultant deterioration in air quality and noise pollution from additional traffic, construction and service vehicles.
- Concern regards water usage, water treatment and an overwhelmed waste system in a “highly water stressed area”.

CONSULTEES

7.17. BICESTER LOCAL HISTORY SOCIETY: **Objection** on the following grounds:

- Concern about the absence of the final report of archaeological evaluation. In addition, the desk based assessment set out in the scoping report needs to be undertaken. The cultural heritage chapter of the EIA needs to be submitted prior to the determination of the application. *[OFFICER NOTE: Chapter 10 of the Environmental Statement covers the historic environment assessment]*
- Concern that the development will affect the rural setting of Chesterton due to its size and potential in increasing traffic in the vicinity. Contrary to Policy ESD15 (Character of the Built and Historic Environment).

7.18. CAMPAIGN FOR THE PROTECTION OF RURAL ENGLAND: **Objection**. The proposal is contrary to the following policies: BSC10, BSC11, ESD8, ESD10, ESD13, ESD15, ESD17.

7.19. CDC ARBORICULTURE: **No objections** subject to increased screening to the site and seeking high quality replacement trees. The submitted report and its findings are accepted by the arboricultural officer.

7.20. CDC BICESTER DELIVERY TEAM: **Comments** on the travel plan and transport assessment as follows:

- Further enhancements to the road cycling route network are required to provide a safe cycle route to connect with the network of cycle routes on the periphery of Bicester (Vendee Drive and the A41). The proposals include provision on the southern side of the A4095 beginning to the west of the main access and finishing at the edge of the village of Chesterton. No improvement to routes between Chesterton and Bicester.
- The operation of the shuttle bus to serve Bicester North and Bicester Village rail stations needs to be developed further to ensure that non-car travel is maximised amongst staff and guests. Targets for non-car use need to be provided with robust monitoring strategy and penalties in place where targets are not met to ensure that the shuttle bus represents a central component of the access strategy.
- Concern expressed regarding the frequency of the shuttle bus service, its marketing, pick up location in Chesterton, provision of adequate shelter provision and whether an on-demand or flexible service should be developed.
- On-demand and flexible routing should be considered for the staff shuttle bus to maximise coverage and maximise wasted mileage.
- The compact route requirements provide opportunities to employ electric vehicle technology to minimise negative impacts on air quality.
- The proposed parking provision does not have a clear evidence base as the three sites used for trip generation analysis are existing Great Wolf resorts in the USA

which are not identified. There is no understanding of the comparability of the selected survey sites.

- More detail is required with appropriate reductions in the proposed parking provision with respect to a more robust sustainable transport access strategy.

7.21 CDC BUILDING CONTROL: **Comments.** The development would require a building regulations application with a fire engineers design statement and disabled access statement being required to support the submission.

7.22 CDC CONSERVATION: Awaiting final comments at the time of writing the report. The comments of the Conservation Officer will be updated to Members at the Committee Meeting.

7.23 CDC ECOLOGY: **No objection.** The submitted surveys within the ES and updates are all sufficient in scope and depth at the current time. A habitat management and monitoring plan has been produced which is generally acceptable. Further comments as follows:

- A pre-commencement update survey for badgers will be required as a condition.
- A full reptile mitigation plan which should identify any necessary receptor sites will be required as a condition.
- A Landscape and Ecological Management Plan is required by condition.
- A Construction Environment Management Plan for biodiversity is required by condition. There is a draft CEMP but this does not address pre-works checks and other biodiversity related issues.
- The applicants are pursuing a District Level Licence for the impact on Great Crested Newts so some of this impact will be dealt with by off-site provision and compensation.
- In addition to the conditions above, three conditions and informatives are recommended to be included with any permission to ensure the District Great Crested Newt Licence can be authorised at a later date.
- Further detail on the biodiversity net gain is required. Concern expressed regarding the use of the green spaces for recreation and walking dogs which may not be compatible with maintaining some of the proposed habitats in the best condition for wildlife. Daily footfall in this area could be relatively high in a small space. Some areas should be committed to being inaccessible to visitors.
- Concern raised over the lighting scheme, recommendations made to make it more wildlife/biodiversity friendly and request a modified lighting plan.
- A large strip of amenity grassland to the southern edge of the buildings would be better replaced with other grassland which would better maintain a wildlife connection between the (current) two halves of the gold course. The placement of the buildings isolates those two halves.

7.24 CDC ECONOMIC DEVELOPMENT: **No objection.** Overall, the principle of this development proposal is to be welcomed as part of a broad range of inward investment to provide opportunities for local employment and leisure facilities for an expanding number of households in the town, district and wider region. However, the selected location has serious practical issues to overcome which

may affect the operation of the resort and impact detrimentally upon local communities as suggested in its current form.

7.25 If the proposal at this location is approved, I would wish to help to mitigate those issues within my remit – including potential s106 activity to be included within the emerging Cherwell Industrial Strategy's delivery plan. Equally, if this proposal is refused, I remain very open to working with the applicant to identify an alternative location within the district.

7.26 CDC ENVIRONMENTAL PROTECTION: **Comments** as follows.

- Noise: Recommended conditions.
- Contaminated land: Recommended conditions.
- Air quality: Satisfied with the findings of the report provided as part of the Environmental Statement. CDC wishes to see the installation of ducting to all car parking spaces at this stage so that further so that further EV charge points can be installed at a later time
- Odour: No comments.
- Light: The submitted reports conclude that the lighting scheme as planned will be within the ILP guidance and not at a level to cause a nuisance. It appears to be a well thought out and sensitive scheme whilst providing the required lighting levels for a development of this size which will always require a significant amount of lighting. No further comments.

7.27 CDC LANDSCAPE SERVICES: **Comments** as follows:

- The LVIA is a comprehensive and competently written document that complies with GLVIA 3 guidelines.
- In the landscape officer's opinion, the site has low landscape sensitivity to change, and a visual effect ranging from neutral to moderate adverse at year 0. This opinion has been achieved by testing the LVIA.
- The scale of the development is very large and unjustifiable, due to approximately 2/3 site acquisition for building and car park, a massive over development when compared to the adjacent Bicester Health Club and Spa. The LVIA guidelines must address the major issues with overdevelopment.
- **Objection** is raised in principle due to the proposed overdevelopment of the site.
- The officer remains to be convinced that cumulative development harm has been addressed adequately in the LVIA. WSP's Environmental Statement Volume 1 Chapter 14 Cumulative Effects does not address developments combined effect with Bicester Health Club and Space and the lighting cumulative harm has not been addressed.
- Considers that the development does not comply with the NPPF and its three dimensions to achieve sustainable development.
- Does not consider the proposal is justified under Policy ESD1 Mitigating and Adapting to Climate Change.

7.28 CDC LICENSING: **No comments.**

- 7.29 CDC PLANNING POLICY: **Objection** unless planning policy requirements are met. The proposal will provide new leisure and recreation facilities generating social benefits and economic benefits for the local and wider economy through visitor spending and job creation. Part of the golf course will be maintained and enhanced with a new nature trail contributing towards biodiversity enhancement. Consideration should be given to whether the proposal is in a sustainable location as required by Policy SLE3 including in terms of its potential impacts and whether the location can be made sustainable.
- 7.30 There is general inconsistency with 1996 Policies T5 and C8. However it will be relevant to take into account the particular nature, requirements and impacts of the business/proposal. There is potential inconsistency with policies in relation to adverse impacts on the countryside, settlements, local character and landscape, amenity, and traffic impacts on rural/minor roads. These impacts will be important to determine in concluding on the acceptability of the proposals and whether it is sustainable development.
- 7.31 There is potential conflict with the aims of Policy BSC10 and the Council's 2018 strategy identifies that additional golf course provision would be required by 2031 to meet the needs of additional development in the Bicester area. It recommends that existing sites are protected unless the tests in the NPPF are met. The proposals will lead to the loss of part of a golf course where a need is identified in Bicester in recent planning policy evidence. The views of the Council's Leisure and Recreation team and England Golf on whether the benefits of the alternative recreation provision being proposed clearly outweigh the loss of the existing recreation facility will be important in determining whether the proposals conflict with the requirements of the NPPF and policy BSC10. A retail impact assessment should be provided for proposals to be in conformity with Policy SLE2.
- 7.32 CDC PUBLIC ART: **Comments.** Requires a financial contribution of £25,000 per annum over a 3 year period towards the annual core costs of a strategic public event such as the Bicester Festival.
- 7.33 CDC RECREATION AND LEISURE: **Objection.** Strongly object to the development proposals due to the loss of the 18-hole golf course at Bicester Golf Course.
- 7.34 ENVIRONMENT AGENCY: **No objection** subject to the imposition of a contamination condition.
- 7.35 HIGHWAYS ENGLAND: **No objection.** Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 7.36 In the case of this development proposal, Highways England interest is in the M40. Having examined the application, Highways England offer no objections to this proposal.
- 7.37 LEGAL SERVICES RIGHTS OF WAY OFFICER: **Comments.** There is a proposal to divert the public footpath route 161/6 which runs directly through the site. The applicant should be advised that the granting of planning consent that requires a Public Path Order (PPO) does not guarantee that a PPO will be made or confirmed. PPO and planning consent are two separate processes.

- 7.38 NATURAL ENGLAND: **No objection.** Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England offers advice on other natural environmental issues including reminding the Local Authority of its duty to have regard to conserving biodiversity, protected species, local sites and priority habitats and sites and Sites of Special Scientific Interest (SSSIs). In addition, developments should provide opportunities to secure net gains for biodiversity.
- 7.39 OCC ARCHAEOLOGY: Initial objection advising that: *Comments were previously provided to the applicant on a scoping area for the site where it was highlighted that the desk based assessment set out in the scoping report would need to be undertaken and included in any Environmental Impact Assessment. It was also highlighted that an archaeological trenched evaluation would need to be undertaken and the results used to inform the baseline of this assessment. This report will need to be submitted and the baseline updated before the County Archaeologist can provide appropriate advice. As such it is not recommended that planning permission be granted at this stage until the evaluation report and cultural heritage addendum have been submitted.*
- 7.40 During the planning process the agent submitted an appendix to the ES Chapter 10 Archaeology and Cultural Heritage in the form of an Archaeological Evaluation Report. On receipt of this amended and additional information the Archaeological Officer confirmed **no objection** and made **no further comments**.
- 7.41 OCC HIGHWAYS: **Objection.** Severe congestion at the Middleton Stoney signalised junction will be exacerbated by the additional trips generated by the proposed development. This is contrary to paragraphs 103, 108, and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and Oxfordshire Local Transport Plan 4 Policy 17.
- 7.42 The development is not planned for and would not be making the best use of infrastructure given the need to accommodate the planned growth allocated within the Local Plan.
- 7.43 While the County Council has not specifically identified an objection to the application on the basis of the site's location and accessibility, the response does highlight significant concerns regarding this. There is no public bus service and an incomplete cycle route to and from the site to Bicester. The County Council has identified requests for obligations and contributions to improve the accessibility of the site by sustainable transport modes should the development be granted planning permission. However, concerns remain over the site's location which dictates that car travel to the site will remain the primary mode of travel to the site, even with the improvements identified.
- 7.44 Traffic may take the inappropriate route through Little Chesterton, despite a signage strategy. It has been assumed that visitors will be drawn from a catchment area with a radius of 125 miles. Vehicle trips have been assigned to the primary highway routes according to the distribution of population within the catchment area.
- 7.45 Concern is raised over the provision of a private shuttle bus service. When delivered on a like for like basis there are no reasons why a private shuttle bus would be preferable to a public bus service. Concern was also raised regarding the implementation of Day Passes to the resort for local residents and the connection with the shuttle bus scheme. The carrying capacity of the buses may not be sufficient to meet demand for Day Passes.

