

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**15 December 2016**

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*If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956*

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

15 December 2016

### WRITTEN UPDATES

#### **Agenda Item 7 16/01598/F Jacks Barn, West End, Launton**

- OCC have withdrawn their objection
- Revised wording of reason 1 4<sup>th</sup> line – delete “the proposed development” and insert “the southern portion of the development”

#### **Agenda Item 8 and 9 16/01640/F and 16/01641/LB Wroxton**

- All Members of Planning Committee have been sent a letter direct from David Lock Associates dated 13 December 2016 . This is attached as Appendix 1

#### **Agenda Item 10 16/01706/F Land SE of College Farm, Bletchingdon**

- **The description of development has been wrongly set out in the agenda papers .The correct description is set out below**

Erection of 6 No. agricultural buildings for poultry production, together with associated infrastructure of broiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond.

- The applicants agent has requested a change to one of the conditions as below

*I would like to request a change to the wording of condition 13. This condition requires the construction of 4 passing places 'prior to commencement of development'. Please can this be amended to 'prior to the development being brought into use'. Our concern is such that the section 278 will take time to secure and as worded, the condition currently prevents works starting until the applicant has obtained a section 278 and constructed the passing places. This could cause the project a long delay and commercial issues*

This is agreed and **recommended to Committee as a change from the published condition**

#### **Agenda Item 11 16/001780/F Land W of M40, Chesterton**

- Officers have received a late response from the applicant's agent to the Committee report and reasons for refusal. In summary, the applicant's

agent has provided additional information regarding the noise impact from the M40, including reference to noise levels that have been accepted at other housing sites that have been permitted adjacent the M40, and further details of the design and construction of the bund required to mitigate the noise. The latter shows that the bund would taper down in height toward the Kirtlington Road boundary. In addition the applicant's agent has indicated that they are able to provide additional information to address the third reason for refusal concerning the lack of a Flood Risk Assessment.

In view of the identified need for additional gypsy and traveller pitches in Cherwell District, which is expected to be compounded by the closure of the Newlands Caravan Site in Bloxham in January 2017 (see paragraphs 8.17 to 8.19 of the Committee report), **officers are recommending that consideration of the application be deferred** to allow for a proper assessment of the additional information supplied, and one final opportunity for the applicant to address officer's concerns with the development.

- E-mail from third party commenting as follows:-

I am aware that the period for commenting on this application has expired and therefore I am not submitting comments. However, I do have a number of questions regarding planning procedure on which I should be grateful for your response. Before setting out the questions if this email or any response to it is to be added to the documents on the planning portal please redact my email address as this is a private email address. Having reviewed the documents on the portal for the application my questions on planning procedure are as follows:

1. I have noted that the applicants have after a noise survey submitted a revised site layout. This shows a change to the arrangement of the mobile homes and caravans on the site and a proposal for noise mitigation measures which have been recommended in the applicants recently provided noise survey/report. The revised proposals appear to be materially different to those first submitted and widely commented on. As the public consultation period had closed prior to the material changes to the application what is the planning procedure for dealing with a situation where the public are denied the opportunity to comment on the changes?

2. The application is for both mobile homes and caravans (9 of each). The applicants noise survey report makes no mention of the noise conditions likely to exist within the caravans which one presumes would be worse than the mobile homes as the caravans will have less sound insulation. I have noted that the Councils Environmental Officer has also not mentioned the caravans. What is the planning procedure for dealing with this situation and what appears to be a major oversight with environmental consequences with the potential to harm the potential residents?

3. The Design and Access Statement submitted by the applicant's

agent states “the proposed caravan site can be provided with all necessary utilities”. I have noted that one of the objections to the application was submitted by the third party that provides water to the field (private supply) and they claim that the water supply is not suitable for the proposed development. My understanding is that mains water is not within the proximity of the site. Will you as part of the planning process investigate the water supply situation as this would appear to be an environmental matter with potential welfare impacts?

4. Consideration has been given to the problem of noise pollution from the M40 but there has been no consideration in respect of air pollution from vehicles on the M40 and the possible impact of such pollution on the potential residents. Given that this is a significant environmental consideration will this be considered as part of the planning procedure?

### **Agenda Item 13 16/01993/F 8 Halifax Road, Bicester**

- The applicant is unable to attend this meeting to speak in support of the application, so has provided a written representation. This is summarised below:

The applicant has responded to third party comments regarding the appearance of flats in the context, suitability of future residents, parking, bin storage, impact on neighbours, precedence and the party wall, however, these raise no new issues that are not covered by my Committee report.

