

**Case Officer:** Katherine Daniels

**Recommendation:** Approval

**Applicant:** Great Lakes UK Limited

**Proposal:** Non-material amendment to 21/04158/F - 1. Reduction in height to the two flanks of the main hotel building by 654mm. 2. Reduction in height of the central lobby part of the hotel building by 990mm. 3. End facades pushed out on end/corner guestrooms by 52mm. 4. Six additional guestrooms (from 498 to 504) within the consented envelope of the building. 5. Extension to the flat roof of the waterpark support building (the "bunker") over the pitched section to form a dormer-like structure. 6. Updates to external window and door positions. 7. Removal of the Substation West (at the northern perimeter of the carpark) and minor alterations to the substations at the southern end of the car park within the landscape. 8. Additional doors on the flat roofs to facilitate safer means of emergency egress. 9. Rationalisation of window heights. 10. Addition of windows to the ballroom to improve natural daylight. 11. Relocation of access / maintenance entrances to provide more discreet, efficient and safer means of access. 12. Minor alterations to rainwater goods location setting out on the building to provide more efficient surface water collection. 13. Removal of the chimney at the ridge of the pitched roof over the lobby (no longer required). 14. Revised ventilation strategy and removal of flue on green roof

## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

1.1. The site was granted consent on appeal under planning ref 19/02550/F and comprises the western nine holes of an existing 18-hole golf course that forms part of Bicester Hotel, Golf and Spa (BHGS) near Chesterton, a village located immediately to the southwest of Bicester.

1.2. The site is located immediately to the east of the M40 (which runs south to north) and to the southwest of the A4095 (which runs roughly east to west). M40 Junctions 9 and 10 are located about 1km and 2.3km to the south and north, respectively. The BHGS site is located beyond the western developed edge of Chesterton, in open countryside, with the site comprising the westernmost part of the BHGS site. The approved development involves the development of part of the existing golf course delivering a new indoor leisure resort comprising a 498-bed hotel, waterpark, restaurants, adventure games, attractions, family bonding experiences, arcade games, retail and more. The proposed development will provide extensive landscaping works, enhancing the existing landscaped context, and including a new circa 6ha nature trail for public use.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

2.1. There are a number of amendments proposed (14 altogether). These are the following:

- Reduction in height to the two flanks
- Reduction in height of the central lobby
- End facades pushed out by 52mm
- 6 additional guest suites
- Extension of flat roof to support the bunker
- Updates to windows and door positions
- Removal of substation
- Additional doors to flat roof
- Rationalisation of window heights
- Additional windows to ballroom
- Relocation of access/maintenance access
- Minor alterations to rainwater goods location
- Removal of chimney at ridge over lobby
- Revised ventilation strategy

### **3. RELEVANT PLANNING HISTORY**

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

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.

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. PUBLICITY AND CONSULTATION**

- 4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

#### **5. APPRAISAL**

- 5.1. The key issue for consideration, in this case, is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.
- 5.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated that: "In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".
- 5.3. The National Planning Practice Guidance states that: "There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is non material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application". The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.
- 5.4. Although there appears to be a large amount of alterations to the approved scheme, which in some cases could be seen as a material alteration, the application seeks to amend condition 2 of planning permission 21/04158/F. I will go through each element to consider if they are non-material to the overall scheme.
- 5.5. The proposal seeks to reduce the height of the two flanks and the central lobby. Although this reduction (at most) is 954mm, given the overall scale of the building, it is not a significant alteration. The appearance will still be the same. It is considered that this alteration is a non-material amendment.
- 5.6. The end facades are proposed to be pushed out by 52mm, it is considered that this change is de minimis and does not affect the scheme as a whole.
- 5.7. The proposal also seeks to increase the number of rooms, not by increasing the size of the hotel element, but by using the space more effectively. It is noted within the original application details it acknowledged the number of bedrooms (498), however, this was not included in the description of the proposed development. It is referred to as a 'hotel'. This application does not seek to extend the hotel, it is just the number of rooms. It is expected the same number of visitors visiting the site will remain the same. The overall increase results in a 1% increase in the number of bedrooms available on site. Therefore, the alteration in bedroom numbers is not material to the overall development.
- 5.8. The extension of the flat roof element proposed above the bunker, this creates a dormer style on the roof. However, this also screens a number of plant, it is considered that this aspect does not affect the overall appearance of the building when taken as a whole.

