

Bicester Golf And Country Club
Akeman Street
Chesterton
Bicester
Oxfordshire
OX26 1TE

15/01068/F

Case Officer: Linda Griffiths **Ward(s):** Ambrosden And Chesterton

Applicant: Bicester Hotel Golf And Spa

Ward Member(s): Councillor Lynn Pratt

Proposal: Erection of two storey extension to existing hotel to form 62 new bedrooms
(60 net increase)

Committee Date: 29 October 2015 **Recommendation:** Approval

1. **Application Site and Locality**

- 1.1 Bicester Golf and Country Club is located to the south west of Bicester town and on the edge of Chesterton village. The main facilities offered at the Club include golf, health and fitness and tennis as well as catering for events, conferences and weddings.
- 1.2 The whole site extends to 46 hectares and is in an area that is potentially contaminated. The Conservation Area lies to the far north east corner of the wider site, some 500m from the siting of the actual development proposal. A public footpath crosses the site commencing at the southern access point to the site off Akeman Street, past the west side of the building and exiting on the northern road (A4095).
- 1.3 There are a number of trees on the site and within the vicinity of the proposed extension that are protected by a Tree Preservation Order. Vehicular access to the site is gained from Akeman Street, although servicing is via an access from the A4095.

2. **Description of Proposed Development**

- 2.1 The application submission follows the approval in October 2013 of an extension to provide 51 additional bedrooms (13/01102/F refers). This revised application seeks consent for a two storey extension to provide 62 bedrooms (additional 60 net), an additional 11 units above that approved previously. This will provide for a total of 112 bedrooms at the hotel. The extension is proposed in materials to match the existing building, although the fenestration differs. No additional parking is provided as part of this submission. The extension is located to the rear of the building overlooking The Green.

3. **Relevant Planning History**

13/01102/F - PER - Two storey extension to existing hotel with roof accommodation to form 51 new bedrooms

4. **Response to Publicity**

- 4.1 The application has been advertised by way of a neighbour letter, site notices and a notice in the local press. At the time of writing, no representations have been received as a result of this publicity.

5. **Response to Consultation**

5.1 Chesterton Parish Council:

Once again we have no objection to this application but we would like to know the Planners are aiming to do about the increase in traffic, due to this application, Taylor Wimpey proposal (45 homes) and Hill Residential (10 homes).

5.2 Cherwell District Council:

Planning Policy – The proposed extension concerns the provision of 62 new hotel bedrooms (60 bedrooms net increase) over 2 floors attached to the northern side of the existing hotel. The proposed 2,699.5 sqm GIA will double the existing C1 floor space on site.

On 20 July 2015 the council adopted the Local Plan 2011-2031 – Part 1. The Local Plan replaces a number of the saved policies of the 1996 adopted Cherwell local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031. The policies in the Local Plan 2011-2031 and the saved policies of the 1996 Local Plan most pertinent to this planning application are set out below.

Local Plan 2011-2031-Part 1(July 2015)

PSD1 – Presumption in favour of sustainable development

SLE1 – Employment development

SLE2 – Securing dynamic town centres

SLE3 - Supporting tourism growth

SLE4 – Improved traffic connections

ESD1 – Mitigating and adapting to climate change

ESD2 – Energy hierarchy and allowable solutions

ESD3 – Sustainable construction

ESD7 – Sustainable drainage systems

ESD10 – Protection and enhancement of Biodiversity and the natural environment

ESD13 - Local landscape protection and enhancement

ESD15 – The character of the built and historic environment

Local Plan 1996 – Saved Policies

TR1 – Transportation funding

TR7 – Development attracting traffic on minor roads

T5 – Proposals for new hotels in the countryside

C8 – development in the open countryside

C14 – Countryside management projects

C28 – Layout and design

C32 – provision of facilities for disabled people

NPPF – the main paragraphs of the NPPF which apply are as follows:

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principle

Paragraphs 24, 26 and 27 – applying a sequential test for main town centre uses outside existing centres and the undertaking of an impact assessment

Paragraph 28 – Supporting a prosperous rural economy

Paragraph 29, 30, 32 and 34-36 – Promoting sustainable transport

Paragraphs 56, 57, 61-65 – Requiring good design

Paragraph 118 – Conserving and enhancing biodiversity

Paragraph 162 – Working with other authorities concerning infrastructure

Section 12 – Conserving and enhancing the environment

PPG – The paragraphs most pertinent from a Local Plan perspective are:

Paragraph: 001Reference ID: 2b-001-20140306 Ensuring the vitality of town centres

Paragraph: 010Reference ID: 2b-010-20140306 Use of sequential test in decision-taking

Paragraph: 011Reference ID: 2b-011-20140306 Locational requirements in the sequential test

Paragraph: 013Reference ID: 2b-013-20140306 Impact test

Non-Statutory Cherwell local Plan 2011

Whilst some policies within the Non-Statutory Local Plan may remain material, others have in effect been superseded by those of the Local Plan 2011-2031-Part 1. The following are the main policies which apply for this application:

T5: Tourist facilities in the countryside

TR5: Road safety measures for proposed development

TR6: Public transport

EN39: Preservation of listed buildings and the character of conservation areas

EN40: Preservation of the character and appearance of conservation areas

D3: Policy promoting local distinctiveness in design

D4: Design quality of buildings in general

Material Considerations

Cherwell Tourism Development Study 2008

The study noted in paragraph 7.4 that (at the time) additional hotel rooms in the pipeline would be sufficient to meet increased demand until 2016. Of relevance to the proposal is the acknowledgement in the study (page 32) that although there was a good range of accommodation, this was mostly small scale and there was a lack of higher quality, larger and branded accommodation. With regards to Bicester, paragraph 3.2 of the study noted that there were '.....few hotels in Bicester, and certainly nothing of sufficient quality to attract Bicester Village shoppers'.

Applicant's Information regarding current trends and existing supply of hotel accommodation

The 2008 tourism study indicated there were 19 hotels in the district all 2 and 3 stars or ungraded and proposed hotels (Premier Inn at Bicester, Bicester Golf and Country Club at Chesterton and Holiday Inn at Banbury).

These proposed hotels have since been built and the former Weston Manor Hotel upgraded to 4 Star, now The Manor at Weston-on-the-Green. There is limited high end accommodation in the district including at The Manor and the Bicester Hotel Golf and Spa at Chesterton. A resolution to approve was granted in 2014 (14/00403/F) for a town centre proposal in Bicester including a hotel.

It is acknowledged that although Cherwell may have a good supply of visitor accommodation, this is mainly 3 star accommodation including the opening of the Bicester Premier Inn in 2013. Given current hotel provision in the district, the proximity of Bicester Village and the particular type of accommodation and services provided at the Bicester Hotel and Spa, it is likely that demand levels are high as noted in the information submitted by the applicant but given the date of the latest published Tourism Study (2008) officers should seek advice from CDC's Recreation and Health Department.

Planning History

The site gained planning permission in 2013 for an extension to provide 51 new bedrooms, a net increase of 49 bedrooms (13/01102/F). Current proposal seeks permission for an extension to provide a 60 room net increase.

Sequential Assessment supporting the proposal

The applicant's sequential test identifies a number of alternative sites from:

- Sites in emerging and adopted Local Plan documents indicating hotel use
- Applicants own searches for vacant and available property
- Capacity of existing hotels to accommodate additional rooms in a multifunctional leisure/golf complex, and
- Sites with planning permission but not completed

The applicant makes use of the checklist in PPG Paragraph: 010 Reference ID: 2b-010-20140306 to justify whether the proposal complies with the sequential test and provides adequate information on the particular market and locational requirements of the proposal.

Policy Officers do not concur with the applicant's assessment of Cherwell Local Plan 2001-2031 allocations Bicester 1 and Bicester 3 as being no more sequentially preferable than the application site. Bicester 1 and 3 are intended to provide a mix of uses and infrastructure as part of planned strategic urban extensions to Bicester while Chesterton is a rural settlement. Notwithstanding this, it is considered that the applicants have looked at a proportionate number of sites district wide and investigated sufficiently the capacity of existing hotels to accommodate the type of facilities they intend to provide.

With the information available to us, we consider that it is unlikely to be a sequentially better site capable of providing accommodation of this type with associated uses including: golf, a spa, weddings etc. Also, due to proximity and the higher end accommodation offered, it will be able to respond well to Bicester Village's accommodation demand.

Impact Assessment

NPPF paragraph 26 requires an impact assessment for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan. The requirement is subject to locally set thresholds. Local Plan Policy SLE2 sets the threshold for such assessments at 2,000 sqm gross at Banbury, 1500 sqm at Bicester and 350 sqm elsewhere.