### **Agenda Item 14 16/02030/F Pheasant Pluckers Inn, Burdrop**

Following the preparation of the committee report further correspondence and amended plans have been received in relation to the application at the Pheasant Pluckers Inn. The additional comments are not considered to raise any further relevant planning issues above those originally covered in the officer’s report.

- **Parish Council Response**

A consultation response was received from Sibford Gower Parish Council on 06/12/2016 (detailed below) and a subsequent response was received from the applicant which is shown in italics below.

From the records it appears that in the last ten years there have been 18 planning applications on this property and 10 appeals, together with two full-scale planning appeals. 9 of these applications have been for change of use of the property to residential use. We question whether this constitutes a vexatious abuse of planning procedures.

There have been 7 applications for building on the car park: it has been clear from this that the applicants seek to develop the car park, in order to profit from creeping development and to reduce the viability of the public

house.

Nevertheless In 2013 the Parish Council supported a retrospective application for a holiday cottage, with a condition that it was used in conjunction with the reopening of the pub (13/00116/F). We felt that, despite the application resulting from the unauthorised rebuild of a shed at a considerably larger size, on balance the result would be beneficial to the community, provided the holiday cottage remained within the curtilage of the public house and helped to encourage its reopening. The owners promptly applied for the removal of the holiday letting condition. Since then in the last three years there has been no attempt to reopen the property as a public house; on 29th September 2014 the owners were convicted of failing to comply with a valid Enforcement Order to cease to live in the property as a private house; they continue to ignore this conviction. We are informed by the Cherwell Enforcement Officer Michelle Jarvis that the current use of the property as an occasional restaurant is an illegal change of use and does not constitute a reopening of it as a public house as required. Those who have visited the premises complain of erratic opening times, the limited choice of drinks and the absence of a bar: they regard the operation as an attempt at a ruse to avoid the planning rules. We would oppose any application for a change of use to a restaurant on the grounds that the current unauthorised use is in direct competition with the existing Wykham Arms. Our information is that Cherwell legal services are considering taking action.

The Parish Council is firmly of the opinion that this application should be rejected on the following grounds:

*(Applicant) The current use of our property is A4 and we continue to open our property as that Use, if Michelle Jarvis has any concerns or evidence that we are somehow in breach of any Law then we welcome the opportunity to defend ourselves before a Jury in Court. Further I do not believe that Mr Murray should rely on Hearsay. I would also argue that Mr Murray has no personal knowledge of the internal operations of the pub and whether there is a bar in place when there clearly is. It is quite astounding for him to say that our pub is in direct competition with the existing Wykham Arms when most of the previous objections state that there is enough trade for both pubs.*

1. The development proposed is on the car park of the former public house, which has been accepted by all parties to be an intrinsic part of the curtilage of the public house in a series of Public Inquiries and Appeals from 2012 onwards (APP/C3105/C/12/2170904; APP/C3105/A/13/219074; APP/C3015/C/13/2207390; APP/C3015/W/15/3136680). In all of these it has been recognised that the car park is essential to the future opening of the public house, since without its unencumbered use the pub would find it difficult to attract business from a wider area. As such the car park was included in the successful application by Sibford Gower Parish Council in 2016 for the property to be listed as an Asset of Community Value. On 20th June 2016 a public meeting of over a hundred inhabitants of the three

villages of the Sibfords and Burdrop supported the aim of a community purchase of the property; plans for this are currently being pursued.

*(Applicant) It has NOT been recognised by any Expert that all of the car park is essential to the future opening of the Public House. The LPA have had every opportunity to gain Expert advice on whether all of our, larger than average pub car park, is essential to the future opening of the pub. I do not believe that any expert in the Country would be opposed to the addition of Letting Facilities for a rural Public House when virtually all of them encourage obtaining a Third Letting Income Stream to support Viability.*

*We have already proven that we attract 95% of our Current Trade from the existing Holiday Cottage. The proposed new structure will take up only 2 parking spaces and we have shown Mr Neville an error in the previously accepted parking spaces whereby there are actually 2 more spaces than thought before.*

*In regard to the Public Meeting:*

*The following suggestions were put forward as potential uses of our property:*

*An Old Peoples Centre*

*A Youth Centre*

*A Riding Centre*

*A Bakery*

*A Parcel Drop-Off Point*

*A Micro-Brewery*

*Not one person disputed that Licensing Records show that from 1996 until 2006 there had been at least 11 different Landlords in The Wykham Arms. This clearly demonstrates that whilst The Bishop Blaze was trading viably for that period, The Wykham Arms was obviously NOT. There is no believable reason that 11 different Landlords having invested large amounts of finance in acquiring The Wykham Arms would sell up or give back the Keys if they were trading profitably!*

