

CD11-4

PLANNING APPLICATION REF: 19/02550/F

APPEAL REF: APP/C3105/W/203259189

**APPEAL AGAINST THE DECISION OF CHERWELL DISTRICT COUNCIL TO REFUSE
PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT OF LAND TO THE
EAST OF M40 AND SOUTH OF A4095, CHESTERTON, BICESTER**

**LANDSCAPE AND VISUAL IMPACT
STATEMENT OF COMMON GROUND (LSoCG)**

**GREAT LAKES UK LIMITED
&
CHERWELL DISTRICT COUNCIL**

4th MARCH 2021

1. INTRODUCTION

- 1.1.1 This Statement of Common Ground relates to a planning appeal by Great Wolf Resorts under section 78 of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the Appeal”).
- 1.1.2 The Appeal is against the refusal of Cherwell District Council (“CDC”) of an application for planning permission reference 19/02550/F submitted by Great Lakes UK Limited on 11 November 2019 (“the Application”) for the development of part of the existing golf course at Bicester Hotel, Golf and Spa on land to the east of M40 and south of A4095, Chesterton, Bicester (“the Site”) to provide a new leisure resort incorporating hotel, waterpark, family entertainment centre, conferencing facilities and restaurants with associated access, parking and landscaping (“the Proposed Development”).
- 1.1.3 An Environmental Statement (“ES”) was submitted with the Application.
- 1.1.4 The Appellant is Great Lakes UK Limited (“the Appellant”), which is a company set up in the United Kingdom by Great Wolf Resorts for the provision of a new leisure resort under the Great Wolf Lodge brand.
- 1.1.5 The Application was considered and refused at CDC’s Planning Committee on 12 March 2020 for six reasons.
- 1.1.6 The purpose of this Statement of Common Ground is to identify agreed matters between the Appellant and Cherwell District Council (CDC) on landscape and visual matters and those matters which remain in dispute.

2. MATTERS OF AGREEMENT

2.1 The Landscape of the Site

- 2.1.1 The Site is characterised by the man-made landscape of an existing golf course and is not subject to any national, regional or local landscape or heritage related designations.
- 2.1.2 The general topography of the Site falls over a gentle gradient from the north-west to the south-east, generating a change in level of approximately 7 metres. The majority of the Site lies between c. 80 – 85 metres AOD (Above Ordnance Datum) and is characterised by engineered undulations of the golf course (elevated greens, tee boxes and elevated / sunken bunkers).
- 2.1.3 There are a number of ponds on the Site, most of which are located in a cluster to the northern part of the Site and appear to have been engineered as part of the golf course design. These ponds are surrounded by marginal and emergent vegetation or have shallow grassed banks with occasional trees.
- 2.1.4 A narrow and shallow ditch runs south-east from a woodland in the centre of the Site toward Bicester Hotel Golf and Spa, roughly parallel to the A4095. A dry ditch also crosses the central part of the Site.
- 2.1.5 Vegetation on the Site largely comprises heavily managed amenity grassland on fairways, greens and tees, with rough grassland and scattered trees between the fairways.
- 2.1.6 The north-east boundary with the A4095 largely comprises a line of mature scrub of varying but limited width, with scattered trees, broadening offsite on the embankment of the A4095 as it approaches the M40 overbridge. A maturing Leyland cypress hedge runs inside but parallel with the northern half of the M40 boundary, with larger scale and more dense areas of vegetation in the form of plantation blocks along the southern half of the boundary with the M40. There is also a plantation in the northern part of the central area of the Site. The south-east boundary comprises a hedge with trees. A proportion of the trees on the Site are coniferous species.

2.1.7 This vegetation provides a reasonable degree of containment of the Site.

2.1.8 Public access across the Site is possible by means of a public footpath (coded as 161/6/10 by Oxfordshire County Council), the alignment of which crosses 6 holes of the golf course.

2.2 Surrounding Landscape Context

2.2.1 The topography of the Site lies within the context of a transition between broadly undulating but gently rising valley slopes to the north-west and a relatively level and flat landscape to the south-east. As a result of this relatively flat / gently rising topography, the Site is not located in an elevated position or overlooked from any nearby elevated positions other than for the M40 overbridges on Green Lane and the A4095, the BHGC buildings and two adjacent properties.

