

**Land Approx 1 Mile From J9 East Of M40 Part Of
M40 Through Chesterton Parish Chesterton**

22/00106/DISC

Case Officer: Katherine Daniels

Recommendation: Approve

Applicant: Great Lakes UK Limited

Proposal: Parital discharge of conditions 9 (Landscaping) and full discharge of conditions 11 (trees to be protected according to Arboricultural Method Statement) & 23 (Mitigation strategy for Great Crested Newts) of 21/04158/F

Expiry Date: 11 March 2022

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site extends to 18.6 hectares and comprises the western nine holes of the existing 18-hole golf course that 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).
- 1.2. Little Chesterton is situated approximately 1.3 km to the southeast of the application site and Bicester town centre is 1.3km from the application site to the east. 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. M40 Junction 9 is 2.2km to the south of the site and serves Oxford via the A34 and Bicester via the A41 and M40 Junction 10 is 2.5km to the north.
- 1.3. To the north of the site runs the A4095, which runs east to west and to the south and east 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.
- 1.4. A public right of way crosses the site and there are several ditches (some dry some not) and ponds present.
- 1.5. The site has full planning consent (granted at Appeal) for the redevelopment of this same part of the 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.
- 1.6. To the northwest 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 with hotels in the United States and Canada.
- 1.7. No development has commenced on site.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks the partial discharge of Condition 9 (landscaping). The site is set into three distinct areas, 'Northern Park', 'Southern and Western Buffer'

and 'Resort Landscape'. This condition seeks to discharge the areas of 'Northern Park and Southern and Western Buffer'.

2.2. Condition 9 states the following: *'Prior to commencement of development, precise details of a scheme for enhanced landscaping along the north-eastern boundary hedgerow of the site with the A4095, along the south/south-eastern boundary with the Bicester Hotel, Golf and Spa, the Public Right of Way and the neighbouring properties of Stableford Cottage and Vicarage Farm and within the nature trail area shall be submitted to and approved in writing by the local planning authority, which shall include details relating to: a) the proposed additional tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written Application No.: 21/04158/F 5 of 13 specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc); b) the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; c) the hard and soft landscaping including hard surface areas, pavements, pedestrian areas and steps and the proposed screen bunding mounds. The approved scheme shall be implemented by the end of the first planting season following occupation of the development and shall thereafter be maintained. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.'*

2.3. The applicants have submitted the following information:

- *Northern Park with Western and Southern Buffer – Overall General Arrangement*
- *Northern Park Detailed GA (Sheet 1 of 2)*
- *Norther Park Detailed GA (Sheet 2 of 2)*
- *Western & Southern Buffer Detailed GA (Sheet 1 of 2)*
- *Western & Southern Buffer Detailed GA (Sheet 2 of 2)*
- *Northern Park – Soil Requirements Plan (Sheet 1 of 2)*
- *Northern Park – Soil Requirements Plan (Sheet 2 of 2)*
- *Western & Southern Buffer – Soil Requirements Plan (Sheet 1 of 2)*
- *Western & Southern Buffer – Soil Requirements Plan (Sheet 2 of 2)*
- *Northern Park – Planting Plans (Sheet 1 of 2)*
- *Northern Park – Planting Plans (Sheet 2 of 2)*
- *Western & Southern Buffer – Planting Plans (Sheet 1 of 2)*
- *Western & Southern Buffer – Planting Plans (Sheet 2 of 2)*
- *Typical Hard & Street Furniture Details*

- *Boundary Treatment Details*
- *Typical Tree Pit Details 1*
- *Typical Tree Pit Details 2*
- *Typical Tree Pit Details 3*
- *Typical Tree Pit Details 4*
- *Typical Soft Details*
- *Typical Pond Detail & Section*
- *Northern Park with Western & Southern Buffer – NBS Specification*
- *Northern Park with Western & Southern Buffer – 5 Year LMMP*
- *Northern Park with Western & Southern Buffer – Planting Schedule*
- *Great Wolf Landscape Condition Discharge (part)*

2.4. The applicants also seek to discharge condition 11, which states, *'No development shall take place until the existing trees to be retained have been protected in accordance with an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), to be agreed in writing by the local planning authority, to include: a. protective barriers around the trees, to a distance specified in the AMS and illustrated on the TPP; b. the barriers shall comply with the specification set out in the AMS, with specific reference and regard to British Standard BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'; c. the barriers shall be erected and removed in accordance with a programme to be agreed with the LPA, installed before works commence in the respective areas of the site and removed only on completion of works in that area of the site; and d. nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local planning authority.'*

2.5. The applicants have submitted the following information:

- Tree Protection Plan (Sheet 1 of 2) North (BMD.19.010.DR.903.1 Rev A)
- Tree Protection Plan (Sheet 2 of 2) South (BMD.19.010.DR.903.2 Rev A)
- Arboricultural Method Statement (BMD.19.010.DR.903)

2.6. The applicants also wish for condition 23 to be discharged. This states the following: *'Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved details.'*