7.46 In terms of public rights of way, a suggestion is made to create a circular footpath around the perimeter of the site that includes the proposed diverted route onto the cycle path. Requests were made to extend the footpaths and cycle paths off the site and contributions sought to achieve this.

7.47 OCC further comment that the submitted travel plan is quite basic and does not include the level of detail that is required.

7.48 Requests for planning conditions, planning obligations and S106 contributions were made and these are outlined at later in the report (paragraph 9.203 – 9.208).

7.49 OCC LOCAL LEAD FLOOD AUTHORITY: **Objection**. Requires further information and clarification on a number of points including:

- Ditch condition, capacity information and consent to discharge to Gagle Brook and boreholes to determine of groundwater to be provided
- Robust justification regards peak discharge rates and further information regards to flow control from the site, proposed tanking/attenuation and buried attenuation and lack of surface SuDS and surface water management techniques.
- Correct methodology to be used throughout including those relating to microdrainage calculations and additional calculations for relevant return periods.
- Clarification on the two ditch lines discussed in section 5.1
- With the amount of green space on site it is felt the use of on the surface SuDS features has not been maximised. Additional techniques should be explored, e.g. bio-retention, rain gardens etc.
- Surface water storage locations, extents and critical levels including freeboard require further explanation.
- Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, by Outline Design Stage we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

7.50 OCC RIGHTS OF WAY OFFICER: No response at the time of writing the report.

7.51 OPEN SPACES SOCIETY: No response at the time of writing the report.

7.52 RAMBLERS ASSOCIATION: **Objection** due to the proposal's detrimental impact on the local environment. Objection detailed as follows:

- The site is currently a golf course with many areas of land adjacent to greens and fairways which are beneficial to wildlife. A significant proportion of this valuable amenity will be lost if the development goes ahead.
- Disputes the claim that they will be a 30% net gain in biodiversity when well over 50% of the site will be turned from managed grassland, rough grassland, scrub and woodland to buildings and hard parking areas.
- The right of way (161/06) will be diverted from a now pleasant route to the side of the A4095 and then by the car park which will be unpleasant for walkers especially with the increased noise and pollution the facility will bring.
- The Ramblers Association object to the diversion of the footpath.

- Due to the effects of climate change the Ramblers will object to any development which will add to pollution, especially from increased traffic.
- The development will significantly change the rural character of the area with visual intrusion of the buildings and the artificial illumination of the development.
- The development will be out of scale and design with the historic character of the adjoining village of Chesterton.

7.53 THAMES VALLEY POLICE DESIGN ADVISOR: **Comments.** No objection but raises concerns in relation to community safety/crime prevention design which if not addressed then the development would not meet the requirements of the National Planning Policy Framework (NPPF), Section 12 'Achieving well-designed places', paragraph 127 (part f) and the PPG on Design.

- The Design and Access Statement does not provide enough detail in terms of delivery of security for the premises, patrons and employees.
- Recommended condition requiring the development be carried out with Secured by Design and Safer Parking Scheme accreditation.
- Offered further advice regarding safer parking areas, boundary treatments, landscaping, CCTV and design of the development to ensure crime prevention is fully considered.

7.54 THAMES WATER: **Comments.** Thames Water has identified an inability of the existing foul water network infrastructure and clean water network to accommodate the needs of the development proposal. A condition is recommended to require all wastewater network upgrades are completed prior to the occupation of the development. Also conditions are recommended in regards to the draining of a public swimming pool to a public sewer.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. 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 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- 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 Strategy
- 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
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- T5: Proposals for new hotels, motels, greenhouses, and restaurants in the countryside
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Oxfordshire Local Transport Plan 4 (LTP4)
- CDC Sports Facilities Strategy (2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Environmental Statement
- Principle of development
- Transport assessment and highways
- Landscape character impact
- Heritage impact
- Design and impact on the character of the area
- Landscaping and trees
- Residential amenity (incl. noise, air and light pollution)
- Flood risk and drainage
- Sustainability and Mitigating Climate Change
- Ecology Impact
- Crime Prevention
- Mitigating Infrastructure Impacts

Environmental Statement

- 9.2. The aim of an Environmental Impact Assessment (EIA) is to protect the environment by ensuring that a Local Planning Authority (LPA) when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 9.3. The application is accompanied by an Environmental Statement (ES) which is the written material submitted to the LPA in fulfilment of the EIA regulations. The ES covers landscape and visual impacts, ecology, transport, air quality, noise and vibration, water management, ground conditions and contamination, agriculture and soils, built heritage, archaeology, construction and demolition phases, impact upon the climate, socio economics, human health, waste and cumulative effects. The ES identifies significant impacts of the development and mitigation to make the development acceptable.
- 9.4. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which these regulations apply unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 9.5. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 9.6. The ES identifies mitigation and this, should the proposal be approved, would need to be secured through conditions and/or legal agreements. The remaining paragraphs in this Committee report assess the submitted planning documents and the contents of the Environmental Statement in order to reach a balanced and informed recommendation to Members.

Principle of Development

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF is a significant material consideration.
- 9.8. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015) and the saved policies of the Cherwell Local Plan 1996. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and is previously developed as the current golf course. The site sits outside the built-up limits of the village beyond the Chesterton settlement boundary.

Policy Context

The Development Plan

- 9.9. Policy SLE2 of the Local Plan (2011-2031) directs retail and other main town centre uses towards the District's town centres. Local Plan Policy Bicester 5 supports town centre uses within Bicester town centre and identifies an 'area of search' as shown on Inset Map Bicester 5.
- 9.10. Policy SLE3 of the Local Plan (2011-2031) supports proposals for new tourist facilities in sustainable locations, where they accord with other policies in the Plan, to increase overnight stays and visitor numbers within the district. Paragraph B.62 of the Local Plan states that the Council will support developments, especially new attractions, and new hotels at the two towns to reinforce their central role as places to visit and stay and new tourism that can demonstrate direct benefits to the local visitor economy.
- 9.11. Policy SLE4 states that all development where reasonable to do so should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 9.12. This is consistent with Policy ESD1 which states that in order to mitigate the impact of development within the district on climate change, the Council will distribute growth to the most sustainable locations as defined in the Local Plan, including by delivering development that seeks to reduce the need to travel and which encourages sustainable transport options.
- 9.13. Policy BSC10 states the Council will ensure sufficient quantity and quality of open space, sport and recreation provision by protecting the existing sites and enhancing the existing provision. Paragraph B.159 explains that development proposals that would result in the loss of sites will be assessed in accordance with guidance in the NPPF and NPPG.
- 9.14. The Council has undertaken an Open Space, Sport and Recreation Assessment and Strategy as part of the evidence base to support and inform planning policy documents and development management decisions. This identifies that there is likely to be a need for more provision of golf courses in the Bicester sub area due to the level of housing growth and that existing golf courses should be protected. It goes on to recommend that planning policies should seek to protect existing sites and forecasts a long term need for an additional 1 x 18 hole course or 2 x 9 hole courses, and 8 driving range bays in the Bicester sub-area by 2031.
- 9.15. Turning to the saved policies of the 1996 Local Plan, policy TR7 states development that will attract large number of vehicles onto unsuitable minor roads will not normally be permitted.
- 9.16. Saved Policy T5 states beyond the built limits of settlements the provision of new hotels and restaurants will generally only be approved where they would largely be accommodated within existing buildings or totally replace an existing commercial use of an existing acceptably located commercial site.

National Policy

- 9.17. The NPPF at paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 9.18. The NPPF at paragraph 83 states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.19. NPPF paragraph 84 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It states in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.20. Paragraph 86 and 87 of the NPPF state that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.21. The NPPF advises that the access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and paragraph 97 of the NPPF states existing open space, sports and recreation buildings and land, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
 - c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Assessment – Loss of the golf club

- 9.22. 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.
- 9.23. The applicant provides an assessment of golf needs in their Planning Statement. The adopted 2015 Local Plan references a number of existing deficiencies in open space, sport and recreation provision. To inform the Local Plan Review, the Council has recently published an extract (titled Sports Facilities Strategy) from its Open Space, Sport and Recreation Assessment August 2018 on its website. The study identifies (figure 59, 60 and 61) that there is currently a shortfall in golf provision in Bicester and a projected need in the future.
- 9.24. The Recreation and Leisure Team object to the development proposals, on the grounds that it will lead to the loss of an 18-hole golf facility within the district. The Council's Sports Facilities Strategy (2018) concluded (figure 62) that whilst there was not a current deficiency (at 2016) an additional 18 hole golf course or two 9 hole courses would be required by 2031 to meet the needs of additional development in the Bicester Area. As such it recommends that existing golf facilities are protected, unless the tests in the NPPF are met (see paragraph 9.21).
- 9.25. In the opinion of the Recreation and Leisure Team, the proposals submitted do not meet the first test (surplus to requirements), despite the detailed submission,

including a needs assessment that draws different conclusions to the Sports Facilities Strategy. The recommendations of the 2018 Sports Strategy were drawn, based on the nationally endorsed Sport England methodology for analysing sports facility needs for the future. The application is supported by an alternative desk based assessment of provision, using different assumptions informed by membership information from the golf club and concludes a surplus in provision with no additional provision likely to be required before 2030. Notwithstanding the conflicting views on the adequacy of supply depending on the methodology used, the Recreation and Leisure team does not recognise the robustness and independence of the needs assessment submitted with these development proposals.

- 9.26. Turning to the second and third tests (replacement with equivalent or better provision, and development for alternative recreational use), the applicant is not proposing to replace the golf course with equivalent provision in terms of quantity. The applicant considers that the proposals would not result in the loss of an open space that is of importance to the character or amenity of the surrounding area and contends that there is current limited public access and amenity. The applicant contends that the proposals would lead to an improved facility. New landscaping and a 6ha nature trail are proposed as an area of recreation, which has the potential to contribute towards a net gain in biodiversity as required by Local Plan Policy ESD10. However Officers do not consider that the benefits of the alternative leisure facility outweighs the loss of the golf course as it is protected in policy. The district will face a shortage in golf provision due to the imminent closure of North Oxfordshire Golf Course as well as increasing population in the Bicester area through allocated development. The proposed development will provide a new leisure facility (for national use with 30 day passes for locals a day) but will not address the impact of the loss of a local facility.
- 9.27. In summary, Officers consider the proposal fails to meet the tests of the NPPF and the loss of the golf course represents a fundamental reason for refusal of planning permission. The potential loss of this facility would reduce opportunities for improved health and wellbeing; result in a loss of active engagement in sport; and, moreover the loss is inappropriate and not justified in an area which the Council's evidence indicates would have a deficit in golf course provision if the development is approved.
- 9.28. Notwithstanding the objection stated, both the applicant and the Council's Leisure Officers have been in dialogue with England Golf (the National Governing Body for the sport) to ascertain what mitigation/enhancement would be appropriate should this application progress. Leisure Officers would wish to see firm proposals from the developer, golf club / land owner, endorsed by England Golf, for an enhanced and improved facility offer on the remaining nine holes. The agent has confirmed that Great Wolf are willing to enter a S106 obligation to secure improvement works to the remaining 9-holes but no firm details of those works have been put forward. Great Wolf have offered in addition a 'scholarship' whereby twenty under 15s per year for a five year period will be given a free membership to the club to use the course and training range. This has been put to England Golf but no comments from England Golf have been received by Officers to date. Nevertheless, whilst this offering is welcome it does not address the in principle objection to the loss of an 18-hole golf course which the Council's Sports Facilities Strategy (2018) indicates is meeting a present need and therefore should be protected.

