

Case Officer: Matthew Chadwick

Applicant: Rabinder Gill

Proposal: Variation of Condition 2 (plans) of 18/01529/F - to amend the design of the extension

Ward: Fringford And Heyfords

Councillors: Councillor Ian Corkin, Councillor James Macnamara and Councillor Barry Wood

Reason for Referral: Called in by Councillor Corkin on the grounds of public interest

Expiry Date: 20 November 2020

Committee Date: 11 February 2021

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to the existing Chesterton Hotel in Chesterton. The hotel is located at the northern end of the village, to the east of the A4095 and north of the Gagle Brook. The hotel building has a relatively large footprint and is two storeys in height. The hotel currently accommodates 19 rooms. A car park is situated to the south of the building. The site has been used for weddings and other functions in the past and previously had a large temporary marquee connected to the building at the rear.

2. CONSTRAINTS

2.1. The hotel building is not a listed building and there are no listed buildings within close proximity to the site. The site is not within a Conservation Area. The southern edge of the site (the car park) is within Flood Zone 2/3. The site is on land that is potentially contaminated. The site has some ecological potential as legally protected species have been recorded within the vicinity of the site. The site has medium archaeological interest. There is a public footpath to the north of the site

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Planning consent is sought to vary condition 2 of 18/01529/F to alter the design of the function hall and kitchen extensions to the hotel. The depth of the kitchen extension would be reduced slightly, there would be alterations to the fenestration and the walls would be rendered instead of finished in natural stone as previously approved. The function hall has increased in length slightly, the amount of glazing has increased significantly, and the roof form has altered significantly.

3.2. The application is retrospective and at the time of the officer's site visit the construction phase was at an advanced stage. There is a second, undetermined application at the site (ref. 20/02643/NMA), which seeks approval as non-material amendments for changes to the finishes of selected external walls from 18/01529/F.

4. RELEVANT PLANNING HISTORY

- 4.1. There has been a long history of applications at the site, however only the following planning history is considered relevant to the current proposal:

18/01529/F - Extensions to the hotel building to provide a function hall and bigger kitchen facility with associated external works – Application Permitted

- 4.2. This application was permitted on 30th November 2018. The conditions for this application have yet to be discharged.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **13 November 2020**, although comments received after this date and before finalising this report have also been taken into account

- 6.2. We have received letters of objection from 13 households and letters of support from 16 households. The comments raised in objection from third parties are summarised as follows:

- The extension would cause harm to the character and appearance of the area due to the temporary design of the extension.
- The development would cause harm to the amenities of neighbours due to noise pollution.
- The development would overlook nearby gardens.
- The development would result in significant light pollution.
- The development would cause harm to highway safety.
- The development would cause harm to local ecology.
- Screening of the site has been removed.

- 6.3. The comments raised in support are summarised as follows:

- The development would support the jobs at the hotel.
- The development has been suitably designed and would not cause harm to neighbours.
- The development would not cause harm to highway safety.

- 6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. CHESTERTON PARISH COUNCIL: **Raises concerns** regarding the significant change in the design of the building from that which was approved and comments that suitable tree planting would be required, alongside an assessment of the noise and light levels.

OTHER CONSULTEES

7.3. OCC ARCHAEOLOGY: **No objections.**

7.4. CDC BUILDING CONTROL: A full Building Regulations application will be required.

7.5. OCC DRAINAGE: No comments received at the time of writing this report.

7.6. CDC ECOLOGY: No comments received at the time of writing this report.

7.7. CDC ENVIRONMENTAL HEALTH: **No objections.**

7.8. OCC HIGHWAYS: **No objections**, subject to conditions relating to a travel plan and cycle parking provision.

7.9. CDC LANDSCAPE SERVICES: No comments received at the time of writing this report.

7.10. CDC RIGHTS OF WAY: **No objections.**

7.11. THAMES WATER: No comments received at the time of writing this report.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. 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. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems

- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- ENV1: Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways safety
- Flooding risk
- Ecological impact
- Other matters

Principle of Development

Policy Context

9.2. Policy ESD1 of the Cherwell Local Plan 2015 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- Distributing growth to the most sustainable locations as defined in this Local Plan
- Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars

9.3. Government guidance within the NPPF encourages Local Planning Authorities to support a prosperous rural economy and notes that planning decisions should enable:

- The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Sustainable rural tourism and leisure development which respect the character of the countryside.

