



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

DP9
100 Pall Mall
London
SW1Y 5NQ

Full Planning Determination

Date Registered: 25th November 2019

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

Location: Land to the east of M40 and south of A4095, Chesterton, Bicester, Oxon

Parish(es): Chesterton

REFUSAL OF PERMISSION FOR DEVELOPMENT

Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford

Assistant Director – Planning and Development

Date of Decision: 12th March 2020

Checked by: Alex Keen

REASONS FOR REFUSAL

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.

PLANNING NOTES

1. For the purposes of Regulations 29 and 30 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public; and a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been addressed; is contained in the Officer's report to Planning Committee and the subsequent written updates to Planning Committee published on the Council's online Planning Register: <http://www.cherwell.gov.uk/viewplanningapp>. Together these comprise the statement required under regulation 30(d) of the above referenced Regulations.

2. The plans relating to this decision are:

1087-EPR-00-ZZ-DR-A-TP-0100, 1087-EPR-00-ZZ-DR-A-TP-0101, 1087-EPR-00-ZZ-DR-A-TP-0102, 1087-EPR-00-ZZ-GS-A-TP-0103, 10875-EPR-00-B1-DR-A-TP-0199, 10875-EPR-00-GF-DR-A-TP-0200, 10875-EPR-00-01-DR-A-TP-0201, 10875-EPR-00-01-DR-A-TP-0202, 10875-EPR-00-01-DR-A-TP-0203, 10875-EPR-00-01-DR-A-TP-0204, 10875-EPR-00-GH-DR-A-TP-0311, 10875-EPR-00-GH-DR-A-TP-0312, 10875-EPR-00-GH-DR-A-TP-0313, 10875-EPR-00-GH-DR-A-TP-0314, 10875-EPR-00-GH-DR-A-TP-0315, 10875-EPR-00-GH-DR-A-TP-0316, 10875-EPR-00-GH-DR-A-TP-0317, 10875-EPR-00-GH-DR-A-TP-0318, 10875-EPR-00-GH-DR-A-TP-0319, 10875-EPR-00-GH-DR-A-TP-0320, 10875-EPR-00-GH-DR-A-TP-0321, 10875-EPR-00-GH-DR-A-TP-0322, 10875-EPR-00-GH-DR-A-TP-0323, 10875-EPR-00-01-DR-A-TP-0324, 10875-EPR-00-01-DR-A-TP-0325, 10875-EPR-00-01-DR-A-TP-0326, 10875-EPR-00-01-DR-A-TP-0327, 10875-EPR-00-01-DR-A-TP-0328, 10875-EPR-00-01-DR-A-TP-0329, 10875-EPR-00-01-DR-A-TP-0330, 10875-EPR-00-01-DR-A-TP-0331, 10875-EPR-00-02-DR-A-TP-0332, 10875-EPR-00-02-DR-A-TP-0333, 10875-EPR-00-02-DR-A-TP-0334, 10875-EPR-00-02-DR-A-TP-0335, 10875-EPR-00-02-DR-A-TP-0336, 10875-EPR-00-02-DR-A-TP-0337, 10875-EPR-00-02-DR-A-TP-0338, 10875-EPR-00-03-DR-A-TP-0339, 10875-EPR-00-03-DR-A-TP-0340, 10875-EPR-00-03-DR-A-TP-0341, 10875-EPR-00-03-DR-A-TP-0342, 10875-EPR-00-03-DR-A-TP-0343, 10875-EPR-00-03-DR-A-TP-0344, 10875-EPR-00-03-DR-A-TP-0345, 10875-EPR-00-RF-DR-A-TP-0346, 10875-EPR-00-RF-DR-A-TP-0347, 10875-EPR-00-RF-DR-A-TP-0348, 10875-EPR-00-RF-DR-A-TP-0349, 10875-EPR-00-RF-DR-A-TP-0350, 10875-EPR-00-RF-DR-A-TP-0351, 10875-EPR-00-RF-DR-A-TP-0352, 10875-EPR-00-RF-DR-A-TP-0353, 10875-EPR-00-RF-DR-A-TP-0354, 10875-EPR-00-RF-DR-A-TP-0355, 10875-EPR-00-RF-DR-A-TP-0356, 10875-EPR-00-RF-DR-A-TP-0357, 10875-EPR-00-RF-DR-A-TP-0358, 10875-EPR-00-RF-DR-A-TP-0359, 10875-EPR-00-XX-EL-A-TP-0401, 10875-EPR-00-XX-GS-A-TP-0501, 10875-EPR-00-XX-DR-A-TP-0401, 10875-EPR-00-XX-DR-A-TP-0402, 10875-EPR-00-XX-DR-A-TP-0403, 10875-EPR-00-XX-DR-A-TP-0404, 10875-EPR-00-XX-DR-A-TP-0405, 10875-EPR-00-XX-DR-A-TP-0406, 10875-EPR-00-XX-DR-A-TP-0407, 10875-EPR-00-XX-DR-A-TP-4201, 10875-EPR-00-XX-DR-A-TP-4202, 10875-EPR-00-XX-DR-A-TP-4203, 10875-EPR-00-XX-DR-A-TP-4204, 10875-EPR-00-XX-DR-A-TP-4205, 10875-EPR-00-XX-DR-A-TP-4206, 10875-EPR-00-XX-DR-A-TP-4207, 10875-EPR-00-XX-DR-A-TP-4208, 10875-EPR-00-GF-DR-A-TP-7701 received by the Local Planning Authority on 08 November 2019 and drawing no. 1087-EPR-00-EL-A-TP-0402 received by the Local Planning Authority on 25 November 2019.