Although the proposed development would fall within the size threshold (c2,700 sqm GIA proposed), it is for a hotel (tourism development) as per the NPPF's definition of 'main town centre uses' and thus falls outside the uses identified for the purpose of paragraph 26 of the NPPF. PPG Paragraph 13 ID: 2b-013-20140306 makes clearer the intention of NPPF Paragraph 26, noting that the test does not apply to all 'main town centre uses' but relates to retail, leisure and office development. An impact test is not required for the purpose of this application proposal.

Overall Policy Observations

There is a hotel already operating in this site with the principle of an extension to the hotel established by extant planning permission 13/01102/F. However, the proposals will need to be

considered against the current planning policy framework with regards to material considerations.

The NPPF supports economic growth in rural areas including the provision of tourist and visitor facilities in appropriate locations. At the local level, Policy SLE3 supports proposals for new or improved tourist facilities in sustainable locations to increase overnight stays within the District. With regards to rural areas, paragraph B.36 of the Cherwell Local Plan limits employment growth in rural areas to schemes involving amongst other: '*sustainable growth in tourism including recreation based tourism*'. Saved Policy T5 of the 1996 adopted Local Plan considers proposals to extend existing hotels in the countryside acceptable provided they conform to other relevant policies.

The proposal is regarded as tourism development, a 'main town centre use', for the purpose of the NPPF and Policy SLE2 of the adopted Cherwell Local Plan. With regards to vitality of town centres, Policy SLE2 states that retail and other main town centre uses will be directed towards Bicester town centre and it requires a sequential approach to 'main town centre uses' with consideration given first to town centre and then edge of centre before considering out of centre locations. This proposal is in an out of town location but it is considered that the proposal satisfies the sequential test. The principle of the proposal is acceptable in policy terms but officers should consider any potential impact on:

Highway safety by traffic generation in this rural location and the adequacy of the proposed access and parking arrangements in liaison with OCC in accordance to SLE4 and saved policies TR1 and TR7.

Designated tree preservation orders, whether there are UKBAP grassland on the site and the potential biodiversity gain in accordance with Policy ESD10, Policy ESD13 and saved Policy C14.

The landscape/countryside. Policy C8 of the 1996 Local Plan should be considered in the context of Policy ESD13 of the 2011-2031 Local Plan.

Chesterton Conservation area in accordance with ESD15 and NSLP Policies EN39 and EN40.

A high quality design should be sought for this proposal.

There is no planning policy objection in principle subject to detailed consideration of transport, biodiversity, design and conservation matters.

- 5.3 Ecology Officer – the proposed extension covers an area to the North East of the current building mass, some of which already includes an area of hardstanding. There is a pond in close proximity, however, following previous applications on site for a similar extension, the question of the likely presence of great crested newts on site has been largely addressed. The agent has provided information that fish are present in the lake and that the pond is used for irrigation and is frequently dry. In addition the majority of the vegetation to be impacted by the works is already heavily managed as a golf course and such amenity grassland is less favourable as a habitat for most species.

There are however, patches of rougher grassland which are likely to be impacted during construction and by the building footprint which could affect reptiles (which are protected from killing and injury) and amphibians, therefore a precautionary method statement needs to be submitted to ensure no harm will occur to reptiles or amphibians on site during construction. This should include making rough vegetation progressively less suitable for reptiles, ensuring trenches etc. are not left uncovered, no storage of goods or vehicles within 10m of the pond side etc.

In line with NPPF recommendations there are opportunities for enhancements for biodiversity on site, in particular, for swifts given the records in the local area. A plan of proposed locations for swift bricks should be submitted to us and I would advise the applicant to liaise with the Swift Conservation co-ordinator for the area or a qualified ecologist on the best locations for their placement.

A number of conditions and a planning note are recommended.

- 5.4 Environmental Protection Officer: No objections in respect of air quality, contaminated land or noise issues.
- 5.5 Arboricultural Officer: advises that no further action should be taken in respect of the removal of the TPO'd trees from the site, but recommends that replacement planting is carried out.
- 5.6 Oxfordshire County Council:
Transport Strategy – The location of the existing Bicester Golf and Country Club and the rural character of the connecting road, Green lane, make it very challenging to access by non-car means. There are no pedestrian and cyclist facilities to link the facility with the nearby Chesterton Village or to bus services that serve this village and connect onto Bicester or Oxford. Green lane is essentially an unlit single carriageway which would be unattractive to pedestrians and cyclist wishing to access the site, largely due to perceived safety risk and the inconvenience from the lack of facilities.