Assessment

9.4. The case officer for 18/01529/F considered that, given the scale of the function hall building and the number of guests it can accommodate, the function hall element of

the business would be a relatively significant proportion of the business, especially given that the hotel would only accommodate 18 rooms. The case officer did not consider the function hall use would be ancillary to the hotel and restaurant use and therefore that the site would be *sui generis* (outside of any use class). The function hall is slightly larger than that approved under 18/01529/F and therefore officers remain of the same view with regard to its use.

- 9.5. The proposal would be compliant with the NPPF insofar that the extension would facilitate the sustainable growth and expansion of an existing business within a rural area, which this would help support the goal of a prosperous rural economy.
- 9.6. Although the site is not within one of the towns of the district or the large village of Kidlington, it is within a category A village, which is defined as one of the most sustainable villages within the District's rural areas within the Local Plan (i.e. one of the larger villages which has a range of services and facilities). The site is also within relatively close proximity to the town of Bicester (under 1KM). It is therefore a relatively sustainable location for this scale of development.
- 9.7. The development consented for under 18/01529/F has been commenced but no conditions have been discharged. That said, the consent remains extant until 30th November 2021 so there remains 11 months for those conditions to be discharged and regularise that consent or, for a further (Section 73) application to be submitted to make minor modifications to the approved development.
- 9.8. Given the above, it is considered that the principle of development is acceptable.

Conclusion

- 9.9. The principle of development remains to be acceptable and the development would comply with Policy ESD1 of the Cherwell Local Plan 2015 and Government guidance contained within the NPPF.

Design, and impact on the character of the area

Policy context

- 9.10. Policy ESD15 of the Cherwell Local Plan Part 1 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.*"
- 9.11. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.

Assessment

- 9.12. Regarding the function hall extension, this element of the building would not be highly visible from the public domain given its siting to the rear of the building. The extension would also be well screened from the public footpath to the north of the site by landscaping and the existing building.
- 9.13. However, the design of the function hall has changed significantly from the approved scheme. The footprint of the extension is slightly larger, there is more glazing and the design of the roof is significantly different. The footprint of the function hall would

have a maximum length of 30m and a maximum depth of 15m, whilst the approved extension had a maximum length of 26m and a maximum depth of 16m.

- 9.14. On the southern elevation of the extension, the building as approved had three sliding windows and stone walls at both corners of the extension. On the eastern elevation, the extension had a gable with a significant amount of glazing and stone walls at the corners. On the northern elevation, the extension had a blank elevation with stone walls to match the existing building.
- 9.15. On the extension as proposed, there would be significantly more glazing on all elevations. The sliding windows on the southern elevation have been removed and there are exit doors for the extension on the northern and eastern elevations. The replacement of the masonry elements of the scheme with glazing contributes to the extension appearing more lightweight; however, in doing so the extension does not relate as well to the existing building due to the loss of the materials from which the majority of the existing building is constructed.
- 9.16. The most significant alteration is that to the roof. The roof as approved was to be constructed externally from plain tiles to match the existing building and had a pitched roof running west to east. The roof as now proposed is labelled on the plans as 'semi-permanent marquee system membrane roof'. The overall height of the roof has been reduced from that approved, but the new roof design gives the building a more temporary appearance and results in the extension having an incongruous appearance when viewed next to the existing building. The use of a significant amount of glazing and the membrane roof does not relate well to the more traditional design of the rest of the building, constructed from stone under tiled roofs.
- 9.17. The applicant has stated that the changes to the design were as a result of the COVID19 pandemic and the financial cost of building the extensions as approved. Whilst officers sympathise with this position, it is not considered an adequate reason to compromise on good design can be compromised, which is strongly supported in local and national policy.
- 9.18. Paragraph 127 of the NPPF encourages developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Policy ESD15 of the CLP 2015 is consistent with this and states that new development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. It is considered that the development would not be innovative in its design and would fail to create or reinforce local distinctiveness due to its lightweight and temporary appearance and its use of incongruous materials. It is considered that its incongruous design would cause harm to the character and appearance of the area. A temporary planning consent for the development would not be appropriate given that the proposal is for operational development i.e. rather than the siting of a temporary or removable structure.
- 9.19. The kitchen extension would be reduced in scale slightly and the materials would be altered from stone to render and brick slips. The changes to this element of the scheme are considered to be relatively minor and would not cause harm to the character and appearance of the area.
- 9.20. No further details of the landscaping have been submitted with this application. If the development were considered acceptable in all other respects then a landscaping scheme could be required by condition.

