

The Oxfordshire Inn
Heathfield
Kidlington
OX5 3DX

15/02077/F

Case Officer: James Kirkham **Ward(s):** Kirtlington

Applicant: Investfront Ltd

Ward Member(s): Councillor Simon Holland

Proposal: Change of use of existing hotel accommodation to form 8No. dwellings -
re-submission of 13/01278/F

Committee Date: 18.02.2016 **Recommendation:** Approval

1. Application Site and Locality

- 1.1 The application site consists of a number of predominately two storey stone buildings arranged in a courtyard form which are currently used as hotel accommodation associated with the Oxfordshire Inn at Heathfield. They currently provide 26 hotel suites. The Oxfordshire Inn, a single storey rendered building, is located to the front of the site and has a large car park to the frontage. It includes a restaurant and bar and conferencing facilities.
- 1.2 The buildings which are subject to this application are located to the north west of the Oxfordshire Inn. Most views of the buildings from the frontage of the site are screened by the existing Inn and also Walkers Barn, which is used as 9 residential apartments (approved under 06/00955/CLUE). Heathfield is an isolated loose knit settlement with no strong character or form. Heathfield House is located immediately to the west of the site and is a nursing home.
- 1.3 The site is located within the Oxford Green Belt.

2. Description of Proposed Development

- 2.1 The current application seeks permission to change the use of the existing hotel accommodation to 8 dwellings. This would consist of 5 x 3 bedroom dwellings and 3 x 2 bedroom dwellings. The application originally proposed 9 dwellings, but this was amended and reduced to 8 by the applicant.
- 2.2 The only physical alterations to the buildings would be some minor alterations to the position of a number of doors and windows. Small courtyard gardens would be created to the rear of plots 5 to 7 with 1.5m high post and rail fencing.
- 2.3 Vehicular access to the site would be provided to the east of the Oxfordshire Inn and a new parking area for 12 vehicles would be formed to the north east of the buildings.
- 2.4 The application is a resubmission of a previous application for 9 dwellings which was approved in November 2014 under planning reference 13/01278/F.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
01/00378/F	Redevelopment of existing A3 use incorporating external alterations to adjoining ancillary accommodation and the addition of an entrance porch, staff room and wet room (as clarified by Agent's letter dated 11.04.01)	PER
04/00776/F	Change of use of building to casino in association with the licensed premises, including additional parking area.	REF
05/00383/F	Retrospective - Reconstruction of function room roof (as amended by drawing no 1732/15B received 06.04.05)	PER
08/01343/F	Erection of new build bedrooms 11-60 inclusive	DISMISSED
13/01278/F	Conversion of existing hotel accommodation to form 9 no. dwellings	PER
15/00121/F	Conversion of existing hotel accommodation to form 12 no. dwellings	PENDING

4. Response to Publicity

4.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 23rd December 2015. 1 letter of objection has been received. This has raised the following concerns:

- The proposed car park and access and associated vehicle movements will lead to noise and disturbance to the residential accommodation in the adjacent equestrian business
- Loss of view from neighbouring residential accommodation
- Potential impact on flooding as a result of the proposed new hard standing
- Additional lighting will be an eyesore in the Green Belt
- Loss of security to adjacent equestrian centre

5. Response to Consultation

Parish/Town Council:

5.1 **Bletchington Parish Council** - This area is designated for leisure use, and should remain as such. In addition, the Parish Council would like to point out that a right-turn lane is still absent on the B4027. With continuous applications for increased development in Heathfield, this should be made a priority consideration.

Cherwell District Council:

5.2 **Housing Standards** – No objections.

- 5.3 **Environmental Protection** - As long as the same conditions that were placed on 13/01278/F (of which this is a resubmission) are placed on this application, nothing further to add with regards to conditions or objections.
- 5.4 **Planning Policy** – No objections. The application should be determined in accordance with the Development Plan. The full scheme should be reconsidered in case the balance of judgement is affected by there being less ‘benefit’ associated with the loss of an affordable housing contribution.
- 5.5 **Strategic Housing** – No objections.

