

**PLACE AND GROWTH
INTERNAL MEMORANDUM**

From: Planning Policy, Conservation and Design Team

To: Assistant Director for Planning and Economy (FAO Clare Whitehead)

Our Ref: Application Response **Your Ref:** 19/02550/F

Ask for: Chris Thom **Ext:** 1849 **Date:** 24/02/2019

**APPLICATION FOR PLANNING PERMISSION
PLANNING POLICY CONSULTATION RESPONSE**

**This response raises the key planning policy issues only.
All material planning policies and associated considerations will need to be taken into account.**

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| Planning Application No. | 19/02550/F |
| Address / Location | Land to the East of M40 and South of A4095, Chesterton, Bicester |
| 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. |
| Key Policies / Guidance | <p><u>Cherwell Local Plan 2011-2031 Part 1</u></p> <p>PSD1: Presumption in Favour of Sustainable Development SLE1: Employment Development SLE2: Securing Dynamic Town Centres SLE3: Supporting Tourism Growth SLE4: Improved Transport and Connections ESD1: Mitigating and Adapting to Climate Change ESD2: Energy Hierarchy 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 BSC10: Open Space, Outdoor Sport and Recreation Provision</p> <p><u>Cherwell Local Plan 1996 (Saved Policies)</u></p> <p>TR7: Minor roads T5: Proposals for new hotels, motels, greenhouses, and restaurants in the countryside C8: Landscape Conservation C28: Layout, design and external appearance of new development ENV1: Pollution control</p> |

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| | <p><u>Other Material Policy and Guidance</u></p> <p>National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG)</p> |
| <p>Key Policy Observations</p> | <p>Proposals</p> <ul style="list-style-type: none"> • Planning permission is being sought for the creation of a leisure resort incorporating an indoor waterpark, 498-bed hotel, conferencing facilities, and family entertainment centre containing an arcade, bowling, retail and food outlets. • The development site extends to 18.6 ha and is located at Bicester Hotel, Golf Club and Spa near Chesterton and adjacent to the M40 motorway. The proposal would involve the redevelopment of the western part of the existing course, involving a reduction in the size from 18 to 9 holes. • The existing hotel and spa would remain unchanged and the eastern nine holes and the hotel and spa would continue to operate separately from the proposed resort. • The facilities provided will be open to residential guests and day visitors. Opening times for the facilities are similar for both, with slightly earlier access permitted for residential guests. • The site lies within an area of open countryside to the west of Chesterton. A public right of way runs through the site. • Planning permission for an extension to the hotel was recently granted (13/01102/F). <p>Tourism Development</p> <ul style="list-style-type: none"> • The application site is not allocated in the Development Plan. However, 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. The proposal is family-orientated and would help to increase overnight stays and visitor numbers in the District and is consistent with Policy SLE3 in this regard. 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. • The proposal has the potential to generate economic benefits for the local economy and wider area through visitor spending and job creation. Its location near to Bicester may assist in securing spending in Bicester through linked trips with such places as the former RAF Bicester. The applicant explains that 460 FTE jobs will be created with further jobs during the construction phase. The first objective of the Local Plan (SO1) is to facilitate economic growth and employment with an emphasis on attracting higher technology industries 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. The proposal will contribute towards reducing out-commuting by generating jobs near to Bicester, which is one 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 has an expanding population. Consultation should take place with the Council's Economic Development team.

- Saved Policy T5 of the Cherwell Local Plan 1996 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. The proposal is inconsistent with Policy T5, noting the potential allowance for hotel, golf course and ancillary leisure development at paragraphs 7.16 to 7.17. The NPPF at paragraph 83 states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. The proposal will need to be assessed in this context and with regard to submitted evidence including the sequential test which shows that the development cannot be accommodated within Bicester.