2.7. The applicants have submitted a letter: Condition 23.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 19/02550/F – Redevelopment of part of golf course to provide a new leisure resort (sui generis) incorporating water park, family entertainment centre, hotel, conferencing facilities and restaurants associated access, parking and landscaping. Initially refused but subsequently allowed at appeal.
- 3.3. 21/04158/F – Variation of Condition 2 (Plans) of 19/02550/F – Comprising: 1. Alterations to the family entertainment centre including adjustments to the number and types of leisure attractions; 2. Reconfiguration of the conference centre orientation and floor plan to consolidate the guest experience and improve internal circulation; 3. General internal spatial co-ordination in line with operational requirements. Generally, this is local to internal layouts but does affect a small number of external door and window positions; 4. Updates to the landscape design proposal as a result of the building footprint changes (a 3.6m move of all buildings westward) and reconfiguration of the Conference Centre and fire tender access to the site; 5. Extension of the Porte cochere, as a result of shifting the building 3.6m to allow for a larger drop off / set down point for arriving guest vehicles/buses; 6. Waterpark updates including slide and external terrace paving area modifications. The overall height of the waterslide is maintained below the height of the turret which remains as per the consented scheme; 7. Relocation of Great Wolf entrance statue; 8. Roof updates in line with revised roof access strategy; 9. Minor MEP and utility updates across the site; and 10. Waste yard ramp dimensions updated with wider radius ramp and integrated vehicular protection zones. Approved.

4. RESPONSE TO CONSULTATION

- 4.1 Cherwell District Council (Ecology) – Is satisfied condition 23 can be discharged on the basis of the mitigation outlined within and acceptance onto the Great Crested Newt District Licence Scheme
- 4.2 Cherwell District Council (Landscape) – Have no objections
- 4.3 Cherwell District Council (Arboriculturist) – No objections following the receipt of additional and amended information.

5. APPRAISAL

- 5.1 The applicants have submitted detailed landscaping plans for the northern and southwestern elements of the overall site. The Landscape Officer is content with the details as submitted therefore condition 9 can be partially discharged for the areas applied for.
- 5.2 The applicants have submitted details of tree protection; these plans have been amended at the request of the Council's Arboriculturist who is now content that the planning condition can be discharged based on the amended details.
- 5.3 The proposal to discharge condition 23 is considered to be acceptable and can be discharged. This is due to the applicants using the Great Crested Newt Licence process. The ecology officer is happy with this process.

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| <h3>6. RECOMMENDATION</h3> |
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That Planning Conditions 9, of 21/04158/F can be partially discharged and conditions 11 and 23 of 21/04158/F be discharged based upon the following

Condition 9 (relating to the Northern Park and the Southern and Western Buffer areas (as defined on the Condition Discharge Boundaries drawing only)).

- Condition discharge boundaries 'drawing number BMD.19.010.DR.P006 Rev A
- Northern Park with Western and Southern Buffer – Overall General Arrangement (BMD.19.010.DR.T001 Rev B)
- Northern Park Detailed GA (Sheet 1 of 2) (BMD.19.010.DR.T101B)
- Northern Park Detailed GA (Sheet 2 of 2) (BMD.19.010.DR.T102B)
- Western & Southern Buffer Detailed GA (Sheet 1 of 2) (BMD.19.010.DR.T103A)
- Western & Southern Buffer Detailed GA (Sheet 2 of 2) (BMD.19.010.DR.T104A)
- Northern Park – Soil Requirements Plan (Sheet 1 of 2) (BMD.19.010.DR.T201B)
- Northern Park – Soil Requirements Plan (Sheet 2 of 2) (BMD.19.010.DR.T202B)
- Western & Southern Buffer – Soil Requirements Plan (Sheet 1 of 2) (BMD.19.010.DR.T206A)
- Western & Southern Buffer – Soil Requirements Plan (Sheet 2 of 2) (BMD.19.010.DR.T207A)
- Northern Park – Planting Plans (Sheet 1 of 2) (BMD.19.010.DR.T301B)
- Northern Park – Planting Plans (Sheet 2 of 2) (BMD.19.010.DR.T302B)
- Western & Southern Buffer – Planting Plans (Sheet 1 of 2) (BMD.19.010.DR.T303A)
- Western & Southern Buffer – Planting Plans (Sheet 2 of 2) (BMD.19.010.DR.T304A)
- Typical Hard & Street Furniture Details (BMD.19.010.DR.T501A)
- Boundary Treatment Details (BMD.19.010.DR.T502)
- Typical Tree Pit Details 1 (BMD.19.010.DR.T601)
- Typical Tree Pit Details 2 (BMD.19.010.DR.T602)
- Typical Tree Pit Details 3 (BMD.19.010.DR.T603)
- Typical Tree Pit Details 4 (BMD.19.010.DR.T604)

- Typical Soft Details (BMD.19.010.DR.T605)
- Typical Pond Detail & Section (BMD.19.010.DR.T606)
- Northern Park with Western & Southern Buffer – NBS Specification (BMD.19.010SP.T001A)
- Northern Park with Western & Southern Buffer – 5 Year LMMP (BMD.19.010SP.T002A)
- Northern Park with Western & Southern Buffer – Planting Schedule (BMD.19.010SP.T003B)
- Great Wolf Landscape Condition Discharge (part) (BMD.19.010.TN.002)

Condition 11

- Tree Protection Plan (Sheet 1 of 2) North (BMD.19.010.DR.903.1 Rev A)
- Tree Protection Plan (Sheet 2 of 2) South (BMD.19.010.DR.903.2 Rev A)
- Arboricultural Method Statement (BMD.19.010.DR.903)

Condition 23

Letter: Condition 23 – GCN made valid 14th January 2022

Case Officer: Katherine Daniels

DATE: 18 November 2022

Checked By: Caroline Ford

DATE: 21 November 2022