Assessment – Location of proposed use

- 9.29. In essence the proposal is for tourism development, and so Policy SLE3 of the Cherwell Local Plan 2011-2031 Part 1, along with saved policies T5, TR7 and C8 of the Cherwell Local Plan 1996, are relevant.
- 9.30. Considering first saved policies T5 and C8, the Council's Planning Policy Team have confirmed that the proposal is in conflict with these as it is for a substantial new 4 storey hotel with associated conference and leisure facilities, on a site that is largely devoid of built structures and is beyond the built limits of the nearest settlement. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. This weighs against the proposal.
- 9.31. Turning to Policy SLE3, the proposal would undoubtedly help to increase visitor accommodation in the district. However, as outlined in further detail in the paragraphs below (in particular under the transport section) there are significant concerns regarding the geographical sustainability of the site due to the lack of sustainable transport links and other sustainability credentials of the proposal.
- 9.32. Paragraph 1.9 of the Local Plan affirms that Bicester and Banbury are the most sustainable locations for growth with the plan seeking to strengthen the role of the towns as the centre of the local economy within a "rural hinterland". Strategic Objective 12 of the local plan states "*...development will be focussed in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.*"
- 9.33. The local plan contains various strategic development areas at Bicester, as a strategy to promote growth. Three of the strategic development areas contain hotels as part of the expected leisure provision requirements:
- South West Bicester Phase 2 (Policy Bicester 3)
 - Bicester Business Park (Policy Bicester 4)
 - Former RAF Bicester (Policy Bicester 8)
- 9.34. Chesterton by comparison is identified as a Category A Village (Policy Villages 1) which would be suitable for minor development, infilling and conversions. Chesterton village is served by minor roads, including Alchester Road and Green Lane. Saved Policy TR7 states that development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted. Policy SLE4 states that financial and/or in-kind contributions will be required to mitigate the transport impacts of development. It also clarifies that development that is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Policy ESD1 sets a general context to mitigate and adapt to climate change and it reiterates the importance of locating development in sustainable locations.
- 9.35. The site is in the open countryside outside of the built environs of a settlement. It has non-existent public transport links as well as poor links by cycle and foot due to lack of pavement on rural roads and the busy A4095. Therefore, and considering the guest demographic being families with children aged 2-12 years and the expected catchment (at least up to 125 miles radius), the reliance on the private motor vehicle for access to the site will be high and the predominant means of transport. This is discussed in greater detail in relation to transport and highways at paragraphs 9.52 – 9.81.

- 9.36. Policy SLE2 is also relevant. Whilst it is agreed that the use proposed is 'Sui Generis' given that it is to act as a single resort, officers nevertheless consider the proposal to be a main town centre use. The Glossary to the NPPF provides a description of main town centre uses which include leisure, entertainment and more intensive recreation uses and officers consider this to be an appropriate description for the intended use of the site. There is potential for the proposed development to harm the vitality and viability of Bicester town centre contrary to Local Plan Policy SLE2. The level of floor space proposed in the application (above the Local Plan threshold of 350sqm for the rural areas in the Local Plan – Policy SLE2) means an impact assessment is required. The applicant states that the offer, experience and target audience to all parts of the resort, is different and generally complementary to that of other hotels and / or resorts and therefore there will be negligible to no impacts. The applicant also contends that very few resorts, resort hotels or conferencing facilities are located within designated town centres and there would therefore be no diversion of expenditure away from centres.
- 9.37. Paragraph 89 of the NPPF and Policy SLE2 require an impact assessment for leisure developments over 350sqm which are not located in central locations. The applicant has provided an economic statement showing how there will be a net gain in income to the area, which is relevant, but has not produced an impact assessment to consider quantitative impacts on Bicester town or any other centres in line with government guidance.
- 9.38. The proposals are outside Bicester town centre and the 'area of search' is an out of centre location and therefore in principle inconsistent with local planning policy in terms of the strategy for accommodating town centre uses and supporting the growth, vitality and viability of central Bicester. The applicant provides a sequential test which considers locations in and outside of the District and sets out their requirements which have led to the selection of the application site. NPPG paragraph 011 Reference ID: 2b-011-20190722 states that the application of the test will need to be proportionate and appropriate for the given proposal.
- 9.39. Also, for the sequential test the NPPF requires that applicants and local planning authorities demonstrate flexibility on issues such as format and scale. NPPG Paragraph: 012 Reference ID: 2b-012-20190722 states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. The applicant highlights that other similar developments are often located away from settlements. It is also relevant to consider the particular nature and requirements of the business/proposal, including how different uses proposed may operate together and the land required in considering the sequential test and application.
- 9.40. Taking the above into account, the sites within Cherwell District considered in the sequential test are appropriate and Officers are persuaded that it shows that the development cannot be accommodated within Bicester. However, this does not negate the need for an Impact Assessment, and it does not follow that the proposal is therefore acceptable in this particular location.
- 9.41. Officers consider that the information submitted has not demonstrated that this is an appropriate or sustainable location for this type/scale of development to take place. Whilst client base, travel time, and location suitability for a business model are all considerations of the applicant that is not to say that the current proposed location is the best and only location for the development in planning and sustainable development terms. The onus is upon the applicant to demonstrate that this is a sustainable location for the development, having regard to the anticipated catchment area of the proposal and its expected impacts. Currently, the applicant has failed to

provide a substantive argument that there are sound and convincing reasons to justify the proposal – which amounts to significant built development attracting significant numbers of visitors and which is heavily car reliant - in this particular rural location accessed by minor roads, despite the serious concerns Officers have raised regarding the sustainability of the site and the identified conflict with the Development Plan. This weighs heavily against the proposal.

Assessment – Economic Impact

- 9.42. The proposal has the potential to generate economic benefits for the local economy and wider region through investment, job creation and local/national tourism. The proposed development would lead to benefits in terms of jobs and expenditure in the local area during the construction (temporarily) and operation of the site. Its location near to Bicester may assist in securing in Bicester through linked trips with such places as the former RAF Bicester. The applicant explains that 460 full time equivalent jobs will be created with further jobs during the construction phase.
- 9.43. The first objective of the Local Plan (SO1) is to facilitate economic growth and employment with an emphasis on attracting higher technologies to the district. The proposal is unlikely to produce many permanent high tech/skilled jobs however the planning and construction of the site will create a range of jobs, although short term and temporary. Some of the permanent, longer term roles will be in professional and managerial roles but the majority would be in lower skilled occupations. This does not reflect the desired direction suggested in either the Oxfordshire Industrial Strategy or the emerging Cherwell Industrial Strategy.
- 9.44. In addition, there is an issue relating to the supply of labour, a concern shared by the local residents. The latest figures suggest that of those aged between 16-64 12,700 people are inactive and 9,300 do not want a job (ONS annual population survey Oct 2018-Sept2019). Therefore, 3,400 people living in the district may be expected to be seeking work however the proposed development does not indicate how skill sets or ambitions will match the work available at Great Wolf resort. Nevertheless, for people seeking leisure and hospitality roles the proposed development offers opportunities for employment.
- 9.45. The proposal will contribute towards reducing out-commuting by generating jobs near to Bicester which is one of the main aims of the Local Plan. The NPPF at paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposal will provide leisure facilities for Bicester and the wider area which is an expanding population.
- 9.46. Great Wolf lodges are known in North America for offering “everything under one roof”, in effect a Great Wolf Lodge is a destination resort and as such the spin-off economic benefits to the wider economy may be limited. Much of the local residents’ concern is on this basis and the Economic Development Officer also shares this opinion.
- 9.47. Should the application be approved by members the Economic Development Officer has requested apprenticeships be secured via a S106 agreement.

Conclusion

- 9.48. In summary, there is an in-principle objection to the proposed development. Firstly, the scheme leads to the loss of an 18 hole golf course which as currently proposed is not being replaced nor has it been demonstrated that the mitigation is sufficient enough that the loss is not harmful. Secondly, and fundamentally, the proposed

development is not in a sustainable location being outside of any built settlement, in an open countryside location which lacks public transport links and is not accessible via sustainable modes of transport. The location and nature of the proposal leads it to being primarily reliant on the private motor vehicle for access of both guests and staff and due to the location, access will be via local, minor roads. This is contrary to saved policy T5, TR7 and C8.

- 9.49. Whilst the applicant has demonstrated that the proposed development cannot be accommodated within Bicester, one of Cherwell's sustainable locations, the applicant has not demonstrated that this is an appropriate or sustainable location for this type/scale of development to take place. Neither has a retail impact assessment been submitted as required by Local Plan policy and the NPPF.
- 9.50. There are clearly economic benefits to the proposed scheme by way of providing employment during the construction period and operational period. However, these are likely to be mostly low skilled positions which does not reflect the desired direction suggested in Cherwell policies nor Oxfordshire policies. Whilst there is a provision of employment and some other economic benefits it is not accepted by officers that this outweighs the in-principle objections in terms of the loss of the golf club and the unsustainable and unsuitable location of the development.
- 9.51. In that regard, the proposal is contrary to the policies SLE2, SLE3 and SLE4 as well as policy ESD1 and Strategic Objective 13 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies T5, TR7 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Transport assessment and highways

Policy Context

- 9.52. Strategic objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and to increase opportunities for travelling by other modes. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars.
- 9.53. Policy SLE4 also has similar objectives where it sets out that: "The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections... New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.54. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported".
- 9.55. The Oxfordshire Local Transport Plan 4 (LTP4) at Policy 17 states that OCC will seek to ensure through cooperation with the districts and city councils that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

- 9.56. The Bicester Area Strategy refers to the Bicester Sustainable Transport Strategy, which recommends pedestrian and cycling improvement schemes for the town. Any walking and cycling schemes developed should follow guidelines in the Oxfordshire Walking and Cycling Design Standards and Residential Road Design Guide.
- 9.57. Policy BIC1 in the Bicester Area Strategy states: “BIC1 – Improve access and connections between key employment and residential sites and the strategic transport system by: - Continuing to work with Highways England to improve connectivity to the strategic highway. We will continue to work in partnership on the A34 and A43 strategies, as well as Junctions 9 and 10 of the M40 to relieve congestion.”
- 9.58. In terms of provision for Public Transport, Policy BIC 2 states: “BIC2 – We will work to reduce the proportion of journeys made by private car through implementing the Sustainable Transport Strategy by: Improving Bicester’s bus services along key routes and providing improved public transport infrastructure considering requirements for and integrating strategic development sites.”
- 9.59. The transport impacts of the development must be considered against these policies and the requirements of Section 9 of the NPPF. Paragraph 103 of the NPPF states that: “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”
- 9.60. The NPPF at paragraph 108 states that: “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”
- 9.61. Finally, at paragraph 109 of the NPPF: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Assessment

- 9.62. The application is supported by Chapter 6 of the ES: Transport and Access, a Transport Assessment (November 2019) and a Framework Travel Plan (November 2019) prepared by transport consultants Motion.
- 9.63. The applicant has included the following proposed measures in order to improve the sustainability of the site in transport terms:
- Shuttle buses to/from both rail stations in Bicester for guests
 - Shuttle bus to Bicester for staff and Chesterton residents

- Walking/cycle access to Chesterton via new cycletrack along A4095
- Improvements to Public Right of Way 161/1 across new country park to Vendee Drive and connection with the A4095
- Travel Plan and advance info to guests on booking

9.64. The proposed access to the site will be via a new priority junction. The junction design will incorporate a ghosted right-turn lane allowing vehicles arriving on the A4095 from the west to be able to pull off the main carriageway so that they do not cause an obstruction to through traffic whilst waiting to turn into the site. Speed surveys have been carried out by the applicants transport consultant (not included with the submission but viewed by OCC) which indicate that the available visibility splays are adequate according to OCC requirements. This is satisfactory to the Highways Officer.