The Planning, Design and Access Statement's conclusion that the proposal is 'sustainable' because there is no identified increase in traffic movements is very questionable. Sustainability should not be just determined on whether there is an impact on from traffic generation. It should be based on the availability and proximity sustainable transport infrastructure and services, e.g. footways, cycle ways and bus services. The developer's assessment fails to acknowledge access to the site by non-car means. Any extension of the hotel will generate increased travel demand from both guests and staff. Ideally, they should have a choice on mode of access, rather than being restricted to access by car or taxi.

However, OCC acknowledges that this is an established facility and that this extension proposal is unlikely to have an adverse impact on the surrounding road network in terms of trip generation. For these reasons OCC'S Transport Strategy team has no objection to the proposal.

- 5.7 Transport Development Control – The location of the hotel is not considered to be sustainable in purely transport terms. However, the hotel is an established use on the site and in the light of the National Planning Policy Framework, consideration must be given to wider sustainability issues and enabling continued growth and use of an established business and social and leisure facility.

No change is proposed to the existing access or parking arrangements. The existing accesses are suitable for the likely increase in traffic. The existing car park is underused, therefore the lack of increase in parking provision is considered acceptable. It is unlikely that overspill parking would result in parking on the highway or associated highway safety issues.

The additional rooms proposed are unlikely to generate a significant amount of traffic, or to cause severe harm to the local highway network.

It is however requested that an updated travel plan is submitted for approval to reduce trips to the site and encourage use of more sustainable modes of transport where possible.

- 5.8 Drainage – The application form states that a pond is being used to drain the proposed buildings surface water. Information is required on how this will be done and calculations need to be carried out to ascertain whether there is sufficient capacity in the pond.

The current documentation does not contain any information regarding surface water drainage and is therefore not acceptable in its current form. An assessment of the surface water drainage will be required.

- 5.9 Other External Consultees:
None

6. **Relevant National and Local Planning Policy and Guidance**

6.1 **Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

SLE2 - Securing Dynamic Town Centres

SLE3 - Supporting Tourism Growth

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD7 - Sustainable Drainage Systems (SuDS)

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

T2 – Proposals for hotels, motels, guest houses and restaurants within settlements

T5 – Proposals for new hotels, motels' guesthouses and restaurants in the countryside

C8 – sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C32 - Provision of facilities for disabled people

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Cherwell Tourism Development Study 2008

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Sequential test
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Ecological Implications;

Principle of Development

7.2 The development plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031 (Part 1). Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF).

7.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

7.4 The NPPF at paragraph 14 states 'at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking.... For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission, unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or
- Specific policies in the Framework indicate development should be restricted

7.5 The NPPF in Section 2 'Ensuring the vitality of town centres' advises that a sequential test should be applied to applications for main town centre uses. Only if suitable sites within the town centre are not available should out of centre sites be considered, and preference should be given to accessible sites that are well connected to the town centre.

7.6 Section 3 of the NPPF 'supporting a prosperous local economy' should support economic growth and 'support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities'.

Adopted Cherwell Local Plan 2011-2031

7.7 The Cherwell Local Plan has been through Examination and has been considered by Full Council. This plan has now been adopted by the Council. The Local Plan is consistent with the NPPF in that it requires a town centre first approach that directs town centre uses towards the

town centre and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.

- 7.8 Policy SLE2 of the adopted Cherwell Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth, as a destination for visitors and in serving their rural hinterlands. The policy further advises that proposals for 'Main Town Centre Uses' not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations should out of centre sites be considered. An impact assessment will also be required in accordance with the NPPF. Policy SLE3 supports proposal for new or improved tourist facilities in sustainable locations where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.
- 7.9 Saved Policy T5 of the adopted Cherwell Local Plan 1996 addresses new hotels beyond the built up limits of a settlement. It specifically states that 'proposals to extend existing hotels...will be acceptable provided they conform to the other relevant policies in the plan'.