Oxfordshire County Council:

- 5.6 **Highways** - No objection subject to the following condition:

Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site within the site curtilage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

- 5.7 The application seeks a change of use of hotel accommodation into a 9 dwelling complex – which is an identical application considered in 2013 under planning reference 13/01278/F. The proposal is likely to have a far lesser trip generation than the current land use and therefore a less traffic impact on the local road network. There is no reference being made to the details including location of the refuse bin storage. In light of the above, the overall proposal of the application is unlikely to have an adverse impact on traffic and highway safety.

Other External Consultees:

- 5.8 **Thames Water** – No objection. There is sewerage and water infrastructure to accommodate the development.

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

PSD1 – Presumption in Favour of Sustainable Development
SLE4 – Improved Transport and Connections
BSC2 – The Effective and Efficient Use of Land
BSC3 – Affordable Housing
BSC4 – Housing Mix

ESD1 – Mitigating and Adapting to Climate Change
ESD6 and 7 – Sustainable Flood Risk Management
ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 – Local Landscape Protection and Enhancement
ESD14 – Oxford Green Belt
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

H19 – Conversion of Buildings in the Countryside
C28 – Design Control
C30 – Housing Design

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

- Planning History
- Principle of Development
- Green Belt
- Affordable Housing
- Design and Impact on the Character and Appearance of the Area
- Highways and Parking
- Effect on Neighbouring Amenity
- Other Matters

Planning History

7.2 The current application is a resubmission of an earlier approved scheme under planning reference 13/01278/F. This application was identical to the current application except for the fact that the current application now proposes 8 dwellings instead of 9 which were previously approved. The application was approved on 26th November 2014 so remains extant until 26th November 2017. Since this earlier approval the Cherwell Local Plan 2011-2031 Part 1 has been adopted. However, notwithstanding the change in the policy background, a strong material consideration in this case is that planning permission to undertake the development has already been approved and could be implemented. The other main consideration in this application relates to the provision of affordable housing which is discussed further below.

Principle of Development

7.3 Policy ESD1 states that at a strategic level the Council will mitigate the impact of development within the district on climate change by distributing growth to the most sustainable locations as defined in the Local Plan and delivering development that seeks to reduce the need to travel.

7.4 The settlement of Heathfield is not considered to be a village in its own right and as such is not covered by the policies for new housing in the villages. The site would be considered to be

open countryside. This application is therefore assessed against saved Policy H19 of the Cherwell Local Plan 1996. This policy allows for the conversion of buildings whose form, bulk and general design is in keeping with its surroundings to a dwelling provided the building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character; the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building etc. Given the fact that these buildings are still in use, are already domestic in scale and design and do not require any extension it is considered that this policy is complied with.

- 7.5 It is acknowledged that this site would not normally be an acceptable location for new residential dwellings due to its poor geographical sustainability credentials. However, in respect of the earlier application it was accepted that the existing use as hotel accommodation was not sustainable and was no longer viable. It was reasoned that this was one unsustainable use replacing another unsustainable use. Furthermore, the fact that the scheme was a conversion project, rather than a new build, weighed in favour of the proposal. The principle was therefore acceptable. The current proposal would reduce the number of dwellings, compared to 13/01278/F, and given the remote location of the site from services this is considered to be an improvement. Therefore the principle of development remains acceptable.

Green Belt

- 7.6 The application site is situated within the Oxford Green Belt. Policy ESD14 states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and PPG and will only be permitted if it maintains the openness of the Green Belt and does not conflict with the purposes of the Green Belt or harm its visual amenity.
- 7.7 The issues relating to the Green Belt remain the same as were previously considered acceptable under planning reference 13/01278/F. The NPPF advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances. However the NPPF includes some exceptions from 'inappropriate development'. These include the exceptions at paragraph 70 which allows for the re-use of building providing that the buildings are of a permanent and substantial construction and the proposals would preserve the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt.
- 7.8 Although the proposal will provide 8 new dwellings, it involves the conversion and internal alteration of existing buildings with only minor alterations to the fenestration. No extensions are proposed in order to provide residential accommodation. Therefore the actual change of use of the buildings would not have an impact on the openness of the Green Belt. However a change of use to residential can result in the need to provide private amenity space, defined through the construction of boundary fences/walls, the need to provide outbuildings and areas to park cars. Therefore it is important to consider the impact on the openness of the Green Belt. The units of accommodation that back onto the open countryside, thus having the potential to have the greatest impact on the Green Belt, already benefit from enclosed courtyards, albeit very small (3.5m in depth), but they do provide some private amenity space. The other properties that are set further within the built confines of the grouping of buildings are proposed to have new private amenity spaces. These proposed spaces are modest in relation to the size of the dwellings, proposed to be bound by post and rail fences and remain within the 'envelope' of built development, thus having a limited impact on the openness of the Green Belt. It is considered both necessary and appropriate to restrict the potential for

domestic outbuildings and extensions of domestic curtilages in order to limit the impact on the Green Belt through suitably worded conditions.