*In essence it is very obvious that there is only enough trade for 1 pub in this very small village. When one is trading well the other is not, regardless of what objectors claim the Licensing Records tell a much different and factual story.*

*More importantly there is no Objection from the Highways Officer.*

2. The car park lies at the centre of the conservation area between the two villages of Sibford Gower and Sibford Ferris in a prominent position. Whereas the previous cottage was created on the footprint of an existing shed, this proposal constitutes a new building without justification in a conservation area, which would seriously affect the amenities of neighbouring properties and damage the conservation area. The proposed building is within the Sibfords Conservation Area; it does not satisfy the legal requirement 'to preserve or enhance the character of the

Conservation Area.’ Indeed the Conservation Plan for the Sibfords published in 2012 by Cherwell District Council identified the Sibford Gap between the two villages of Sibford Gower and Sibford Ferris as an essential feature to be protected against all intrusion on ‘the inherent visual aesthetic of the Sib valley’, and warned that ‘housing infill and “settlement building creep” should be resisted’ (section 8). A number of earlier historic applications to build in the Sibford Gap had already been refused for similar reasons.

*(Applicant) We have submitted very Strong Evidence and Justification that the new Building is vital for the Current and long-term viability of the public house. There is absolutely no evidence that the proposal will seriously affect the amenities of neighbouring properties or damage the Conservation Area.*

*Dr Rose Todd, the LPA’s Conservation Expert no longer has any Objection to the proposed structure. Therefore that implies that she does accept that the new Building will satisfy the legal requirement “to preserve or enhance the character of the Conservation Area”*

*The proposed Building is NOT in the Sibford Gap.*

3. The building itself is sub-standard in design and not likely to be viable as an attractive holiday letting property, since it consists of three small horseboxes without amenities apart from a shower room/toilet, facing on to a car park. Such accommodation would be more suitable for overnight stays at a motorway service station than as holiday accommodation.

We note also the recent appearance of some highly obtrusive signage within the conservation area, for which permission does not appear to have been obtained from Cherwell DC.

*(Applicant) REALLY? that is an absolutely absurd statement, bearing in mind that Mr Murray has no credentials as an Architect or any expertise as someone that knows anything about attractive holiday letting property. His insulting comments about 3 small horseboxes without amenities are obviously prompted by his script writer.*

*The proposed building itself is NOT sub-standard in design and will be extremely attractive and more importantly viable as a reasonably priced overnight stay that is not at a motorway service station; butt supports the viability of the Public house.*

*The highly obtrusive signage, REALLY does Mr Murray object to us trying to attract customers?*

4. The case for the proposal has not been made out on business grounds; indeed the incomplete accounts provided seem to have the dual purpose of proving the non-viability of the proposal in order to support their declared intention to renew an application for change of use to residential. The owners claim that the property has been on the market without success, but our information is that the asking price is too high, and that

prospective purchasers have been deterred by the owners from viewing the property.

*(Applicant) The case for the proposal has clearly been made on Business Grounds, the Current and accurate Accounts clearly show that the business is not viable and we agree that if this Application is Refused that we will certainly look at our option of re-applying for Change of Use to Residential.*

*In support of our possible re-application we have 4 Expert Valuations that are beyond question and should therefore convince any Planning Inspector that they truly reflect the Market Value of our Business. In regard to Mr Murray's claim that we have in any way deterred prospective purchasers from viewing our property, then again I think that he relies too much on his malicious script writer and that is absolutely NOT TRUE.*

**CONCLUSIONS:**

*Your senior planning officer has recommend approval.*

*Your eminent conservation officer Dr Rose Todd has no objections.*

*The highways officer has no objections*

*The LPA have not produced any evidence from a licenced trade expert*

*We have supplied Mr Nevillie with 4 expert valuations*

*We have produced overwhelming evidence that supports this application.*

*I respectfully ask the Committee to Approve our Application.*

- **Third Party Correspondence**

Further emails (received 9<sup>th</sup>, 10<sup>th</sup> and 13<sup>th</sup> of December and published on the Council's website) have been received from Mr Richard Butt (on behalf of the Bishop's Blaize Support Group (BBSG)), discussing: the viability of the public house, its sale price compared with similar other properties currently on the market and also media reports of success stories of other similar public houses being brought back into use; the applicant has subsequently responded with his own comments.

