

SUPPLEMENTARY INFORMATION

Planning Committee

11 October 2012

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If you need any further information about the meeting please contact Natasha Clark / Aaron Hetherington, Democratic and Elections natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589 / aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Agenda Item 17

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

11 October 2012

WRITTEN UPDATES

Agenda Items 12/00711/LB and Mallards, New St. Deddington
6 and 7 12/00732/F

- E-mail received from applicant yesterday which states

As you are aware our planning application had been due to be discussed at the committee meeting last month, but was then deferred so that a site visit can take place by the committee members, which is due to take place on the 11th October (today by the time you read this email) prior to the next Planning Committee meeting.

I would like to attend the committee meeting and the site visit at my home as I feel it important to be able to advise why I think our application should be agreed bearing in mind our neighbour has managed to get other people to object on her behalf and I understand that she used to work for the Council so I'm sure she knows the procedures better than myself. Unfortunately I cannot attend either as I cannot get out of work commitments although I have tried as I am currently in the process of closing down my business due to me wife's health. Unfortunately as advised in my planning application my wife suffers from Multiple Sclerosis and at the minute she isn't very well partly as a result of the actions of our neighbour over the planning application and refusing our legal rights of access over the driveway which is currently being handled by our solicitor.

Can I please ask that our application is deferred for another month so that I may make arrangements to be at the committee meeting so that I have a chance to have our say as our neighbour is exercising their rights.

The main concern of objections appears to be over development for the site which at just under 50% I think is harsh as we are fitting a family of 6 as we have 4 young children. No doubt you will have looked at the property directly the opposite side of the road from us that has just done an extension at 100% of site and this looks perfectly fine.

- In respect to paragraphs 5.41 and 5.42, the Council's current Ecologist has further considered the Ecology aspect of this site and has provided the following comments:

"Looking at photos of the site and surrounding area I think there is potential for a few common lizards / slow worms to be present on the land at the rear of the site. As they are not a European protected species no information on them is needed before determining a planning application. A survey for them could be made a Condition of any consent, but because the numbers are likely to be low, due to the nature of the site I would not be concerned if this was not done.

With regards to great crested newts, we have no records of them being in the surrounding area. There are ponds within 500m of the site, one within a nearby paddock and others on a golf course to the south, but from my experience they do not appear to be suitable for use by great crested newts. They are cloudy in appearance which indicates large fish and/or ducks being present, either of which would exclude great crested newts from those ponds. Our other two species of newt are less sensitive to predation and are likely to be present in these ponds, but they are not protected by European law".

Therefore taking this further advice into consideration, should Members be minded to approve the application a planning note covering protected species would suffice and paragraph 5.42 should be amended as follows and the third reason for refusal removed:

5.42 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework - Conserving and enhancing the natural environment and Policy C2 of the adopted Cherwell Local Plan.

As a consequence it is **Recommended** that the third reason for refusal should be omitted

- The Chairman has received a letter(set out in full below) from the applicant that she has been asked to bring to the attention of the Committee members

On 24th February 2012, you observed a meeting that included the following present:

Councillor Tim Hallchurch,
Bob Duxbury from Cherwell DC,
several representatives of Horton-cum-Studley Parish Council (including David Prosser, Chairman of the Parish Council),
My wife Bo Attley and myself of BA Property Management Ltd, owners of the Lodge Hotel, and our agent

Andrew Fairbairn of White Commercial Surveyors.

Following consultations with residents of the village of Horton-cum Studley, Mr Fairbairn concluded from his findings that the majority did want a shop/pub facility within the Village. The intention of the meeting was to move forward with this notion and use the Lodge Hotel as a base for this facility.

Regarding the innumerable points raised by the Parish Council (which includes the OLAG group), they are misguided and disingenuous: another "Community Scheme" is not needed as surely the Village Hall, built in 2000, fill those requirements.

Please note: This facility became direct competition with the Lodge Hotel as it was hiring out it's facilities with a fraction of the overheads required to run a hotel.

On several occasions it was suggested that we just give the building to the village, free of charge for their use. When it was offered by Mr Andrew Fairbairn at one of the OLAG meetings that they take on the facilities, it was turned down.

We have owned the property since 1975, during which time we have invested and maintained it to a 3 star standard. The Lodge Hotel has been on the market for some time, no hotelier or developer has come forward, and nobody from the village has ever approached us to buy/rent it. We are experienced hoteliers, we have also run for the last 10 years the Tally Ho Hotel in Arncliffe, and we have also been involved in Manufacturing and Contracting, (still employing many people), we can truthfully say the Lodge Hotel if reopened will continue to lose money in the present format, therefore to achieve a way of keeping a non-viable facility within a small village like Horton-cum-Studley, we propose the following:

- To renovate the bar area of the hotel and provide a shop, bar and restaurant facility which would include a new kitchen. We are willing in good faith, to do all that is necessary to reopen the premises however, once this is complete, in order for us to recoup our monies we would need to sell the land with the building plots in place.
- Also with the monies raised from the sale of these plots, we would look to convert the other hotel buildings into 5 houses; three of which would be rented for a period of 5 years to subsidise the shop, bar and restaurant.

Converting hotels into housing is not uncommon for businesses that are no longer commercially viable. We believe that the Lodge is now in that position. We think our proposal will enable the Public House, shop and restaurant to remain functional if it is subsidised by the income from the rental of the converted three houses.

- Members will see from the report that the calculated Section 106 payments sought were £66,489.86p from Cherwell District Council (see pages 78-79) and £6,166 from Oxfordshire County Council (see pages 79-81). The applicant has indicated that the scheme would not be viable with that level of payment, and has in response offered a total sum of £28,500. The HPPDM accepts that the comments about viability are correct and consequently it is recommended that the application is approved subject to first securing an undertaking to secure the revised level of infrastructure funding offered. It will be necessary for officers to conclude the apportionment of that money to OCC/CDC.