2.2.2 At a regional scale, the Site lies within 1 kilometre of the edge of the Cotswolds National Character Area, NCA 107 (as defined by Natural England). Given the scale of this character area and the extent of enclosure afforded to the Site and surrounding landscape, any influence from the Proposed Development on the Cotswolds NCA is only considered to be likely in areas in close proximity to the Site.

2.2.3 At a county scale, the Site lies within the Wooded Estatelands LT (landscape type, as defined by the Oxfordshire Wildlife and Landscape Study, 2004 (OWLS)), which covers a large swathe of countryside from the eastern end of the Cotswolds to the north of Bicester, representing a wooded estate landscape characterised by arable farming and small villages with a strong vernacular character. The key characteristics of the Wooded Estatelands LT of relevance to the Site and its likely areas of influence are:

- large blocks of ancient woodland and mixed plantations of variable sizes;
- large parklands and mansion houses;
- a regularly-shaped field pattern dominated by arable fields;
- small villages with strong vernacular character.

2.2.4 At a local scale, the Site lies within the CW/59 Middleton Stoney character area. This extensive area is described by OWLS as:

“The area is dominated by large arable fields and localised improved grassland. There are smaller grass fields around villages, particularly Kirtlington. Woodland is a strong landscape element, and large woodland blocks are associated with the parklands and estates. It is mainly ancient semi-natural woodland, with species such as ash, oak, hazel, and field maple, as well as mixed plantations. Throughout the landscape, there are belts of young mixed and coniferous plantations next to roadside hedges and they often function as field boundaries. Hedgerow trees such as ash, sycamore and occasionally oak are found in some roadside hedges, but they are sparser to the north where there is more intensive arable cropping. In parts there are dense corridors of willow and ash, belts of semi-natural woodland and poplar plantations bordering watercourses. Hedgerows vary from tall, thick species-rich hedges with shrubs such as wayfaring tree, dogwood, hazel, field maple, spindle and wild privet through to low, gappy internal field hedges. Parklands are a prominent feature throughout and they include Middleton, Bignell and Tusmore Parks in the north and Kirtlington and Bletchington Parks in the south.”

2.2.5 Some of the key elements noted above are evident in the landscape context surrounding the Site, including:

- *the area is dominated by large arable fields* – these exist into the distance to the west of the M40 and south of Green Lane, which substantially opens up the distance between settlements, residential dwellings and public activity – largely dispersing most public activity beyond 1.5 – 2 kilometres of the Site to the west and south;
- *woodland is a strong landscape element, and large woodland blocks are associated with the parklands and estates* – this is a feature particularly evident directly to the north-east of the Site within Bignell Park, limiting the influence of the proposed development beyond the A4095;

- *belts of young mixed and coniferous plantations next to roadside hedges and dense corridors of willow and ash, belts of semi-natural woodland and poplar plantations bordering watercourses* – these are features within the wider landscape which limit long-distance views beyond the immediate vicinity of the Site.

2.3 Designations

2.3.1 The Site is not subject to any national, regional or local landscape or heritage designations.

Chesterton Village

2.3.2 Chesterton Conservation Area lies over 400 metres to the east and south-east of the Site at its closest point, with the eastern 9 holes of the golf course lying between the village and the Site.

2.3.3 Part of the village is designated as a Conservation Area and displays a rural character, as described in the Chesterton Conservation Area Appraisal (January 2008), with much of this part of the village dating before the 19th Century. Part of the village is undesignated - comprised of 20th and some 21st Century infill residential development, that presents much more of a sub-urban character, with varying architectural style, materiality and extensive use of non-native ornamental planting to front and rear gardens.

2.3.4 As described in the Conservation Area Appraisal:

“The village sits on relatively flat land. The area rises gradually from 70m in the south east to 80m in the north west. The result of this topography is that views out of the conservation area are few if any and that the area contains no sweeping panoramas.”

2.3.5 This principle is evident on the north west side of the village and extends out into the surrounding landscape, where extensive vegetation on the eastern 9 holes of the Bicester Hotel Golf & Spa and on the southern half of Bignell Park (including the Chesterton Belt) provide a degree of separation between the village and the Site.

Scheduled Monuments

- 2.3.6 The Scheduled Monument of Alchester Roman Site lies further to the south-east, approximately 2 kilometres from the Site boundary at its closest point and beyond the busy dual carriageway of the A41, which precludes any intervisibility with or influence from the Site.