- 7.9 As with the earlier approval on the site the provision for parking for the properties is proposed for an area of land which does extend an existing area of hard standing, slightly beyond the 'built envelope' of the existing buildings. Whilst it could be argued that this results in an encroachment into the Green Belt the provision of this area of hard standing is identical to the permitted area which was considered to be acceptable under the same policy tests. When assessing the proposal against Green Belt policy contained within the NPPF and the adopted Cherwell Local Plan Part 1 (2015) it is considered that the proposal complies with the guidance and ultimately the scheme does not affect the openness of the Green Belt and as such is considered to be appropriate.

Affordable Housing

- 7.10 In the previous application for 9 dwellings on the site a Section 106 agreement was entered into to provide a financial contribution for the provision of affordable housing. This was to be calculated at a sum equal to 40% of the market value of the aggregate of 3 of the 2 bedroom properties. This was due to the fact that when the earlier application was determined the number of dwellings proposed exceeded the threshold for affordable housing contributions in the submission version of the Local Plan. An off-site contribution was sought as it was considered the unsustainable location of the dwellings would lead to potential difficulties in finding an interested affordable housing provider and so the provision of a financial contribution was determined to be a favourable solution over on-site provision.
- 7.11 Since this earlier decision the Cherwell Local Plan Part 1 has been adopted which has altered the threshold for affordable housing provision on new development sites. Policy BSC3 of the Cherwell Local Plan Part 1 now states that all proposed developments that include 11 or more dwellings (gross) or which would be provided on sites suitable for 11 or more dwellings will be expected to provide at least 35% of new housing as affordable homes on site.
- 7.12 Planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy BSC3 now forms part of the Development Plan and given its recent adoption carries significant weight in determining applications. As the proposed development is for 8 dwellings it is considered that there are no policy grounds to require the affordable housing contribution and the Council would be unreasonable in pursuing this.
- 7.13 Whilst the outstanding application for 12 dwellings on the site is noted this remains to be determined on its own merits. It is not considered that the development currently proposed (which is only one unit less than the approved scheme for 9 dwellings) is designed with an artificially low density deliberately intended to avoid this policy being applied, particularly taking into account the development consists of the conversion of existing buildings and is in a rural location. Therefore it is considered it would be difficult to argue that Policy BSC3 should be applied in this context and in view of this it is considered that the proposed development would be acceptable without an affordable housing contribution in this case.

Design and Impact on Character and Appearance of the Area

- 7.14 Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 states that development will be expected to respect and enhance local landscape character and proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute

positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.

- 7.15 The proposed development is largely contained within the existing buildings which would limit its visual impact on the wider surroundings. New areas would be provided for residential curtilages but the proposed boundary treatments are considered appropriate for the rural location being post and rail fences. It is not considered that sufficient visual harm will result from the car parking area so as to warrant a refusal of the application. One of the neighbouring residents has raised concerns over the lighting within the car park and access areas. Depending on the form and levels of luminance lighting has the potential to cause visual intrusion into the open countryside. As such a condition is recommended which requires lighting details to be provided prior to installation.

Highways and Parking

- 7.16 Policy SLE4 of the Cherwell Local Plan Part 1 states development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 7.17 OCC Highways have been consulted and have raised no objection to the application. They have stated that the proposed change of use is likely to lead to a reduction in traffic associated with the buildings. Furthermore they consider that the access to the side of the Oxfordshire Inn and provision of 18 spaces is adequate to serve the needs of the proposed development. The proposed development is therefore considered to be acceptable in this regard.