9.65. The proposed car park is capable of accommodating approximately 910 vehicles, serving both guests and staff. 10% of the parking bays will be equipped with electric charging facilities and ductwork will be installed to allow future expansion of charging equipment to all bays in the future as required. 6% of spaces will be disabled accessible bays. The Highways Officer is satisfied with the car park proposal and considers there should be spare capacity to allow efficient turnover of spaces.

9.66. A total of 40 cycle parking spaces are to be provided for staff use and this is an overprovision in relation to OCC guidelines, but has been promoted to encourage cycling as a sustainable mode of transport for those employees from Bicester or other nearby locations as there is no public transport available. It is recognised that guests are extremely unlikely to travel by cycle and so the number of cycle stands for guests reflect this.

9.67. Oxfordshire County Council Highways have been consulted on the application and have objected on the grounds of the impact upon an already congested signalised junction at Middleton Stoney. Future year modelling shows that the B430 corridor is forecast to experience significant congestion without a package of mitigation measures required to accommodate Local Plan growth, including the development planned to take place at Heyford Park. Additional traffic as a result of unplanned development, such as this, will add to the significant congestion forecast along the corridor and could prejudice the ability to deliver a package of suitable mitigation measures required to accommodate the planned growth.

9.68. Concern has been raised by local residents about increased traffic through Chesterton. The Highways Officer has assessed the submitted transport information alongside their own data and concluded that additional traffic associated with the development will tend to be mainly outside of the peak hours as the majority of guest trips will be between 9am and 2pm. Nearly all additional vehicle movements will be private cars as there will be few HGV trips associated with the development during the operational phase. Highways Officers have not raised an objection on the grounds of traffic numbers or congestion through Chesterton.

9.69. In terms of the increased traffic through other local villages the Highways Officer has commented in relation to Kirtlington, Enslow, Weston-on-the-Green and Ardley. It is not considered that the increase would be so severe to justify an objection on this basis, and that securing an appropriate signage strategy is the most appropriate mitigation for more evenly distributing additional traffic. Nevertheless, in the opinion of Officers due to the scale and nature of the proposal there will be an increase in traffic using local, rural roads including through a number of villages.

- 9.70. Highways Officers also raise multiple other concerns regarding other aspects of the proposal including the shuttle bus service, lack of sustainable alternative modes of travel, reliance on the private motor vehicle, and the provision of day passes and the impact upon transport.
- 9.71. Officers consider there is currently a lack of sustainable alternatives to the private motor vehicle in the area of the site. Development proposals, according to policy, need to demonstrate sustainability in transport terms with suitable access on foot, by cycle and public transport as well as availability of local amenities.
- 9.72. OCC Highways comment that there is a proposed shared use cycle connection to the south side of the A4095 between the proposed site access and The Hale. This measures at 2.5m in width which is less than the recommended width of such paths at 3m (Cycling Design Guidance). It is acknowledged that the pedestrian and cycle measures proposed are welcome however they are unlikely to lead to any significant change in modal shift. There is no onward cycle provision on the A4095 through Chesterton and no funding mechanism in place currently to deliver cycle provision through the Country Park between Chesterton and Bicester. There are no designated cycle routes in the vicinity of the proposed development site beyond that what is proposed. Whilst it is more likely that staff would cycle to the site than guests considering the luggage a guest would arrive with, any visitor wishing to cycle to the site would have to do so along sections of road that are unlit and unrestricted.
- 9.73. OCC Highways welcome the proposal for a new footway to be provided along Green Lane either side of the junction with The Hale to connect to the southern end of the PROW 161/06 to Chesterton. Also an additional stretch of footway is proposed along the A4095 either side of the M40 bridge to connect with PROW 161/11 to the west. The proposals include the diversion of PROW 161.06 through a landscaped area of the development and the applicant will take responsibility for the maintenance of the diverted PROW. This could be agreed by S106 should members approve the application. These improvements are appropriate to mitigate the development's detrimental impact on the PROW network through the site, but do not negate the visual impact (discussed later in this report).
- 9.74. The applicant has proposed shuttle bus services for both guest and staff usage. Limited information has been submitted as to how this service would run except a suggested routing, that it could be brought in line with the rail connections at both Bicester train stations and could run hourly. Without some certainty that an appropriate level of service will be provided and in perpetuity, the site is as good as inaccessible by public transport. Access to public transport is by a very long 2.3km walk to the Park and Ride site taking approximately 30minutes where a 15-minute frequency service operates between Oxford City Centre and Bicester, with some buses extending further afield.
- 9.75. Oxfordshire County Council considers that a single, publicly accessible, bus service should be available between the site and Bicester so that it could be properly integrated into the rest of the town bus network with the associated benefits for staff access that would result. OCC have been clear and justified in their reasoning for a public bus service to the development over the proposed shuttle buses that would be run and operated by the applicant. This includes the following reasons:
- The opportunities for integration are significant given the scale of wider development in the area, meaning the bus service could ultimately be integrated with another service to secure its ongoing viability which would never be achieved with two separate shuttle-type minibus services

- The buses could be branded providing a mobile advertisement for the scheme. The existence of such a service could be provided on their website, in all promotional material and in booking details for guests.
- A public bus service can generate revenue offering a potential method of offsetting the cost of bus service provision of Great Wolf.
- A public bus service can claim Bus Service Operators Grant and low carbon incentives to offset operating costs, something which isn't available to private shuttle services.
- A public bus service forms part of the comprehensive planning of services in the wider Bicester area. The County Council collects S106 funds from developments with the intention of developing a longer-term, commercially sustainable bus network. The operation of private shuttle buses is not conducive to this aim.
- Public bus service over a private shuttle bus service avoids difficult legislation issues surrounding tax implications for staff.
- Accessibility of public bus services is defined in law whereas such rules do not apply to privately operated services.
- Public bus services have priority access to certain areas such as bus stops, main town centre bus stops, certain sections of road including bus gates and bus lanes meaning they are more reliable and run to a better timetable by having the ability to navigate pockets of traffic congestion.

9.76. In addition, the provision of Day Passes to local residents wishing to use the resort facilities may put pressure on the shuttle bus service meaning it is insufficient to meet the demand. As it is not known what size or capacity of bus is envisaged it is difficult to assess whether the proposed shuttle bus service will be able to cater for the prospective need efficiently.

9.77. Should Members approve the application, OCC have requested that the provision of a public bus service serving the development be secured by legal obligation. This meets the tests for a contribution as it is necessary to make the development acceptable, is directly related to the development, and it is fairly and reasonably related to the scale of the proposal. Further details of S106 obligations are provided at paragraphs 9.203-9.208.

Conclusion

9.78. In summary, whilst the access and car parking proposals (in terms of required numbers against standards) are satisfactory there are fundamental issues regards the site's location, sustainability and the resulting dependency on the private motor vehicle to access the facility. The development is not planned for and would not be making best use of infrastructure given the need to accommodate the planned growth allocated within the development plan.

9.79. The proposed development will have a material adverse impact upon the highway network locally by way of increased traffic from unplanned development and increase congestion on an already congested network. Oxfordshire County Council Highways Officer has objected to the application on this basis in specific regard to the impact on the severely congested Middleton Stoney signalised junction.

- 9.80. In addition, on the environmental dimension of sustainability the scale of the development and likely reliance of guests and staff on the private car for their travel needs would have significant environmental disbenefits. Whilst the County Council have identified requests for obligations and contributions to improve the accessibility of the site by sustainable transport modes (should the development be granted planning permission), significant concern remains over the sites location which – along with the nature and scale of the proposal – dictates that car travel will remain the primary mode of travel to the site, even with the improvements identified.
- 9.81. The proposal is contrary to paragraphs 103, 108 and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and ESD1 and Oxfordshire Local Transport Plan 4 Policy 17.

Landscape character impact

Policy Context

- 9.82. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.83. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside, and should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 9.84. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

Assessment – Landscape character impact

- 9.85. The application is supported by a Landscape Visual Impact Assessment contained within the Environmental Statement Volume 1 at Chapter 13. The study reports the outcome of the assessment of likely effects arising from the proposed development on landscape character (including physical landscape resources) and the views and visual amenity experienced by people.
- 9.86. The LVIA states that the site is visually contained from the wider landscape context due to the combined influence of gently sloping landform, dense boundary vegetation and screening provided by strong areas of vegetation in the surrounding landscape including that of the southern half of the golf course. The site is characterised by a man-made landscape of a well-established golf course and does not contain the key characteristic landscape features as defined in the Oxfordshire Wildlife and Landscape Study (OWLS). The following components make the main contribution to the local landscape:
- Well established boundary vegetation, in particular the woodland belt along the M40 and the hedgerow / hedgerow trees along the A4095;
 - Small scale woodlands and plantations in the northern part of the site;

- A number of existing ponds; and
- Existing public footpath (PRoW).

9.87. The LVIA considers the impact of the development on the landscape during both the construction phase and the operational phase. At site level the majority of the construction works would be largely limited to the central parts of the site. Landscape effects during the construction phase will be largely restricted to the site itself, having a Direct Temporary Short Term Moderate Adverse Effect (not significant). In the wider context the LVIA concludes that the landscape effects during the construction phase are considered to be Direct Temporary Short Term Minor Adverse (not significant).

9.88. The LVIA also assesses the visual impact upon residents of Vicarage Farm and Stableford House as well as visitors to the hotel and spa as a result of the construction works on site. It concludes that there will be a moderate to major adverse (significant) impact due to these receptors experiencing direct and filtered views of the site towards the construction activities. These are temporary impacts during the construction phase.

9.89. The LVIA splits the landscape and visual impact over a number of years from Year 0 to Year 15 to allow for the growth of new planting and establishing the mitigation measures and assesses both day time and night time impact. At Year 0 the impact is assessed as being Direct Temporary Short Term Minor Adverse (not significant) during the operational phase for site level and Negligible (not significant) for the wider landscape. It acknowledges that the proposed development would introduce additional large scale built form into the landscape but concludes that there would be a minimal loss of key landscape features where new native woodland planting and species rich boundary hedgerows are proposed to strengthen areas of existing vegetation. Overall given the extent of enclosure provided by surrounding existing landscape features the LVIA concludes that the key characteristics in the wider landscape would remain unchanged. At Year 15 the impact for site level and wider landscape level lessens, according to the LVIA, bringing with it minor beneficial impact to the former context. This is by virtue of the new planting and landscape enhancements becoming well established and providing stronger coverage, screening and softening the new built form.