Sequential Test and Impact Assessment

- 7.10 The submission is supported by a sequential test analysis in line with the requirements of the NPPF and the adopted Cherwell Local Plan. The purpose of the test is to ensure that the vitality and viability of town centres is supported which in turn will ensure the development is sustainable. The situation in terms of available hotel accommodation in and around Bicester remains unchanged from when the previous application was considered in 2013. There are currently no hotels in Cherwell District within an existing golf, leisure or country club complex. The hotel that is closest in terms of facilities offered is the Holt Hotel but this does not provide a golf course or leisure and spa facility on the same scale, whilst it has a greater number of bedrooms it is only 3 star rating.
- 7.11 The sequential test submission concludes that there are no suitable and available alternative sites to meet the applicant's needs either in a town centre location or an edge of town centre location, or that there are no known hotels within the District with an existing leisure or country club complex which are better located sequentially. Furthermore, this application relates to provide for the 'high end' of the market (4/5 star). It is accepted that the sequential test has been met in this case and that there are no alternative locations which would be suitable for the hotel accommodation proposed, and is therefore in accordance with the Development Plan policies above and the NPPF in respect of tourism development.
- 7.12 Under the terms of the National Planning policy Guidance, as the proposal relates to hotel use (tourism development) the impact test is not required in respect of this submission.

Design, Layout and Appearance

- 7.13 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'
- 7.14 Paragraph 61 states 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'
- 7.15 Paragraph 63 states 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally within the area'

- 7.16 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that 'control will be exercised over all new development, including conversions and extensions to ensure the standards of layout, design and external appearance, including choice of materials are sympathetic to the character or urban context of that development'.
- 7.17 The appearance of new development and its relationship with its surroundings and built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance.
- 7.18 The new two storey extension will be attached to the existing hotel on its northern side (in a similar position to that approved in 2013), and so is well related to the existing complex, and has been designed to match in terms of scale and design the existing hotel building. Whilst the current submission has been amended to indicate materials and detailing to match the existing building, the fenestration differs and the applicants have declined to amend this aspect of the submission. However, whilst this is considered to be a little unfortunate, having regard to the fact that the existing building is a modern building, and the extension is generally not visually prominent from the public domain (including the public right of way) and it will be set some distance from the boundary of the Chesterton Conservation Area, it is on balance considered acceptable, and therefore in accordance with the above mentioned policies and Government guidance.

Impact on Heritage Assets

- 7.19 The application was advertised as affecting the appearance of the Chesterton Conservation Area, the boundary of which is to the north of the golf course. However, given that the Conservation Area boundary is on the opposite side of the road, at some considerable distance from the proposed extension and with the extensive boundary planting and existing landscaping, the setting of the Conservation Area is not considered to be a constraint to the development. The proposal is therefore in accordance with the NPPF in this respect.

Landscape and Visual Impact

- 7.20 The Bicester Golf and Country Club building is centrally located within the grounds and is not readily visible from the public domain of the surrounding road network. A public footpath crosses to the west side of the building complex but it passes away towards the northwest, away from the proposed siting of the new extension. For much of the public footpath route, the existing buildings of the club house will screen the new extension. Views will be possible from the south, but being contained adjacent to the existing complex, the effect is less evident and is considered acceptable.
- 7.21 Having regard to the above, it is considered that the proposed siting of the extension is acceptable and sympathetic to its environment and will be read against the existing buildings. It is however considered that some softening of the immediate surroundings would be of benefit and a condition requiring the submission of a landscaping scheme is recommended.

Trees and Landscaping

- 7.22 There are a number of protected trees on the site which are in close proximity to the proposed extension. From the site plan submitted it appeared that the proposal will come very close to one of these groups of protected trees (TPO 1/91 refers) which included beech trees.

However, from the site inspection it was clear that these trees had been removed, and their former existence was evidenced by the tree stumps which remained. No consent has been granted for the removal of these TPO trees.

- 7.23 The removal of these trees has been assessed by The council's Arboricultural Officer who has advised that whilst the trees have indeed been removed without consent, he is of the opinion that no further arboricultural investigation is required in this matter and that the situation should now progress forward with the four felled trees being appropriately replaced within the landscaping scheme, and he suggests that this requirement should be subject to a condition. It is considered that the appropriate replacement trees should be 3 number beech (*fagus sylvatica*) and 1 number willow (*Salix chrysocoma*) planted at a suitable distance and location from the development but also as near as practicable to the original trees.
- 7.24 Having regard to the advice of the Arboricultural Officer, it is accepted that whilst the unauthorised removal of these trees is regrettable, provided they are replaced by appropriate species, their loss can be acceptably mitigated.