Location and Accessibility

- Policy SLE3 requires tourism development to be located in sustainable locations and paragraph B.62 supports new attractions at the towns [Bicester and Banbury]. 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. 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.
- The proposal would lead to the creation of a significant tourism destination that is remote from public transport, cycle and pedestrian links. A high proportion of the visitors and staff would likely be reliant on the private car to access the development. Bicester is identified as a sustainable location in the Cherwell Local Plan which focuses new development at the towns. The proposal is located approximately 3km away from Bicester town centre near to Chesterton. The applicant highlights that other similar developments are often located away from settlements. It will be relevant to consider the particular nature, requirements and impacts of the business/proposal. Consideration should be given to whether the proposal is in a sustainable location including in terms of its potential impacts and whether the location can be made sustainable. The opportunities to access the site by means other than the private car will be important to establish. A free shuttle bus is proposed by the applicant to link the site with Bicester Station and other areas. Any changes in public transport provision associated with the westerly expansion of Bicester in the Local Plan should be considered.
- 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. Local Plan Saved Policy TR7 states development that will attract large number of vehicles onto unsuitable minor roads will not normally be permitted and Policy SLE4 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. The proposal will lead to the use of rural/minor roads and it will need to be determined whether the impacts are acceptable.

- The Energy and Sustainability Statement submitted as part of the application should be assessed with regard to compliance with ESD policies in the Local Plan.

Visual and Landscape Impact

- Local Plan Policy ESD13 requires development to respect and enhance local landscape character. It states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography and would be inconsistent with local character. Proposals should be considered carefully against the criteria in Policy ESD13.
- The proposal is inconsistent with saved Policy C8 which seeks to resist sporadic development in the open countryside. Paragraph 9.12 states that development in the countryside must be resisted if its attractive, open, rural character is to be minimised. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside. The proposal will need to be assessed in this context and in relation to submitted evidence.
- Local Plan Policy ESD15 states successful design is founded upon an understanding and respect of an area's unique built and natural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and design. All development should be expected to meet high design standards. The proposal should be considered against the policy ESD15.
- The proposed application would introduce substantial built development, including car parking, within the open countryside where this is currently limited. The proposed buildings would be of a different character to existing nearby settlements and buildings in a rural setting. The impact on the surroundings including on the setting of Chesterton, other surrounding settlements should be very carefully considered.

Amenity

- 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. 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 proposed development also has potential to be impacted upon from noise and 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.

Sport and Recreation Provision

- The proposal will lead to development on the existing golf course and would result in a reduction in the size of the golf course from 18 holes to 9 holes.
- In order to comply with the requirements of adopted Policy BSC10 and paragraph 97 of the NPPF, which seek to protect sites in recreational use, the application needs to demonstrate that the area of golf course to be lost is surplus to requirements, or 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 recreation provision, the benefits of which clearly outweigh the loss of provision.
- 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 sites are protected unless the tests in the NPPF are met. The study used three methodologies, acknowledging that there are no robust methods for assessing the supply/demand for golf, as usage information for individual courses is commercially sensitive. 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. There are therefore conflicting views on the adequacy of supply depending on the methodology used.
- The applicant does not propose to replace the golf course with equivalent provision in terms of quantity.
- In terms of alternative provision outweighing the loss of the 18 hole golf course to a 9 hole course, 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 and wider gains associated with the indoor water park. They indicate that new landscaping and a 6ha nature trail is 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.
- The proposal would result in the loss of the 18 hole golf course but with retention of a 9 hole course together with alternative recreation provision. The response of the Council's Leisure and Recreation team and England Golf are therefore important in determining whether the benefits of the proposal alternative provision outweigh the loss of the 18 hole golf course.

Town Centre Uses

- The proposal comprises uses which are 'main town centre uses' in terms of the NPPF definition. 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 in the Local Plan – Policy SLE2) means that 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. 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 centres in line with government guidance. Consideration should be given to the make-up of the proposal in terms of the town centre uses proposed and the potential impact on Bicester town centre.

- 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.
- Local Plan Policy SLE2 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.
- The proposals are outside Bicester town centre and the 'area of search' in 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. However 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.
- 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 will be 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. The District sites considered in the sequential test are appropriate and it shows that the development cannot be accommodated within Bicester.

Summary

- 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

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| | <p>sustainable. 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. 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.</p> |
| <p>Policy Recommendation</p> | <p>Objection unless planning policy requirements are met.</p> |