- 5.9. The proposal includes the inclusion of new doors to the flat roof. This is due to fire and safety regulations. They will be part of the flat roof section, which will not be readily viewed. Therefore, the impact is minimal, and given the overall size of the scheme, this element is considered to be non-material.
- 5.10. The proposal also seeks to tweak the location of some of the windows and doors (including service access and maintenance access) for the proposal. This includes the removal of inclusion of windows. Some of the door locations have been moved to allow for better access to the building. Overall, the character of the scheme remains the same, and these alterations do not affect the overall character of the development.
- 5.11. Following further design/build considerations, it has been determined that the scheme does not require two substations. As a result, one has been omitted from the scheme. Overall, the built form has been reduced, and would result in an insignificant alteration to the overall scheme.
- 5.12. Rationalisation of the window heights has also been proposed, these are considered to be acceptable and do not affect the overall scheme, as there will be little difference to the character of the building and its setting. This element is therefore considered to be non-material.
- 5.13. New windows are also being proposed to the ballroom/banquet/conference room to allow for additional light. These will be seen as part of the overall scheme and will not affect the wider vistas. These windows will be seen as part of the overall development, not affecting the overall character of the scheme.
- 5.14. Changes to the rainwater goods are considered as part of the overall scheme to allow for more efficient surface water collection. It is considered the changes are insignificant to the overall scheme.
- 5.15. A chimney above the main lobby is proposed to be removed, this reduces the overall dominance to the front, however, this is not material to the overall scheme. The original chimney was seen within the site, and does not alter the massing of the scheme overall.
- 5.16. Alteration is also had to the PV panels relocated to slightly a different location on the walls. Some of the panels have been moved up and some have been lowered. Overall the impact on the wider locality is minimal.
- 5.17. There are a number of new louvres within the building as a result of a new ventilation study, however, it is considered that the proposal will not affect the character and appearance of the locality or the wider environment.
- 5.18. There are a number of changes to the flutes, including supporting structures. Although this has not been mentioned within the application, the bulk of the scheme will not be altered as a result of the insertion of these. It is acknowledged that these are required for safety purposes. These are considered to be insignificant to the overall scheme and the massing in the wider locality.
- 5.19. Overall, it is considered that the proposed alterations, given the overall size of the development will not alter the character and appearance of the proposed development. The alterations are considered to be non-material.

**6. CONCLUSION**

6.1. The proposal is considered to be non-material and the application is therefore recommended for approval. **Please note the stone detailing is not agreed as part of this Non-Material Amendment.**

- Location Plan 10875-EPR-00-ZZ-DR-A-TP-0100 C01
- Existing Site Location Plan 10875-EPR-00-ZZ-DR-A-TP-0101 C01
- Proposed Site Plan 10875-EPR-00-ZZ-DR-A-TP-0102 C01
- Proposed Sitewide Sections 10875-EPR-00-ZZ-DR-A-TP-0103 C01
- Proposed basement Plan 10875-EPR-00-B1-DR-A-TP-0199 C01
- Proposed Ground Floor Plan 10875-EPR-00-GF-DR-A-TP-0200 C01
- Proposed First Floor Plan 10875-EPR-00-01-DR-A-TP-0201 C01
- Proposed Second Floor Plan 10875-EPR-00-02-DR-A-TP-0202 P05 C01
- Proposed Third Floor Plan 10875-EPR-00-03-DR-A-TP-0203 C01
- Proposed Roof Plan 10875-EPR-00-04-DR-A-TP-0204 C01
- Proposed Ground Floor Plan Part 1 10875-EPR-00-GF-DR-A-TP-0311 C01
- Proposed Ground Floor Plan Part 2 10875-EPR-00-GF-DR-A-TP-0312 C01
- Proposed Ground Floor Plan Part 3 10875-EPR-00-GF-DR-A-TP-0313 C01
- Proposed Ground Floor Plan Part 4 10875-EPR-00-GF-DR-A-TP-0314 C01
- Proposed Ground Floor Plan Part 5 10875-EPR-00-GF-DR-A-TP-0315 C01
- Proposed Ground Floor Plan Part 6 10875-EPR-00-GF-DR-A-TP- C01
- Proposed Ground Floor Plan Part 7 10875-EPR-00-GF-DR-A-TP-0317 C01
- Proposed Ground Floor Plan Part 8 10875-EPR-00-GF-DR-A-TP-0318 C01
- Proposed Ground Floor Plan Part 9 10875-EPR-00-GF-DR-A-TP-0319 C01
- Proposed Ground Floor Plan Part 10 10875-EPR-00-GF-DR-A-TP-0320 C01
- Proposed Ground Floor Plan Part 11 10875-EPR-00-GF-DR-A-TP-0321 C01
- Proposed Ground Floor Plan Part 12 10875-EPR-00-GF-DR-A-TP-0322 C01
- Proposed Ground Floor Plan Part 13 10875-EPR-00-GF-DR-A-TP-0323 C01
- Proposed First Floor Plan Part 1 10875-EPR-00-01-DR-A-TP-0324 C01
- Proposed First Floor Plan Part 3 10875-EPR-00-01-DR-A-TP-0325 C01
- Proposed First Floor Plan Part 4 10875-EPR-00-01-DR-A-TP-0326 C01
- Proposed First Floor Plan Part 5 10875-EPR-00-01-DR-A-TP-0327 C01
- Proposed First Floor Plan Part 6 10875-EPR-00-01-DR-A-TP-0328 C01
- Proposed First Floor Plan Part 7 10875-EPR-00-01-DR-A-TP-0329 C01
- Proposed First Floor Plan Part 9 10875-EPR-00-01-DR-A-TP-0330 C01
- Proposed First Floor Plan Part 12 10875-EPR-00-01-DR-A-TP-0331 C01
- Proposed Second Floor Plan Part 1 10875-EPR-00-02-DR-A-TP-0332 C01
- Proposed Second Floor Plan Part 3 10875-EPR-00-02-DR-A-TP-0333 C01
- Proposed Second Floor Plan Part 4 10875-EPR-00-02-DR-A-TP-0334 C01
- Proposed Second Floor Plan Part 5 10875-EPR-00-02-DR-A-TP-0335 C01
- Proposed Second Floor Plan Part 6 10875-EPR-00-02-DR-A-TP-0336 C01
- Proposed Second Floor Plan Part 7 10875-EPR-00-02-DR-A-TP-0337 C01
- Proposed Second Floor Plan Part 9 10875-EPR-00-02-DR-A-TP-0338 C01
- Proposed Third Plan Part 1 10875-EPR-00-03-DR-A-TP-0339 C01
- Proposed Third Plan Part 3 10875-EPR-00-03-DR-A-TP-0340 C01
- Proposed Third Plan Part 4 10875-EPR-00-03-DR-A-TP-0341 C01
- Proposed Third Plan Part 5 10875-EPR-00-03-DR-A-TP-0342 C01
- Proposed Third Plan Part 6 10875-EPR-00-03-DR-A-TP-0343 C01
- Proposed Third Plan Part 7 10875-EPR-00-03-DR-A-TP-0344 C01
- Proposed Third Plan Part 9 10875-EPR-00-03-DR-A-TP-0345 C01
- Proposed Roof Plan Part 1 10875-EPR-00-RF-DR-A-TP-0346 C01
- Proposed Roof Plan Part 2 10875-EPR-00-RF-DR-A-TP-0347 C01
- Proposed Roof Plan Part 3 10875-EPR-00-RF-DR-A-TP-0348 C01
- Proposed Roof Plan Part 4 10875-EPR-00-RF-DR-A-TP-0349 C01
- Proposed Roof Plan Part 5 10875-EPR-00-RF-DR-A-TP-0350 C01
- Proposed Roof Plan Part 6 10875-EPR-00-RF-DR-A-TP-0351 C01