9.90. At Year 0 the assessment concludes that the significance of visual effects on Vicarage Farm and Stableford House is considered to be Direct Temporary Short Term Moderate Adverse (not significant). The effects will be felt mostly from the upper floor windows which face the site. The proposed vegetated bunds along the southern and south-eastern boundaries of the site will reduce the visual intrusion of the new built form, particularly from ground level. However there will be views of the upper extent of the new buildings over the top of the bunds and partial and filtered views of the planted car park. Retained vegetation will provide a degree of screening in the summer but not so in the winter when hedgerow and tree growth is minimal to non-existent. During the night time the LVIA states there would be a slight increase in impact as a result of views of additional lighting from the waterpark, hotel rooms and car park which generates a great contrast to the relatively dark unlit golf course.

9.91. At Year 15 the daytime visual effect on the residents of Vicarage Farm and Stableford House are considered to be Direct Permanent Long Term Minor to Moderate Adverse (not significant). Some new woodland planting at Year 0 along the bunds of the southern boundaries would assist in softening and filtering some views of the development. It is planned to incorporate some coniferous species here to enhance screening during the winter months. The night time impact has been assessed as Direct Permanent Long Term Minor to Moderate, Minor Adverse and

neutral (not significant). The establishment of the woodland vegetation along the bunds and extensive car park planting would reduce the perception of visible lighting at night but there will be an increase in sky glow.

- 9.92. The Council's Landscape Officer confirms that the submitted LVIA is a comprehensive and competently written document that complies with the relevant guidelines for such documents and assessments. The Landscape Officer states that the site has a low landscape sensitivity to change, and a visual effect ranging from neutral to moderate adverse at year 0. On this basis there is no objection from the Landscape Officer relating to the impact of the development on the wider landscape character. However, concerns are raised regarding the scale of the development and an overdevelopment of the site especially when compared to the adjacent Bicester Golf Hotel and Spa. This is discussed at paragraphs 9.113-9.126.

Conclusion

- 9.93. Overall, considering the LVIA and the Landscape Officer's comments it is deemed that the wider landscape impact is negligible especially over the 15 year period and understanding the additional planting mitigation. In coming to this conclusion, Officers are mindful that the wider landscape is not afforded specific protection in the Local Plan, and that the site in its current form does not display the key characteristics of the surrounding landscape character as defined in the Oxfordshire Wildlife and Landscape Study (OWLS). However, there remains significant concerns about the local visual impact and the design of the built form in terms of its size, scale, massing in the rural context of the site. This is considered further at paragraphs 9.113-9.126.

Heritage Impact

Legislative and policy context

- 9.94. The site is not within a conservation area nor does the site contain any listed buildings or other heritage assets. However, it is a large scale development which has an impact visually on the immediate local area and the historic village of Chesterton and its conservation area.
- 9.95. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.96. Likewise, Section 66 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.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.97. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *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.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

- 9.98. The NPPF is clear that the setting of an asset can contribute to its significance. Further, harm to that setting can adversely affect the significance of an asset. It defines the setting as *the surroundings in which a heritage asset is experienced* and the policy states that *setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.*
- 9.99. Historic England has provided guidance on the assessment of impacts upon setting in their Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017) which is intended to explain how to apply the policies contained within the NPPF. The Historic England guidance states: *Setting is not a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated...its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance.* (2017 para 9).
- 9.100. Also: *The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.* (2017: 2).
- 9.101. Policy ESD15 of the CLP 2031 Part 1 focuses on 'The Character of the Built and Historic Environment' and requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the District's distinctive natural or historical assets, delivering high quality design that complements the asset will be essential.

Assessment

- 9.102. There are no Scheduled Monuments located within the site or within 1.5km of the site. There are eight listed buildings of Grade II status and two listed buildings of Grade II* status located within 1.5km of the site. The application site is 465m to the west of Chesterton Conservation Area at its closest point.
- 9.103. Chesterton Conservation Area includes much of the historic, medieval, village core including the Old Manor (Grade II Listed Building) and St Mary's Church (Grade II* Listed Building). The Conservation Area Appraisal identifies three character areas within the village; the Main Village Area comprising land along The Lane and Manor Farm Lane where the church and Old Manor are located and then spreading north along Alchester Road; the Chesterton Lodge Area comprising land south of the Lane and which is associated with the Grade II Listed Building Chesterton Lodge; and finally the Northern Area comprising properties to the northeast of Bignell View (A4095).
- 9.104. The Environmental Statement submitted contains a chapter (10) on Archaeology and Cultural Heritage. It reports the outcome of the assessment of likely significant effects arising from the proposed development upon heritage assets, including the potential for effects on archaeological remains from the construction phase and the potential for setting effects resulting from the operational phase. In addition, Chapter 13: Landscape and Visual Assessment and Appendix 10.1: Historic Environment Desk-based Assessment are of relevance.
- 9.105. The operational phase of the proposed development has the potential to result in adverse effects upon the setting of the following designated heritage assets:

- Grade II Listed Oxford Lodge
- Grade II Listed Barn approximately 40m northwest of Chesterton Fields Farmhouse
- Chesterton Conservation Area
- Grade II Registered Middleton Park and Garden
- The Scheduled Alchester Roman Site
- The Scheduled Saxon Barrow 40m southeast of Oxford Lodge.

9.106. The Northern Area of Chesterton Conservation Area is the only portion of the conservation area that lies within the ZTV visual barriers (appendix 13.C of the ES). The Northern Area of the Conservation Area is considered to be highly sensitive to changes to its setting and character within the designation boundary and also highly sensitive to changes which would obscure or alter the key views identified in the ZTV. However, the ES states, it is less sensitive to changes beyond its boundaries and in this context it is considered to be of medium sensitivity.

9.107. Further removed from the site, but still within reasonable proximity, are the Main Village Area and Chesterton Lodge Areas of the Conservation Area. The ZTV indicates that there would be no visibility from these areas of the application site and visibility from the Northern Area would be limited to the point where the Conservation Area meets the junction of the A4095 and the unnamed road forming the south-eastern boundary of Bicester Golf Club.

9.108. The potential for impacts upon the setting during the construction phase, resulting from the presence of plant and construction traffic is acknowledged in the ES. However, it is considered that any such impacts would be temporary and as they are not deemed to exceed impacts upon setting from the operational phase they are not explored within the ES in any detail. A Construction Management Plan would be required by condition if the application were to be approved and this would offer mitigation to minimise the, albeit temporary, impacts on the designated heritage asset being the Conservation Area.

9.109. The document summarises that of the six designated heritage assets assessed no significant residual effects have been found and any harm caused would be less than substantial.

9.110. However, only considering direct visual effects fails to consider the full breadth of Local Plan Policy ESD15. The increase of traffic through Chesterton and specifically its Conservation Area will not “improve the function of the area.” This will impact traffic flow and impede people’s movements and interactions with the heritage asset. The increase in traffic will have an adverse impact upon the setting of the Conservation Area.

9.111. In terms of archaeology the County Officer initially raised an objection however this was removed on the submission of additional information. The agent submitted an Archaeological Evaluation Report which sets out the findings of the recently completed archaeological investigations on the site. It concludes that no archaeological remains or significant finds were observed during the investigations and the report concluded that it is likely that the area encompassing the golf course is archaeologically sterile. As such it is likely that there will be no effect from the construction works on buried archaeological remains and no further evaluation or

mitigation is deemed necessary. The Archaeological Officer was content with this summary and removed his objection and made no further comments.

Conclusion

- 9.112. Officers are awaiting comments from the Council's Conservation Officer. However, on balance, subject to the Conservation Officer confirming no objections, and considering the assessment made above it is deemed that no significant material harm is caused to heritage assets or their settings and any harm caused is less than substantial. On this basis there is no sustainable defensible reason for refusal of planning permission on the subject of impact upon heritage assets.

Design, and impact on the character of the area

Policy Context

- 9.113. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.114. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.115. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 9.116. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.117. National Planning Policy Framework, Section 12 'Achieving well-designed places', paragraph 127 states that planning decisions should:
- (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - (d) establish or maintain a strong sense of place.
- 9.118. Paragraph 98 also states that "Planning policies and decisions should protect and enhance public rights of way and access".

Assessment

- 9.119. Local Plan Policy ESD15 specifically states the new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness as well as being designed to deliver high quality safe, attractive, durable and healthy places to live and work in.
- 9.120. Whilst not objecting to the proposal on grounds of landscape character impact, the Council's Landscape Officer has raised concerns regarding the scale of the development amounting to an overdevelopment of the site especially when compared to the adjacent Bicester Golf Hotel and Spa..
- 9.121. In terms of the siting of the development within the site, the built form and car park hardstanding is pulled away from the edges to maximise retention of boundary vegetation and allow for new planting to reinforce the existing landscaping. The main building is situated to the western end of the site to maximise the distance to existing properties to minimise the impact of such a substantial large scale building. It also reduces the visual impact from the west due to the existing mature woodland acting as immediate screening along the western boundary.
- 9.122. The proposed development comprises a substantial leisure complex on a site which is currently devoid of buildings or built structures. The existing use of the site as a golf course has clearly led to the land being managed and has changed the character of the land from its former agricultural use. However, the site still maintains an open and green character and appearance with an absence of any built form. Therefore, it still contributes to the rural character and appearance of the area and the boundary planting and planting throughout the site does not appear incongruous in an open countryside setting.
- 9.123. The existing and remaining Bicester Golf Hotel and Spa is not comparable to the proposal in terms of scale, size nor massing and is more appropriate in all respects to its rural context and setting. The proposed building containing the waterpark, hotel and conference facilities would introduce a substantial amount of built form to the site where none currently exists with the provision of very significant buildings both in terms of footprint and scale and large areas of parking and hardstanding around the building. The water slides tower for example is approximately 22.5 metres in height and the tallest sections of the hotel accommodating the guest bedrooms are between 18-20 metres in height. The proposed built development would be significantly taller and larger than any buildings in the surrounding area and would not relate to the scale and size of other buildings in this rural setting where buildings are generally a maximum of 2 storey with much more modest footprints. The proposed building would be out of keeping with surrounding development due to its large size and massing, appearing incongruous and alien when compared to the surrounding scale and form of buildings in the otherwise rural character of the immediate landscape. The development would therefore be detrimental to the rural character and appearance of the locality, including as experienced by walkers in views from the public rights of way that cross the site and which are proposed to be diverted to accommodate the proposed development.
- 9.124. This impact would be compounded by the level and intensity of activity, including vehicular comings and goings, associated with the nature and scale of the proposed use. This would not be sympathetic to the rural character of the area, with potential for damage to verges along local minor roads. Although, due to topography and existing and proposed planting and landscaping it is not deemed by the Landscape Officer to have a significant detrimental impact upon the wider landscape setting, it does have an impact on the immediate surrounding area by

virtue of its location outside of the built form of the nearest settlement and its design which is not reflective or reinforcing local distinctiveness. The argument that the proposal would not be clearly visible from outside the boundaries of the site is relevant to some viewpoints but not all and in any case officers consider the scale, form and massing of buildings should be responsive to their contexts.

- 9.125. In relation to the design of the hotel building, attempts have been made during the course of pre-application discussions to break up the scale and bulk of the building to some extent. However, fundamentally the building still reads as a single, substantial, multi-storey hotel building totally at odds with the existing scale and form of buildings in what is a rural context. The front parts of the hotel building are predominantly 4 storeys in height and retain a similar ridge and eaves height across the vast majority of the building with repetitive fenestration and form. Some effort has been made to try and introduce some variation by including two projecting 3 storey wings. Nevertheless, the repetitive form and fenestration gives a rather bulky, bland and institutional appearance which appears to pay very little regard to the local vernacular of north Oxfordshire or break up the bulk of the building into a number of smaller elements.