- **Applicant Correspondence**

In addition to responding to the above the applicant has also provide the following additional information:

An email detailing feedback comments made on the AirBnB website with regards to the existing holiday let cottage;

Revised floor plan and elevation drawings looking address issues previously raised by officers.

This additional information has been published on the Council's website.

The revised plans received result in condition 6 (as indicated within the officer recommendation) no longer being necessary and therefore should be removed from any decision, should permission be granted.

- **Final correspondence from applicant**

"I truly believe that my Proposal is vital for the Current and Long-Term Future Viability of this Public House. The supporting evidence that I have submitted overwhelmingly demonstrates beyond doubt the significance of



Letting Accommodation for Rural Pubs and in particular in this area.  
I believe that all Rural Publicans would welcome the opportunity to provide BnB if it was in any way possible for their premises to provide those facilities.

I have demonstrated the value of our existing Holiday Cottage and that it provides the vast proportion of our income.

The proposed 3 Letting Rooms will almost certainly return the business to profitability and should ensure that there is a future for the premises as a Public House operating as a Country Inn for generations to come.

For the last month the pub has been open both for lunchtimes and evenings as listed below:

Tuesday	12-2	6-10
Wednesday	12-2	6-10
Thursday	12-2	6-10
Friday	12-2	6-11
Sunday	12.30 until last customer leave.	

In the last 4 weeks the pub has been open for some 66 hours from Tuesdays to Fridays and has had only 1 customer and sold 1 glass of wine and zero meals.

Total Sales resulting from A4 use £4.75 or the equivalent of 7 PENCE not pounds per Hour.

I respectfully ask the Committee to consider the stress and worry that is caused by having virtually no customers for 66 hours, with the fire blazing, heating, lights and wasted food all adding to trading losses.

The Holiday Cottage and Sunday Lunchtimes has generated approximately £950 in the same last period, this probably being one of the worst times of the year for Holiday Letting.

The Income generated by the Cottage (1 room) for the last 6 Months is at least 6K.

Multiply that income by 4 and the Pub Breaks Level, add on the food and drink up sales and the pub becomes Viable”.

The applicant continues in his correspondence to cast doubt on the existence of the Bishops Blaize Support Group and therefore the validity of their comments.

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#### **Agenda Item 15 16/00541/DISC Old Place Yard, Bicester**

- **COUNTY ARCHAEOLOGIST:**  
Satisfied that the written scheme meets the requirements of condition 5. However conditions 5 and 6 were recommended by Historic England to ensure that the proposed foundation design would not impact on important

archaeological deposits and so their advice should be sought regarding the discharge of these conditions.

- No comments have been received from Historic England to date



Councillor Colin Clarke,  
14 Foscoote Rise,  
Banbury,  
Oxon,  
OX16 9XN

13 December 2016

Dear Councillor Clarke,

### **Planning Committee Meeting 15 December 2016**

#### **Best Western Plus Wroxton House Hotel – Two storey extension to rear of hotel to provide 8 no. bedrooms, reconfiguration of car park and associated works – Application Nos. 16/01640/F and 16/01641/LB**

We write to you as a Member of the Planning Committee on behalf of our clients – Gill and John Smith - to seek your support for the above proposed development at Wroxton House Hotel. The planning and listed building applications are included on the agenda for the Committee meeting on 15 December 2016 but are disappointingly recommended for refusal by officers.

#### **Proposal**

Our clients have been trying to secure planning permission for a small extension to provide 8 no. new guest bedrooms (with en-suite bathrooms) at the rear of the Hotel for about two years now. A previous, compact scheme was submitted in March 2015 but was withdrawn after objections from officers. After further discussions with officers and pre-application advice earlier in the year this led to a further review of the proposals, the design and construction of which is similar to the existing, large 20th century addition to the Grade II listed Hotel and connected by a narrow lightweight glazed link. The extension has been carefully designed to respect the Grade II listed building, the Wroxton Conservation Area and the amenities of neighbouring properties. It also enables the car park to be re-configured along with new tree planting.

#### **Long-standing commitment**

Our clients have owned and run the Hotel since 2008 and have recently been joined by their daughter, Emma, who has been away for 7 years working in 5 star hotels in Dubai. Since taking over the Hotel 8 years ago they have spent a lot of time and money improving the Hotel but there is no room for complacency or standing still in an extremely competitive market.