Proposed Roof Plan Part 7 10875-EPR-00-RF-DR-A-TP-0352 C01  
Proposed Roof Plan Part 8 10875-EPR-00-RF-DR-A-TP-0353 C01  
Proposed Roof Plan Part 9 10875-EPR-00-RF-DR-A-TP-0354 C01  
Proposed Roof Plan Part 10 10875-EPR-00-RF-DR-A-TP-0355 C01  
Proposed Roof Plan Part 11 10875-EPR-00-RF-DR-A-TP-0356 C01  
Proposed Roof Plan Part 12 10875-EPR-00-RF-DR-A-TP-0357 C01  
Proposed Roof Plan Part 13 10875-EPR-00-RF-DR-A-TP-0358 C01  
Proposed Basement Plan 10875-EPR-00-B1-DR-A-TP-0359 C01  
Proposed Elevations - East 10875-EPR-00-XX-EL-A-TP-0401 C01  
Proposed Elevations - West 10875-EPR-00-XX-EL-A-TP-0402 C01  
Proposed Sections 10875-EPR-00-XX-GS-A-TP-0501 P C01  
Proposed Typical Bay Study - Porte Cochere 10875-EPR-00-XX-DR-A-TP-4101  
C01  
Proposed Typical Bay Study 10875-EPR-00-XX-DR-A-TP-4102 C01  
Proposed Typical Bay Study 10875-EPR-00-XX-DR-A-TP-4103 C01  
Proposed Typical Bay Study 10875-EPR-00-XX-DR-A-TP-4104 C01  
Proposed Typical Bay Study 10875-EPR-00-XX-DR-A-TP-4105 C01  
Proposed Typical Bay Study - Conference Centre 10875-EPR-00-XX-DR-A-TP-  
4106 C01  
Proposed Typical Bay Study - Waterpark 10875-EPR-00-XX-DR-A-TP-4107 C01  
Proposed Elevations - North-East 10875-EPR-00-XX-DR-A-TP-4201 C01  
Proposed Elevations - North-East 10875-EPR-00-XX-DR-A-TP-4202 C01  
Proposed Elevations - South-West 10875-EPR-00-XX-DR-A-TP-4203 C01  
Proposed Elevations - South-West 10875-EPR-00-XX-DR-A-TP-4204 C01  
Proposed Elevations - North-West 10875-EPR-00-XX-DR-A-TP-4205 C01  
Proposed Elevations - North-West 10875-EPR-00-XX-DR-A-TP-4206 C01  
Proposed Elevations - South-East 10875-EPR-00-XX-DR-A-TP-4207 C01  
Proposed Elevations - South-East 10875-EPR-00-XX-DR-A-TP-4208 C01  
Proposed Ancillary Buildings 10875-EPR-00-GF-DR-A-TP-7701 C01

Case Officer: Katherine Daniels

DATE: 25 May 2023

Checked By: Caroline Ford

DATE: 02 June 2023

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