Conclusion

- 9.126. Overall, there are significant concerns about the local visual impact and the design of the built form in terms of its size, scale, and massing in the rural context of the site. The resulting built development will appear an incongruous and alien feature in the immediate local context and is not representative of the local vernacular nor reinforcing local distinctiveness. It will also fail to protect and enhance the enjoyment of the existing right of way. On this basis, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies TR7, C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping and trees

- 9.127. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features.
- 9.128. The proposal seeks to remove a large portion of the current trees on site. The report identifies 221 arboricultural features, of which 101 require removal in order to facilitate the proposal. However, it is accepted according to the report, the majority of removals are formed from Low quality (BS5837, Category C) trees with a useful life expectancy of 10-20 years. The proposal seeks to retain boundary trees and vegetation, therefore amenity offered by trees proposed for removal is generally internal to the site and is not expected to be visually detrimental from an external point of view.
- 9.129. The AIA suggests 660 Extra Heavy standard trees are to be planted, along with 16000 trees for screening within the proposal. Officers would suggest this is an opportunity to seek high quality replacement trees as mitigation for those removed, and also to increase screening to the site. Should members consider that permission should be granted, satisfactory details of landscaping, including measures to protect existing trees, can be secured by condition.
- 9.130. The submitted Landscape Strategy includes an analysis of the site and its surrounding context. It contains the landscape design principles and mitigation and enhancement measures, in summary these comprise:

- Conserve and enhance landscape components of value where possible, to include: existing waterbodies; large areas of woodland/plantation; boundary vegetation and individual trees;
- Reflect the landscape character of the wider Middleton Stoney LDU, in particular to introduce and/or enhance key characteristic features such as woodland, parklands, species rich hedgerow as boundary treatment and hedgerow trees;
- Establish a multi-functional framework of green infrastructure that strengthens ecological and landscape connectivity, improves landscape resources, reduces flood risk through integration of the SuDS strategy and enhances visual amenity;
- Minimise visual impacts, especially upon those who have nearer and clearer views of the development, including adjacent residents, users of the public footpath and visitors to the remaining golf course, hotel and spa; and
- Provide a designated route, improved access and enhanced landscape setting for the diverted public footpath.

9.131. The submitted landscaping and planting plans give specific details on a range of improvement and enhancement measures including:

- Tree planting and shrub planting throughout the proposed car parking areas
- Creation of an entrance boulevard using mature trees from the new access through the car park
- Existing trees retained where possible and in line with the arboricultural survey
- Native species rich hedgerow planting along the southeast boundary as well as additional native broadleaved woodland planting and coniferous species to increase screening and soften views
- Existing vegetation retained to southeast boundary
- Introduction of bunding at various points throughout the site for screening and softening
- Extension of existing pond to form a focal feature at the entrance
- New wildlife ponds to southern and western edges of site to replicate those lost
- Existing woodland belt on the western boundary will be enhanced with additional broadleaved native woodland planting

9.132. The northern section of the site will be put to publicly accessible space and include opportunities to sit with benches, a picnic area, a den play ground (natural play area shown indicatively on landscaping plans), walkways amongst high grasses which are managed as biodiversity rich areas, additional broadleaved planting to the edges, new wildlife ponds and native parkland trees scattered throughout the area to provide structure.

9.133. The proposed areas of planting are welcomed and will have a positive impact upon the site in terms of softening the development and providing some additional screening. It should be noted that Officers do not consider the landscaping scheme mitigates fully against the scale, massing and size of the built form but it is acknowledged that efforts are made to soften it. Should the application be approved by members the landscaping and maintenance plans will be conditioned and further detail is required about the natural play area to the northern public open space.

Conclusion

9.134. In conclusion, the landscaping proposals are largely satisfactory. Additional planting to the existing boundaries strengthens the existing screening and provides an additional buffer visually to the development as a whole. The addition of coniferous trees to the southern boundary is welcome to provide stronger winter screening for the benefit of the existing residential properties there. Overall, there is no objection based upon the landscaping proposals.

Residential amenity impact and noise, air and light pollution

Policy Context

9.135. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development.

9.136. Local Plan Saved Policy ENV1 states development likely to cause materially detrimental levels of noise, vibration or other types of environmental pollution will not normally be permitted.

Assessment – Residential amenity impact

9.137. The LVIA contains a section on the visual impact of the development on nearby residential receptors. In close proximity to the site are the residents of Vicarage Farm and Stableford House between the site and the remaining golf course. The LVIA states that these have direct and some filtered views to the north-west and west towards the southern and central parts of the site with more open views from upper floors. This is due to the close distance and limited extent of taller woodland vegetation forming a screening buffer along the boundary of the site.

9.138. Officers consider that there is a likely detrimental visual impact upon the residents at Vicarage Farm and Stableford House however, due to the separation distance it cannot be considered that the development would have a significant adverse impact on residential amenity in terms of impacting upon light, privacy, overlooking or the building itself being significantly overbearing. Therefore, there is no sustainable reason for refusal on this basis. The assessment of the proposed built form in terms of its scale, size and massing is discussed separately at paragraphs 9.119-9.126.

9.139. Further to the north-east, residents at Bignell Park have no views of the site due to the intervening woodland belt along the park edge and A4095. To the west, the vegetated edge of the M40 forms a strong visual barrier screening many views, combined with the undulating landform and other layers of intervening vegetation means that visibility of the site from the west is very limited. Based on the site survey for the LVIA there are unlikely to be any views of the site from Spring Well Farm and Simms Farm to the west of the M40.

Assessment – noise and vibration

- 9.140. The proposed development has potential to affect the amenity of nearby properties and users of the golf course for example in terms of noise and light pollution. The application is supported by a noise and vibration report contained in Chapter 8 Volume 1 of the Environmental Statement. The report states that there are several potentially significant effects arising from both the construction phase and the operational phase. For the construction phase this includes site noise and vibration and site traffic in terms of noise resulting from additional heavy construction vehicles using the existing roads. In terms of the operational phase the following elements are considered to have the potential to give rise to likely significant effects: fixed plant and operational noise within the development and direct changes in road traffic noise from additional vehicles accessing the development using existing roads. The report assessed five sensitive receptors being; Vicarage Farm, Stableford House, Tanora Cottage, Bicester Hotel Golf and Spa and the accommodation and users within the proposed development. In addition, the impact of additional traffic along the M40, A4095 and local connected roads were assessed using a computer model.
- 9.141. A Construction Management Plan (CMP) would be secured through planning conditions if the application were to be approved. This would assist in managing the effects of the construction including noise. A draft CMP is included in the planning application and proposes hours of construction work on site be restricted to day time hours from 0800 to 1800 on weekdays and 0900 to 1300 on Saturdays except in exceptional circumstances and only with prior agreement of the Local Authority. Access to the site for construction traffic would be from the A4095 (with no access through the villages of Chesterton and Little Chesterton) via the new access point avoiding any disturbance to nearby residents and operation of the remaining golf course, hotel and spa. The CMP would also require regular communication between the contractors and affected neighbours so as to clearly understand the anticipated level and duration of noise and vibration during the construction period.
- 9.142. Following mitigation, as outlined above, the construction noise effects will be direct temporary short to medium term minor adverse (not significant) and similarly the effect of construction vibration would be direct temporary short term minor adverse (not significant).
- 9.143. The operational phase comprises the proposed development being the hotel and leisure development with associated infrastructure including the car park. The proposed landscaping includes a number of measures which will screen noise from the development and road traffic noise including bunding and solid fencing. The overall findings of the noise report concludes that there will be negligible (not significant) effects on the relevant identified residential receptors.
- 9.144. In terms of the impact upon the future users of the proposed development a detailed scenario has been undertaken in order to predict the likely effects. The results show that incident noise levels at the facades of the proposed guestrooms most exposed to traffic noise from the M40 will vary for day-time and night-time periods. The highest noise levels are predicted for the upper building elevations. The results are between Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) criteria as outlined in the Noise Policy Statement for England (NPSE). This means that the incident noise environment can be considered acceptable provided that suitable internal noise levels can be achieved. The guestrooms will be mechanically ventilated and on this basis it was determined that suitable internal noise levels can be achieved with standard thermal double glazing.

- 9.145. Assessments were also undertaken for the main outdoor breakout area of the hotel and ground height. The screening from the M40 was taken into account. It was concluded that the noise levels here would be higher than would be ideally recommended for private residential areas however as this is for a temporary leisure use it is not considered to be directly relevant. The noise environment in this area would be quieter than for the existing leisure golf use because of the proposed solid screen. The report concludes this is considered acceptable given the context of the site and the proposed use of space and that the noise levels were reduced as much as reasonably practical given the context.
- 9.146. Noise levels in the wider outdoor amenity areas to the north-west of the proposed buildings would be higher but would involve more occasional use and would be similar to the existing levels for the existing golf use. Given this, and in the absence of any objection or mitigation requirements from the Environmental Protection Officers, the levels are therefore considered reasonable.
- 9.147. The Environmental Protection Officer has assessed the information submitted and has not expressed any objections on the basis of noise impact but recommends that the noise report be conditioned in terms of the position and limiting noise output of the fixed mechanical plant at the boundary of the nearest residential locations. In addition, it is recommended to bring the working hours during the construction phase into line with those published by the council which end at 1230. This could be agreed through the submission of a full CMP.

Assessment – light pollution

- 9.148. A detailed lighting strategy has been prepared by Hoare Lea responding to the wider context, the applicant's specific operational and safety requirements and considering the potential impacts in terms of light pollutions (light glare, light trespass, encroachment and sky glow as well as energy efficiency). Different lighting design approaches are taken to the specific parts of the proposed development including illuminating the main building at night and some areas of open space and trees. The service/loading yard, service road, car park and pedestrian routes will be lit. Also it is proposed to light sculptures, water features at the main entrance, the entrance structure to the hotel, signage and pedestrian areas to the north west of the building (the public open space). Low level discrete lighting will be provided from a number of different techniques to allow for safe navigation of the site.
- 9.149. Temporary lighting associated with the construction phase and security lighting will be kept to a minimum level needed for visual and security protection.
- 9.150. The report concludes that there will be minimal light spill beyond the boundary of the application site although the visual impact assessment acknowledges that there will be an increase in sky glow as a result of the proposed development.
- 9.151. The Environmental Protection Officer has raised no objections to the lighting proposals. The Officer comments that the lighting as planned will be within the ILP guidance and not at a level to cause a nuisance in terms of visual impact or residential amenity. The scheme is well thought out and sensitive whilst providing the required lighting levels for a development of this size which will always require a significant amount of lighting. In the absence of an objection from the Environmental Protection Officer it is not proposed to form a reason for refusal based on the submitted lighting scheme. However, it is important to note that parts of the public open space appears to be lit at night despite the submitted ecology information stating it is not. Further clarification is needed on this point but if the public open space area is proposed to be lit, an amended lighting scheme is

suggested to remove this element. Lighting here would likely have a detrimental and harmful impact upon biodiversity and wildlife usage of this area of the site. If the application were to be approved by members a condition requiring an amended lighting scheme would be included to secure the reduction of lighting in that specific area.