3. The documents relating to this decision are:

- The Environmental Statement (project no. 70058541) prepared by WSP dated November 2019 as amended by Volume 2 Appendix 9.11 Habitat Management and Monitoring Plan Version 2
- Arboricultural Impact Assessment (ref: 70058541-009) prepared by WSP dated November 2019
- Archaeological Evaluation Report (AOC project no. 33941) prepared by AOC Archaeology Group dated December 2019
- Design and Access Statement prepared by EPR Architects dated November 2019
- Draft Construction Management Plan prepared by Arcadis dated November 2019
- Draft Operational Management Plan prepared by Great Wolf Lodge dated November 2019

- Drainage Strategy (reference 068535-CUR-00-XX-RP-C-00002_ Revision P02, prepared by Curtins, dated February 2020.
- Economic Statement prepared by Volterra Partners, dated November 2019.
- Energy and Sustainability Statement Revision -03 prepared by Hoare Lea dated November 2019
- Exterior Lighting Baseline Survey (reference 16-16472) prepared by Hoare Lea dated November 2019
- Exterior Lighting Concepts prepared by Hoare Lea dated November 2019
- Five Year Landscape Maintenance and Management Plan (reference BMD.19.010.RP.P002), prepared by BMD dated November 2019
- Flood Risk Assessment (ref: 068535-CUR-00-XX-RP-C-00001) Revision P03, prepared by Curtins dated February 2020
- Framework Delivery and Servicing Management Plan prepared by Motion dated November 2019
- Framework Travel Plan prepared by Motion dated November 2019
- Illumination Impact Profile (ref: 16-16472) prepared by Hoare Lea dated November 2019
- NatureSpace Report (ref 201908002) dated 09 December 2019
- Planning Statement prepared by DP9 dated November 2019
- Planting Schedules (reference BMD.19.010.DR.P305) prepared by BMD dated November 2019
- Statement of Community Involvement prepared by Redwood Consulting dated November 2019
- Transport Assessment prepared by Motion dated November 2019
- Utilities Statement prepared by Hoare Lea dated November 2019
- Ventilation/Extraction Statement prepared by Hoare Lea dated November 2019
- Waste Management Strategy (project no. 70058541) prepared by WSP dated November 2019

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CIId=117&Year=0>



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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications, you must do so within **6 Months** of the date of the decision

Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000. Or online at <https://acp.planninginspectorate.gov.uk>**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.