Effect on Neighbour Amenity

- 7.18 Both the NPPF and Policy ESD15 of the Cherwell Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.
- 7.19 There are some complex relationships between the existing land uses and ownerships within the vicinity of the site. For example the Oxfordshire Inn shares at least three boundaries with the equestrian centre to the west and the specific site for which the conversion applies shares a boundary with ancillary residential accommodation associated with the equestrian centre. The proposed parking area is in close proximity to the residential accommodation but is within an area already turned to hard standing with a storage container located on it. The owner of the equestrian centre has raised objections based on increase noise and disturbance from vehicles utilising the parking area. However this is not expected to be any worse than the disturbances that may arise from the existing use of the buildings and surrounding land. Given the scale of the development and the relationship with this property this is not considered to justify refusal. The previously approved development was considered to be acceptable in this regard and it is not considered that any material change in circumstances or policy exist to reach a different conclusion.
- 7.20 The owner of the equestrian centre has also raised concern in relation to security for their horses. However given that the dwellings are likely to accommodate permanent residents it would be more likely to result in increased security through more regular natural surveillance than would arise through hotel accommodation.
- 7.21 Another concern raised relates to the impacts on views from the neighbouring accommodation. However this is not a material planning consideration given that there is no right to a view over land. Given the relationship of the buildings to the neighbouring properties

and the nature of the use of neighbouring buildings it is not considered that the proposals will cause harm to the residential amenities.

- 7.22 Having regard to the similarities with the approved scheme, the proposed development is also considered to provide adequate levels of amenity for future residents.

Other matters

- 7.23 One resident has raised concerns that the area which is proposed to be used for the access and parking area has flooded in the past and the proposal could exacerbate this issue. The hard standing down the length of the access is already in situ and therefore the proposal is unlikely to exacerbate this. The enlarged area for the proposed parking areas would be constructed of permeable materials and a surface water drainage condition could be included on any consent to ensure full details of this were provided.

Statement of Engagement

- 7.24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and his agent, and has included the submission of revised plans and information during the course of determining the application. The need to observe statutory consultation periods and for the application to be presented to planning committee, following a member call-in, has resulted in the application going beyond its eight-week determination target date; an extension to the determination date has therefore been agreed with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the agent and the efficient determination of the application.

8. Conclusion

- 8.1 The proposed conversion of the buildings, loss of hotel accommodation and establishment of residential curtilage has already been granted consent in 2014. This permission is still capable of being implemented and is considered to be a material consideration as a 'fall back' position which carries significant weight in determining the current application. The Cherwell Local Plan Part 1 has been adopted since the previous consent and there are not considered to be any policies in this which would justify a more restrictive approach being taken towards the proposed development. The adoption of the Cherwell Local Plan Part 1 has however resulted in the threshold for affordable housing being raised and no longer being applicable to the scale of the proposed development. Therefore it is considered that the affordable housing contribution which was secured against the previous application is no longer justified. Whilst the proposal does differ to the approved application for 9 dwellings on the site, as it now proposes 8 dwellings, this is not considered to materially impact on the planning balance. Furthermore given the remote location of the site a fewer number of dwellings is considered to be more desirable. All other matters relating to the application are considered to be acceptable. It is therefore recommended that planning permission be granted.

9. Recommendation

Approve, subject to:

Conditions

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings numbered: SK.12-536-16C, SK.12-536-16 C17B, SK.12-536-11, SK.12-536-24A, SK.12-536-09B, SK.12-536-15B, SK.12-536-11, SK.12-536-25 A, SK.14-622-117A, SK.14-622-116A, SK.14-622-114A and SK.14-622-115A.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 3 The materials to be used for the works to the external walls hereby approved shall match in terms of colour, type, texture and appearance those used on the existing building.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the first occupation of any dwelling hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved means of enclosure, in respect of those dwellings which they are intended to screen, shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance

contained within the National Planning Policy Framework.

- 6 Prior to the occupation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for 18 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety and to ensure the provision of off-street car parking and to ensure adequate drainage of the parking area to comply with Government guidance contained within the National Planning Policy Framework.

- 9 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that visual amenities of the area and the amenity of neighbouring properties are protected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 10 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence wall or other means of enclosure (except for those approved by this consent) shall be erected on the application site unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure that visual amenities of the area and the amenity of neighbouring properties are protected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 11 Prior to the installation of any external lighting full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy ENV1 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant in a positive and proactive way as set out in the report and the decision has been made in an efficient and timely way.

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