Assessment – air quality and pollution

- 9.152. It is considered that there is potential to give rise to likely significant effects during construction of the proposed development and these are the potential loss of amenity due to dust soiling and the risk of health effects due to increase in exposure to suspended particulate matter (PM10).
- 9.153. The following element is considered to have the potential to give rise to likely significant effects during the operation of the development; vehicular exhaust emissions associated with increased traffic connected with the proposal on the existing and proposed sensitive receptors (nearby residential properties and the users of the facility). The proposed development also has potential to be impacted upon in terms of air quality issues particularly from the M40 which lies immediately adjacent to the site. Careful consideration therefore needs to be given to these impacts and the proposed mitigation measures.
- 9.154. An assessment of local air quality conditions has been prepared by Hoare Lea and is contained within the ES. This considers the likely effects of the proposed development on air quality during construction and operational phases. It demonstrates that emissions are minimised and that the impacts of the proposal are not significant. The Environmental Protection Officer confirms that they are satisfied with the findings of the report and are pleased to see a commitment to providing electric vehicle charge points. On this basis, there is no objection to the proposal on the grounds of air quality as the proposal satisfies the requirements of the NPPF (para 181), the local plan policies and other referenced planning guidance.

Conclusion

- 9.155. In summary, the proposed development will not have a significant detrimental impact upon residential amenity in terms of reduction in privacy, impact upon light, light pollution, air quality and noise and vibration which cannot be mitigated through the submission of information via a planning condition. If the application were to be approved by members, planning conditions requiring a Construction Environment Management Plan, revised lighting scheme, details of fixed location of plant and machinery and securing additional planting via a landscaping scheme to provide extra screening, would be added to the decision notice. As such there are no sustainable reasons for refusal on these grounds and the proposal complies with the relevant development plan policies and the NPPF.

Flood risk and drainage

- 9.156. A drainage statement is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework. Given that the site is less than 1ha in area and is in Flood Zone 1 a Flood Risk Assessment is not required. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.157. Oxfordshire County Council have been consulted and have objected on the grounds of insufficient information and have requested further detail be submitted.

That information has been provided by Great Wolf drainage consultants. Officers are awaiting updated comments from OCC Lead Local Flood Authority team and these will be updated to members prior to the committee meeting.

Sustainability and Mitigating Climate Change

Policy

- 9.158. Sustainability, particularly in the context of meeting the challenge of climate change, is one of the key issues at the heart of the NPPF and is also sought by Policies ESD1 to ESD5 of the Cherwell Local Plan 2011-2031. The proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable modes of transport, including walking and cycling, along with utilising sustainable construction methods and measures to reduce energy consumption.
- 9.159. Local Plan Policy ESD1: Mitigating and Adapting to Climate Change requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. ESD1 contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.
- 9.160. ESD2 of the Local Plan requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:
- Reduce energy use, in particular by the use of sustainable design and construction measures
 - Supplying energy efficiently and give priority to decentralised energy supply
 - Make use of renewable energy
 - Make use of allowable solutions
- 9.161. Local Plan Policy ESD3 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. The policy supports the incorporation of recycled and energy efficient materials and locally sourced building materials. It also calls for a reduction in waste and pollution and requires developers to make adequate provision for the recycling of waste. The policy also covers sustainable drainage methods. The reduction of the impact on the external environment and the maximising of opportunities for cooling and shading are key requirements.
- 9.162. Local Plan Policy ESD4 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments.
- 9.163. ESD5: Renewable Energy states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
- 9.164. ESD8: Water Resources states that the Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.

Assessment

9.165. The application is supported by a Sustainability and Energy Statement (ref: Revision 03 November 2019) and contains information on passive design, energy efficiency, climate change adaptation, the conservation of energy, water, materials and other resources, sustainable construction, transport strategy, refuse and recycling, health and wellbeing, landscaping and biodiversity, pollution prevention and the BREEAM assessment.

9.166. The Council have employed the expertise of external consultants Tyrens to offer comment relating to sustainable construction and water usage. In terms of drainage and surface water, the range of potential flood sources considered and assessment of the flood risk status of the site appears reasonable. The use of a 40% climate change (allowance) for peak rainfall intensity throughout the FRA and drainage strategy is deemed appropriate. However, Tyrens identify a number of areas that appear lacking or ambiguous including:

- Reference should be made to the OCC "*Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire*".
- Infiltration testing to BRE365 and seasonal groundwater monitoring from dedicated piezometers should be conducted to demonstrate that infiltrating SuDS are not suitable for this scheme.
- As this is essentially a large greenfield development, it is unclear why the applicant has had to rely on the provision of a very large (2000 m³) underground storage tank; furthermore, no mention has been made of petrol interceptors or other pollution prevention devices to accommodate surface runoff from the majority of the car parking area. There should have been ample room to provide above-ground solutions such as infiltration/detention basins and swales, which are easier to maintain and provide inherent water quality treatment features. Even without modifying the proposed car park layout, there appears to be landscaped areas along the south-eastern boundary of the site where such basins and swales could potentially be located.
- Even the use of shallow modular permeable pavements with inherent water treatment elements (e.g. filtration, siltation, absorption and biodegradation) would have been preferential and, depending on the results of the groundwater monitoring/infiltration testing, could perhaps have been used as infiltration devices. Consequently, the use of such devices should be explored and the reasons for not using them fully justified.
- Calculations should be shown in order to demonstrate how the SuDS provisions will meet the DEFRA Non-Statutory Technical Standards, as per OCC guidance.
- OCC guidance states that "*Calculations proposed values of impermeable area should include a 10% allowance for Urban Creep*". Evidence should be presented to demonstrate that this allowance has been included in the calculations.

- The Drainage Strategy should refer to Sewers for Adoption 8th Edition (August 2018) and the requirements therein, particularly with reference to the design and construction of SuDS.

9.167 In terms of water consumption, the proposals including the associated water-saving measures are generally good. Several measures such as the use of regenerative media filters, rainwater harvesting, and low-flush volume WCs will all help to reduce the water demand of the site. The use of trees and plants which do not require irrigation is also a significant water-saving measure. There are some areas where further improvements in water efficiency may be gained:

- The flow rates through wash basin taps should be clarified, and the flow rate for showers may be reduced.
- The requirements of the BREEAM WAT 03 criteria have been applied to the proposed development but they should be clarified. The criteria call for metering to be applied in a building for applications using 10% or more of the total water consumption for that building. The CDC could consider making the metering requirements more extensive so that WAT 03 applies to all buildings as well as plant or equipment areas. Doing this would ensure that a centralised monitoring system can accurately review water consumption and identify leaks if they occur.

9.168 The application documents reviewed do not assess or consider viability for local groundwater abstraction to off-set mains water supply to the development.

- The designation of the district as an area subject to serious water stress is technically correct although misleading, as the EA's designation is assigned to water company regions as a whole.
- The site is not considered to lie within the Upper Cherwell area and therefore not within an area identified as having been over-abstracted.
- Local geology and BGS records indicate that the area's geology may be suitable to support groundwater abstraction. It is advised that CDC seek assurance from the applicant that such opportunity has been explored and adequately assessed.

9.169 Review some of the sanitary fittings which are installed, namely the flow rates on the taps and showers. WC flush capacities could be reduced but may cause a risk of blockages in public facilities.

- The applicant should confirm the design and suitability of the leak detection strategy and advise if a more extensive system would result in losses through leakage or overuse.
- The applicant should review and justify the omission of sanitary supply shut-off valves.

Sustainable Construction

9.170 The LPA are awaiting the report from Tyrens on Sustainable Construction and an analysis of the proposed development against Local Plan Policies ESD1, ESD2, ESD3, ESD4, ESD5 and ESD15. Tyrens comments will be updated to Members via written updates prior to the committee meeting or verbal updates at the meeting.

Conclusion

- 9.171 In summary, Tyrens have raised concerns regarding the drainage strategy and FRA which are shared by OCC LLFA. Information has not been submitted which demonstrates opportunities for groundwater abstraction and SuDS have been fully explored. In terms of the sustainability measures employed for reducing water consumption further information is required to ensure the methods are the most appropriate. If the application were to be approved by Members this could be secured by suitably worded conditions.
- 9.172 Officers are awaiting further comments from the Tyrens on the subject of sustainable construction and analysis of compliance with local plan policies ESD1, ESD2, ESD3, ESD4, ESD5 and ESD15. These will be updated to Members once received.

Ecology Impact

Legislative context

- 9.173 The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.174 Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.175 The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.176 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.

- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.177 The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.178 Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.179 Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.180 Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.181 Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.182 Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.183 These policies are both supported by national policy in the NPPF and 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, unless a licence is in place.

9.184 The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities

should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.185 Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.186 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a number of watercourses including ditches, ponds and a nearby stream, a variety of flora including single mature trees, groups of established trees and hedgerows within and adjacent the site, grassland (some managed and some areas not) and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.187 In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.188 In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.189 The application is supported by a detailed protected species survey and report as part of the Environmental Statement (ref: Environmental Statement Volume 1: Chapter 9 – Biodiversity, November 2019). It includes desk studies and field studies as well as an assessment of the proposal during the construction phase and operational phase of development.

9.190 The ES conclude that a range of habitats and notable and protected species could be supported on site and that there will be residual effects to important ecological features in both the construction and operational phases. However, during the operational phase habitats and features are to be installed and will become established to compensate for loss. Retained enhanced habitats will also develop

off setting the construction phase losses. The report summarises that for most receptors there will be a negligible residual effect which will occur once new habitats are established. Exceptions are on-site habitats of value and invertebrates which will achieve site-scale positive permanent effects (as evidenced by the biodiversity net gain assessment for habitats).

- 9.191 The Council's Ecology Officer has assessed the submitted detail and states that the submitted surveys within the ES and updates are all sufficient in scope and depth at the current time. The proposals constitute a large loss of open space on the current golf course however much of this is amenity grassland which is of limited ecological value. The loss of trees and the general increase in recreational use on site however will impact wildlife on site both in the short and long term. Tree planting is proposed on site which will mitigate for this long term.
- 9.192 A pre-commencement update survey for badgers will be required as a condition as will a full reptile mitigation plan which should identify any necessary receptor sites. Receptor sites which need to be enhanced for reptiles will need to be done before works commence. The applicants are pursuing a District Level Licence for the impact on Great Crested Newts so some of this impact will be dealt with by off-site provision and compensation. A Habitat Management and Monitoring Plan has been produced which is generally acceptable.
- 9.193 The assessment of Biodiversity net gain demonstrates a good level of net gain could be achieved on site however the applicant not submitted the whole metric, only a summary, and it would be useful to see how they have calculated all the figures in the metric itself. The assessment has rated all the current habitats as 'poor' and there is some loss of important habitats long term, namely running water. The net gain calculation summary states these are ditches which are often dry and will be replaced by swales however the Phase 1 survey report states there is a small stream (RW1) which doesn't appear to be accounted for.
- 9.194 The opportunity to create higher value habitat as mitigation and enhancement has been taken mainly in the green space to the west of the main buildings. Some of the proposed habitat creation may be difficult to create and maintain in the long term. A large part of the semi-improved grassland for example is within the area from the buildings to the carpark where managing it for wildlife benefit may conflict with other needs. It is not clear whether the calculations for 'scrub' includes small areas of ornamental planting around the carpark or the hedgerow in the car park which may be of limited value; these are marked as scrub in the post-development habitat map. Clarification on these points has been sought from the applicant but no information has been forthcoming.
- 9.195 The Ecology Officer comments that the large strip of amenity grassland to the Southern edge of the buildings would be better replaced with other grassland which would better maintain a wildlife connection between the (current) two halves of the golf course. Currently the placement of the buildings isolates the two halves to some extent and this could be improved. Overall achievement of net gain will be dependent on the management and use of the green spaces in particular. The Design and Access Statement proposes trails through the Western area and suggests it will be used for walking dogs and recreation. This may not be compatible with maintaining some of the proposed habitats in the best condition for wildlife. In particular some of the suggestions for invertebrates such as sandy banks may be difficult to maintain if the area is heavily used for recreation or dogs are off the lead. The size of the carpark suggests daily footfall could be relatively high in this small space. It would be better if at least some areas were committed to being inaccessible to visitors.