Highway Safety

- 7.25 The Golf and Country Club is located in an unsustainable location which is not easily accessible by any other means than by car. The submitted Planning, Design and Access Statement concluded that the proposal is sustainable as the highway consultant has identified that there will not be any increase in traffic movements as a result of the extension. This however, was not strictly correct as the Transport Statement dated July 2015 produced by Dermot McCaffery does acknowledge that the additional 11 rooms above those approved in 2013 is likely to generate an additional 76 trips per day. The submission has since been amended to reflect this.
- 7.26 Notwithstanding the above, the hotel is an established use and the increase in traffic generated above the previous permission is unlikely to adversely impact on the surrounding highway network and the car parking provision is adequate for the use. A Travel Plan is required as part of any consent to encourage access to the site by other means than just private car. This matter is conditioned.
- 7.27 Having regard to the above, no objections are raised by OCC as Highway Authority to the development and the proposal is therefore considered to be in accordance with the Development Plan and the NPPF.

Ecology

- 7.28 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.29 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and:
- 7.30 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of conservation Regulations 2010, which states that 'a

competent authority, in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those function’.

- 7.31 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex iv(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 7.32 Under Regulation 41 of the conservation Regulations 2010, it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if three strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature
 2. Is there a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species
- 7.33 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation Habitats and Species Regulations 2010 provides that a Local Planning Authority must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.34 In respect of the application site, the constraints have highlighted that there may be Protected Species, notably Common Frog, Small heath, Common Swift, Slow-worm, Common Toad, grass Snake and Common Kestrel on or within the vicinity of the site and possible UKBAP Grassland Habitat. Following the submission therefore, the applicants were requested to carry out an ecological survey. An ecological walk-over survey was carried out by AA Environmental Limited to determine the existence and location of any ecologically valuable areas and to record any evidence of protected species. The report can be read in full on the application file.
- 7.35 Whilst no species of note were found, the report makes a series of recommendations which will be incorporated into conditions. The survey report has been passed to the council’s Ecologist for comment, but these at the time of writing have not been received. It should be noted that in her initial consultation response a number of conditions are recommended.
- 7.36 Consequently, it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected or other species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and {Policies within the adopted Cherwell Local Plan in this respect.

Engagement

- 7.37 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of this application and through seeking to work with the applicant to enable them to provide sufficient information and revised plans which seek to address the issues raised.

8. Conclusion

- 8.1 Having regard to the above assessment, it is concluded that the proposal to extend the existing hotel is acceptable and will not have a significant adverse effect on the locality and is therefore in accordance with the Development Plan and Government advice as set out within the National Planning Policy Framework.

9. Recommendation

Approval, subject to the receipt of no objections from OCC as Drainage authority and the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission
Reason AR2
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Amended Location Plan received 20.08.2015; Site Plans SK.15-543-53 and SK.15-543-54; Pond Discharge Detail SK.15-543-57 received 08.10.2015; SK.15-A1-543-51 and SK.15-A1-543-52; SK.15-A1-543-55A and SK.15-A1-543-50B received 02.10.2015; Arboricultural Impact assessment dated September 2015; Ecology Report Ref 153312/JDT dated 29th September 2015; Planning Design and Access Statement received 20.08.2015; Sequential Test and Traffic information submitted as part of the application.
Reason AR4
3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone used on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building
Reason BR2
4. The materials to be used for the roof of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building
Reason BR3
5. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement to avoid harm to amphibians or reptiles during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.
Reason KR1
6. Prior to the commencement of the development hereby approved, full details of a scheme for the location of a minimum of three swift bricks/boxes on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and

prior to the occupation of the development, the nesting provisions shall be installed on the site in accordance with the approved details and retained thereafter.

Reason KR2

7. All species used in planting proposals associated with the development shall be native species of UK provenance

Reason KR3

8. C1 Submit a landscaping scheme to include details for the replacement of the TPO trees which have been removed without consent

Reason CR1

9. C2 Carry out the landscaping

Reason CR1

10. C9 Arboricultural Method Statement (AMS)

Reason CR2

11. D20 Submission of a Travel Plan

Reason DR4

12. E2 Drainage

Reason ER1

13. The extension hereby permitted shall be used only for the purpose of hotel accommodation and for no other purpose whatsoever, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason HR10

Planning Notes

PN 24 Protected Species

PN 25 Bats

PN 26 Nesting birds

PN 30 Contamination

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