Registered Parks & Gardens

- 2.3.7 Middleton Park Registered Park and Garden lies approximately 1.5 kilometres from the Site at its closest point, to the north-west. Kirtlington Registered Park and Garden (and Conservation Area) lies approximately 3 kilometres from the Site at its closest point, to the west / south-west. The relatively flat landscape and extent of intervening woodland (including that alongside the B430 Northampton Road, Gallos Brook Plantation and on the eastern edges of these designated areas) precludes any intervisibility with or influence from the Site.

Listed Buildings

- 2.3.8 There is a Grade II listed Barn some distance from the Site (over 500 metres to the north-west) 40 metres north-west of Chesterton Fields Farmhouse. The farmhouse itself, its distance and the extent of intervening vegetation prevents any potential for views of the Site. There are also a number of other listed buildings within the wider area associated with the above designations, but there is no intervisibility, as with the respective Conservation Area or Registered Park and Gardens within which they lie.

Bignell Park

- 2.3.9 Bignell Park lies to the north-east of the Site, beyond the A4095. This park is not designated (in any local or other documentation or policy). The park has no public rights of way or public access and is host to a residential property and small business park (Bignell Park Barns) toward its centre, along with a small number of residential properties on its boundary with Chesterton village. This park has a reasonable extent of woodland cover some of which is mature.

2.4 Consultation with Cherwell District Council (CDC)

2.4.1 Alongside and to inform the landscape design input to the Proposed Development, BMD carried out a Landscape & Visual Impact Assessment (LVIA).

2.4.2 To inform the LVIA and the design of the scheme, CDC's Landscape Team was consulted, both as part of the EIA Scoping process and in extensive Pre-Application discussions. They provided:

- guidance and agreement on the location of viewpoints to be used as a basis of the LVIA;
- guidance and agreement on the location for Accurate Visual Representations (wirelines, photomontages and illustrations) used to inform the development of the design;
- design input to seek to enhance the appearance of the massing, scale and detailing of built form;
- input to the strategy and detailing of landscape proposals for the scheme.

2.4.3 CDC raised no concern over the content of the LVIA and no objection to its conclusions, with the Committee Report (CD3-3) stating at paragraphs 9.92 & 9.133 - 9.134:

"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, there remain 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 9.113-9126."

"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 details required about the natural play area to the northern public open space.”

“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.”

2.4.4 In terms of visual impact, the CDC Committee Report noted:

“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...”

2.4.5 With regard to the impacts on visual amenity from any other properties, the CDC Committee Report (CD3-3) stated the following:

“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.”

2.4.6 The above concurs with the judgements reported in the LVIA submitted alongside the application for the Proposed Development.

2.4.7 CDC stated at paragraph 7.27 of their Committee Report, that their Landscape Officer's opinions were achieved *"by testing the LVIA"*. This section of the report also noted that the landscape officer considered that *"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"*. It was further reported that the landscape officer stated that *"Objection is raised in principle due to the proposed overdevelopment of the site"*.

2.4.8 CDC also confirmed at paragraph 7.38 of their Committee Report that Natural England had no objection to the Proposed Development, reporting:

"Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes."


2.4.9 CDC state at paragraph 9.93 of their Committee Report:

"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."


3. MATTERS OF DISAGREEMENT

- 3.1.1 The scope, nature, degree and evaluation of landscape and visual effects.
- 3.1.2 That the design of the Proposed Development was landscape-led and that the landscape proposals were not retro-fitted.
- 3.1.3 The existing amenity value of public footpath 161/6/10.
- 3.1.4 The amenity benefits of the new parkland and diverted footpath to the local community.
- 3.1.5 The scope, nature and degree of landscape and visual effects that would arise at the appeal site and in its local environs and at Middleton Stoney.

This Statement of Common Ground is agreed between the following:

Signed  Dated: 4th March 2021
Andrew Bateson
Team Leader, Major Developments, Cherwell District Council (the LPA)

On behalf of Development Control Team at Cherwell District Council; and

Signed  Dated: 3rd March 2021
Richard Waddell
Senior Associate Landscape Architect of Bradley Murphy Design on behalf of Great Lakes UK Limited (the Appellant)