- 9.196 In addition, the area is shown as being lit at night and officers question the need for this. The area should be kept dark to maximise its value to biodiversity and limit light intrusion for bats and maintain dark corridors around the site. Similarly, there are plans to illuminate trees and officers maintain that this should be avoided due to its potential impact on the use of trees by nocturnal species. Lighting on the building should be designed with integrated bat/bird provisions in mind. The concerns above could be addressed in a modified lighting plan via a condition making it clear which aspects are included in their net gain and by a Landscape Ecological Management Plan which takes recreational pressure and its management into account.
- 9.197 In addition, a Construction Environmental Management Plan for biodiversity is required and if the application were to be recommended for approval could be requested by condition. Although there is a draft Construction Management Plan submitted this does not address pre-works checks, nesting bird surveys or works timings, tree checks for bats where necessary, buffer zones around existing vegetation during construction, protection of retained ponds etc.

Conclusion

- 9.198 Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Crime Prevention

- 9.199 The National Planning Policy Framework 2019, Section 12 'Achieving well-designed places', point 127 (part f), states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.200 HMCLG's Planning Practice Guidance on 'Design', states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'
- 9.201 The submitted Design and Access Statement (DAS) does contain a section on security however this lists a number of recommendations but does not expand to state what will actually be delivered in terms of security for the premises, its patrons and employees. The Crime Prevention Design Advisor has stated that this is disappointing considering advice was given at pre-application stage and that there is no demonstration to a commitment to Secured by Design (SBD) or Safer Parking Scheme (SPS) accreditation.
- 9.202 Although the Crime Prevention Officer does not object to the proposals concerns have been raised. To overcome these the officer has requested, should the application be approved, that a condition requiring details of the submissions for SBD and SBS be submitted to and considered by the LPA. In addition, the officer makes numerous recommendations in relation to the design of the building, landscaping and boundary treatments and the placement of CCTV. The Officer

has requested a security strategy document is submitted to clarify what security measures will be provided and how the site will be managed securely prior to any approval given. Yet, in the absence of an objection it is considered that, if the application was granted approval, a security strategy document could be secured and approved by way of a condition.

Mitigation of Infrastructure Impacts

9.203 In the event that the application be approved, the impacts on local infrastructure will need to be mitigated in order to make the development acceptable in planning terms (Policy INF1 of the CLP P1). A S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

9.204 Having had regard to the above tests and the consultation response, the following contributions would be required:

District Requirements

- Apprenticeships (number and terms to be negotiated)
- Submission and agreement of a strategy of improvement works and enhancement to the remaining 9-hole golf course
- Cultural well-bring financial contribution of £25,000 per annum over a 3 year period towards the annual core costs of a strategic public event like the Bicester Festival.
- In order to meet the costs of the Council in monitoring a Section 106 legal agreement an additional fixed rate fee is levied, dependent on the sum of the contributions to be made (including the value of benefit in kind obligations). This additional administration fee (additional to any appropriate legal costs levied by Cherwell District Council for drawing up a legal agreement) will be set as follows:

Contribution	Fixed administration fee
£20,000-£250,000	£1000
£251,000-£500,000	£2500
Over £500,000	£5000

OCC Requirements

- An obligation to enter into a S278 agreement.
- Off site highway works contribution (to be negotiated) towards
 - The partial funding of a mitigation scheme at the Middleton Stoney signalised junction
 - The partial funding of a mitigation scheme at the M40 Junction 10 southern roundabout
 - Installation of off-site directional signage
- Public transport services contribution (£1.6 million) for the provision of a new bus service linking the site to Bicester town centre and railway stations
- Public transport infrastructure (not dealt with under S278/S38 agreements) contribution of £2,105.60 towards the provision of two pole and flag units for Chesterton village
- Travel Monitoring plan contribution of £2,040
- Cycle improvements contribution (£70,000) to improve routes between Chesterton and Bicester
- Public Rights of Way (to be negotiated) for maintenance of the realigned PRow through the site
- Monitoring fee (to be negotiated)

9.205 Chesterton Parish Council have made a number of requests for contributions to village improvements. These are as follows:

- Improving the energy efficiency of both the Community Centre and Village Hall along 'low carbon' lines
- Electric charging points adjacent to the Community Centre
- Extension to the existing kitchen in the Community Centre
- An extension to the Sports Pavilion to house necessary equipment and an extension to the Car Park, necessitating the land purchase
- The conversion of the annex to create storage, an archival centre and an internet café
- Increased recreational activities to include a bowling green and tennis courts, necessitating land purchase
- The creation of a kitchen and toilet facilities in the church
- Improved signage to village amenities
- A contribution to the management and maintenance costs of the above.

9.206 However, the majority of them do meet the regulations in that they are not necessary to make the development acceptable in planning terms, nor are they directly related to the development. The only request that could be considered to be included in the S106 legal agreement is the improved signage to village amenities. The other items could be secured through an agreement between the Parish Council and Great Wolf Lodge separately outside the planning process.

Conclusion

9.207 It is considered that the above requirements (aside from the Parish Council's requests) meet the relevant tests and are necessary to ensure that the development proposed would not have a detrimental effect on local amenity and the quality of the environment and the need to ensure that all new development is sustainable as required by the Development Plan and Government advice within the NPPF.

9.208 Given the application is not acceptable for other reasons these matters have not been progressed. In the absence of a legal agreement to secure these matters the proposal is therefore contrary to Policies INF1, PSD1 and BSC10 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

Human Rights and Equalities

9.209 The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

9.210 The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

9.211 Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

9.212 Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

- 9.213 Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

- 9.214 S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.215 Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2 The proposal seeks permission for a large scale leisure resort outside of the built limits of a settlement on an existing golf course. The principle of the use therefore falls to be considered against Cherwell Local Plan Policy SLE2 which directs retail and other main town centre uses towards District town centres and Policy SLE3 which supports new tourist facilities in sustainable locations. Policy BSC10 is also relevant in considering the loss of the existing sports and recreation use.
- 10.3 The site is outside of a sustainable settlement and in a rural context. Given the location, nature of the development, likely guest profile and lack of public transport links the proposed development would be heavily reliant on the use of the private motor vehicle to access the facility via the route of minor rural roads, with potential for damage to verges where roads are narrow. Saved Policy TR7 states that development that would regularly attract large numbers of cars onto unsuitable minor roads will not normally be permitted, in order to protect the amenities of the plan area, and in the interests of highway safety.
- 10.4 The proposed development would lead to the loss of the 18 hole golf course leaving 9 holes. The NPPF states (paragraph 97) existing open space, sports and recreation buildings and land should not be built on unless one (or more) of three tests are met. These are:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 10.5 It has not been demonstrated that the proposals meet the tests outline above. The Council's Sports Facilities Strategy concludes that an additional 18 hole or two 9 hole courses would be required in the District by 2031 to meet the needs of additional development in the Bicester Area. There is no intention to replace the golf course with equivalent provision in terms of quantity. The potential loss of this facility would reduce opportunities for improved health and wellbeing; result in a loss of active engagement in sport; and, moreover the loss is inappropriate and not justified in an area which the Council's evidence indicates would have a deficit in golf course provision if the development is approved.
- 10.6 Taking into account the rural context of the site and its location outside of an existing built environment, a development of this scale, size and massing would be out of keeping with the context of the area and would be harmful to its rural character and appearance. Along with its institutional appearance, incongruous design, and associated levels of activity including regular comings and goings, the development will cause significant urbanisation and unacceptable harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, and would fail to reinforce local distinctiveness.
- 10.7 In terms of the impact upon the local highways network, the Local Highways Authority have raised objection to the proposal on the grounds of the traffic impact on the Middleton Stoney signalised junction of the B430 and the B4030. There is currently severe congestion at the junction and this will be exacerbated by the additional trips generated by the proposed development. This is contrary to paragraphs 103, 108 and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and Oxfordshire Local Transport Plan 4 Policy 17.
- 10.8 In addition, the submitted drainage information is inadequate due to contradictions in the calculations and methodology, lack of robust justification for the use of tanking and buried attenuation in place of preferred SuDS and surface management, and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage.
- 10.9 The proposals would generate some economic benefits by providing construction employment and longer term job opportunities within the hospitality and leisure sector. However, the proposals would result in significant environmental and visual harm being in an unsustainable location bringing with it detrimental highways impacts for reasons already discussed in this report. Taking all the considerations into account, Officer's conclude that the harm the development would cause would significantly outweigh the benefits, and that it would not amount to sustainable development as envisaged by the Framework.
- 10.10 As a result, the presumption in favour of sustainable development inherent within the NPPF does not apply in relation to these development proposals with the result that there are no material reasons for departing from the development plan. As a consequence, and in the absence of any other material planning considerations indicating to the contrary, planning permission should be refused.
- 10.11 Regard has been paid to the submitted EIA information pursuant to this development and it is considered to be sufficient for the purpose of considering this application.

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed development by reason of its location would result in the loss of an 18-hole golf course when the Local Planning Authority's evidence indicates the course is not surplus to requirements and there is a need for more provision for golf courses in the Bicester sub-area over the plan period. The evidence and proposals for alternative sports and recreation provision included with the application is not considered sufficient to make the loss of the golf course acceptable. The development is contrary to Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to protect existing sport and recreation provision and enhance the existing provision. It is also contrary to Government guidance contained within the National Planning Policy Framework.
2. The proposed development would result in the creation of a substantial leisure and hospitality destination in a geographically unsustainable location on a site largely devoid of built structures and beyond the built limits of the nearest settlement. It has no access via public transport and would not reduce the need to travel or offer a genuine choice of alternative travel modes over the private motor vehicle. Given the predominant guest dynamic (families with children) the majority of trips are likely to be made via private motor vehicle, utilising minor rural roads. Furthermore, the proposal is for retail and leisure development in an out-of-centre location and no impact assessment has been provided as required by Policy SLE2. The Council do not consider that exceptional circumstances have been demonstrated to justify the development in this location, and as such the proposal is contrary to Policies SLE1, SLE2, SLE3, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies T5, TR7 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development fails to demonstrate that traffic impacts of the development are, or can be made acceptable, particularly in relation to additional congestion at the Middleton Stoney signalised junction of the B4030 and B430. As such the proposal is contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy TR7 of the Cherwell Local Plan 2011-2031 Part 1, Policy 17 of the Oxfordshire Local Transport Plan 4 and Government guidance contained within the National Planning Policy Framework.
4. The development proposed, by virtue of its considerable size, scale and massing and its location in the open countryside beyond the built limits of the village of Chesterton, along with its institutional appearance, incongruous design, and associated levels of activity including regular comings and goings, will cause significant urbanisation and unacceptable harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
5. The submitted drainage information is inadequate due to contradictions in the calculations and methodology, lack of robust justification for the use of tanking and buried attenuation in place of preferred SuDS and surface management, and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage. The proposal is therefore contrary to Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure (including highway infrastructure) directly required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4, INF1, and PSD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

CASE OFFICER: Clare Whitehead

TEL: 01295 221650