Indeed, with just 32 bedrooms, the Hotel is struggling to meet demand and is regularly full (on 162 nights in 2015-16) having to turn away guests/visitors and losing valuable custom. This demonstrates a clear need for more hotel accommodation as evidenced by the Hotel's own direct experience. Indeed, the

David Lock Associates Limited

50 NORTH THIRTEENTH STREET, CENTRAL MILTON KEYNES, MK9 3BP

t: 01908 666 276 f: 01908 605 747 e: mail@davidlock.com

www.davidlock.com



Cherwell Tourism Development Study (2008) and Policy SLE3 "Supporting Tourism Growth" of the Cherwell Local Plan (2011-2031) state that 'developments in this sector will be supported' to help sustain the rural economy.

This is also a key element of the Government's *National Planning Policy Framework (NPPF)*, which supports economic growth, expansion of visitor facilities and tourism in rural areas to create jobs and prosperity (Paragraph 28).

### **Hotel success**

The success of the Hotel under our clients' ownership saw it being voted Best Western 'Small Hotel of the Year, 2015' and receive other commendations such as Trip Advisor's No.1 hotel in the Banbury area. It has 3 stars, 2 rosettes for its restaurant, the AA silver award and is extremely popular with guests and visitors. However, our clients still want to improve the Hotel and its accommodation including for disabled guests.

### **Jobs**

At present, 35 people are employed at the Hotel and this would increase with extra house-keeping, receptionist and restaurant staff. It also supports many local businesses, trades and services and acts as a focus for the local community with weddings, functions, events and other activities at the Hotel.

### **Local Economy**

As the Local Plan notes, valuable expenditure associated with tourist, business and leisure stays can be lost unless sufficient accommodation is provided. The extension will help address this, meet demand and maintain the success of the Hotel. The associated visitor spend will benefit other businesses in the area, thereby strengthening the local economy.

### **Local Reaction**

The local reaction to the proposal has been extremely positive. The Parish Council support the proposal and there have been no comments or objections by local residents. No objections have been raised by consultees except by the Conservation Officer, but the Officer's comments do not pay regard to the considerable public benefits offered by the proposal (Paragraph 134 of the NPPF).

### **Planning Issues**

Officers accept that the principle of the proposal is in accordance with Policy SLE3 of the Local Plan and acknowledge that the applications are 'finely balanced' but feel that the siting, form and design of the extension is likely to cause harm to the setting of listed buildings and the Conservation Area. We disagree.

Our clients have looked at numerous options but consider the extension is in the optimum location, is a similar design to the existing 20th century extension, will



be a discrete and sympathetic addition to the much-extended Hotel and will barely be visible from Silver Street (A422). This is borne out by the Parish Council. It is also critical that the extension can (if approved) be built without disrupting the Hotel during construction as this would damage the business that our clients have worked so hard to establish. This proposal meets all these requirements.

We do not accept that the proposal will harm listed buildings or the character and appearance of the area and feel that the economic, employment, tourism and other benefits of the proposal have not been fully appreciated by Officers, which we feel are important to the local community you represent.

The proposed extension is compact, closely related to the Hotel so not 'divorced' and the design is entirely sympathetic to the listed building and its surroundings. The details of the glazed link can be covered by a condition on any approval as can construction and other details.

The proposed extension is subject to very limited and localised views and would be seen as a further modest addition to a 20<sup>th</sup> century wing to the hotel, overlapping and clearly interpreted as part of the complex of hotel buildings.

It is in the most discrete part of the site, well away from the A422, some distance from other listed buildings and set back from neighbouring residential properties. Therefore, it would be indiscernible from the modern wing, would respect the listed building(s) and integrate satisfactorily with the existing hotel.

The glazed link provides a lightweight connection to the modern wing and is a simple but effective architectural device of linking the extension to the hotel. There are similar glazed structures much closer to the principal listed building and they are not uncommon on listed buildings, often in much more prominent locations than this (e.g. Oxfordshire Museum and Café in Woodstock – see image below).





For these reasons, we consider that the proposed extension would not appear incongruous but rather as a sympathetic and respectful addition that would preserve the character and appearance of the Conservation Area, the listed Hotel and nearby listed buildings. As such it would accord with Policies C18 and C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan (2015) and numerous paragraphs in the NPPF, which support the rural economy and indicate that public benefits can outweigh any less than substantial harm to heritage assets.

We and our clients would be very grateful if you would agree with our assessment and conclusion, overturn the recommendation by officers and grant planning permission and listed building consent for the proposal when the applications are considered at the Planning Committee meeting this Thursday.

Thanking you in anticipation of a favourable outcome.

Yours sincerely

[Redacted signature]

DUNCAN CHADWICK  
Partner

email: [dchadwick@davidlock.com](mailto:dchadwick@davidlock.com)