Conclusion

- 9.21. It is considered that the design of the function hall extension would cause harm to the character and appearance of the area and would fail to comply with Policy ESD15 of the CLP 2015, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Residential amenity

Policy context

- 9.22. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: *“In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted.”*
- 9.23. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: *“Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.”*

Assessment

- 9.24. The proposed extensions are sited so as to prevent demonstrable harm to neighbouring properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect and the changes proposed under this application do not affect officers' view in this regard.
- 9.25. There have been several objections raising concerns regarding the noise impact of the development. The approved scheme had sliding doors on its southern elevation which would face towards dwellings approximately 200m to the south. The proposed scheme does have slightly more glazing on this elevation but given that these are non-opening windows, it is considered that the proposed scheme would be no more harmful with regard to noise disturbance. The applicant has submitted information regarding the sound insulation for the building.
- 9.26. The Environmental Protection Officer has raised no objections. A condition was imposed on the approved scheme for the function hall only to be used between the hours of 8am to 12am and if the scheme were considered acceptable in all other respects then it would be reasonable to include this condition again.
- 9.27. On the approved scheme, a condition relating to full details of the extraction system for the kitchen extension was imposed. Again, on this application, limited details have been displayed in relation to the extraction system. Therefore full details of this would need to be requested as a kitchen so as to ensure that the odour and noise levels are acceptable.

Conclusion

- 9.28. Subject to conditions the development would not cause harm to the amenities of neighbours and would comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.29. OCC Highways as local highway authority (LHA) has raised no objections to the proposal, but this is subject to conditions. One such condition is the submission of a travel plan to limit guests to the function hall arriving via private motor car. The LHA states that the travel plan is required to alleviate the concerns in relation to the existing car park not being proposed to be expanded beyond the 48 standard and 2 accessible car parking spaces, while the hotel still providing 18 rooms, and a function hall proposed to accommodate up to 178 people and the associated staff. As Policy ESD1 of the Cherwell Local Plan (2011-2031) Part 1 notes that the LPA will deliver development that seeks to reduce the need to travel and reduce dependence on private cars, and given the LHA's comment, it is considered necessary to require this by condition.
- 9.30. Given the location of the site and its close proximity to Bicester, and if one was to grant permission, it would be reasonable to impose a cycle parking condition to promote sustainable forms of transport and alleviate congestion in the existing car park, particularly for staff and to provide another mode of transport that can be factored into the Travel Plan that is also suggested as a condition.
- 9.31. Subject to the aforementioned conditions, the proposals are considered acceptable in terms of local highway safety.

Flooding risk

- 9.32. The car park to the south of the site is partly within Flood Zones 2 and 3 (areas of higher flooding risk), but the proposal does not involve any operational development within these flood zones. Thus, it is considered that a sequential test and a flood risk assessment are not required for this application. It is therefore considered that the proposal is unlikely to increase the flooding risk on the site or elsewhere.

Ecological impact

- 9.33. Paragraph 170 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity."*
- 9.34. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of paragraph 170 of the NPPF and seeks to ensure protection and enhancement of biodiversity.
- 9.35. The Council's Ecologist has not raised comments within the consultation period. The site comprises hardstanding and mowed lawn. It is not considered that the development would have any further ecological impact than the approved scheme and therefore the development is considered to be acceptable in regard. The proposals thus comply with Policy ESD10 of the CLP 2015 and Government guidance contained within the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. For the reasons set out in this report, the proposals would result in a visually incongruous and poorly designed form of development that would adversely affect the character and appearance of the area. In terms of benefits, the development would help to support the expansion of the existing hotel business and its employment of local people. However, these are also benefits accrued through the previously approved scheme and are not specific to the current proposals in particular. Officers consider that the identified harm to the character and appearance of the area would outweigh these benefits and alternative schemes, including that

approved, yield those same benefits. The application is therefore recommended for refusal for the reason set out below.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASON SET OUT BELOW

REASONS FOR REFUSAL

1. By virtue of its design, form and use of materials, the proposed function hall extension would result in a visually incongruous and poorly designed form of development that would fail to relate to well to the existing hotel building and would adversely affect the character and appearance of the area. This harm would significantly and demonstrably outweigh the proposals' benefits. The proposed development would therefore fail to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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