

Application 09/01178/F	No:	Ward: Otmoor	Date Valid: 27.08.09
Applicant:	B A Property Management Ltd C/o Victor C Brown, The Studio, 7 Mill Lane, Horton Cum Studley, Oxford, OX33 1DH.		
Site Address:	The Lodge, Horton Hill, Horton Cum Studley, Oxford, OX33 1AY		

Proposal: Variation of Condition 7 of 07/02478/F. Phasing of construction of shop, hotel facilities and housing.

1. Site Description and Proposal

- 1.1 This application relates to a planning permission for 4 houses that was approved in May 2008 subject to a condition that:

“That the hotel extension permitted under planning permission ref. No. 06/01927/OUT shall be built concurrently and the houses hereby approved shall not be occupied until the hotel extension is complete and ready for use”.

That permission followed earlier resolutions to approve and a permission for combined development involving substantial extensions to the hotel and houses which were permitted to ensure the future viability of the pub/restaurant/hotel as a village facility. The planning history is recounted in more detail in the report on 09/00937/F also before this Committee.

- 1.2 The proposal is to substitute an alternative phasing arrangement for the houses and the hotel extension. The applicant proposes that Condition 7 is amended to state that the hotel extension is to be constructed in two phases: the first to comprise the construction of the first 2 houses (Units 1 and 2) and the construction of a minimum of 4 bedrooms associated with the hotel on the earlier of 6 months after the sale of the last of Units 1 and 2 or two years from completion of the construction of those units. The proposed shop is to form part of the first phase and to be complete and ready for trading prior to the occupation of the houses. The second phase to comprise the construction of the remaining 2 houses (Units 3 and 4) and the construction of a minimum of 6 further bedrooms associated with the hotel on the earlier of 6 months after the sale of the last of Units 3 and 4, or two years from the completion of the construction of these units.
- 1.3 The application is accompanied by confidential documents setting out the financial situation relating to this proposal. However, the documents supplied are considered to be of limited value as they lack the apparent robustness in forecasting necessary to demonstrate that the revised phasing will ensure the future viability of the business.
- 1.4 This application should be considered alongside the current applications for the revised proposals for the hotel extension (09/00937/F) and the shop (09/00936/F) which are also reported on this agenda, and the contents of those reports are also relevant in considering this proposal.

2. Application Publicity

- 2.1 The application was advertised by individual letters to neighbouring properties and by site notice. The final date for comments was 30 September 2009.
- 2.2 Two letters of representation have been received from local residents who comment that:
- The applicant is now seeking to separate the building of the houses from the hotel extension.
 - Three storey houses are not in character with The Green.
 - Overdevelopment.
 - The hotel is not needed or wanted within the village.
 - If the public house is not profitable during prosperous times, how is it expected to be during a recession.
 - Allowing the houses to be built given the danger of the hotel never being extended.
 - Anger and frustration from this proposal running on for years.
 - Previous emphasis on 23 bedrooms needed to return hotel to profitability, but this application invalidates the previous rationale.
 - With only 4 and then 6 bedrooms proposed no need to build 4 large houses if no longer seeking to fulfill previous scale of development.
 - Draws attention to the long-term desire of this applicant for residential development on this site.
 - Developer is using the current financial downturn as a pretext to significantly alter the conditions of the existing planning approvals. The economy will recover in time. To accede to the request will seriously weaken control of what is already a highly contentious project. It would completely change the emphasis of this project, replacing a strategy to return the hotel to profitability, with a drive to build houses at any cost.
- 2.3 Some of the representations received with respect to 09/00937/F also express concern about the phasing of the hotel and houses.

3. Consultations

- 3.1 Horton-Cum-Studley Parish Council comments awaited (due to be considered by them on 08.10.09).

3.2 Oxfordshire County Council (as Local Highway Authority) raise no objections.

4. Relevant Planning Policies

- 4.1 South East Plan Policies SP5 (Green Belts)
 CC6 (Sustainable Communities)
 TSR2 (Rural Tourism)
 CO4 (Green Belt)
- 4.2 Adopted Cherwell Local Plan Policies GB1 and S28.
- 4.3 Non-Statutory Cherwell Local Plan 2011 Policies GB1, GB1a and S25

5. Appraisal

- 5.1 It should be recalled that four houses in this Green Belt location are contrary to Green Belt policy which is restricted to infill development defined as the development of a small gap in an otherwise built-up frontage suitable for the erection of one or two dwellings. South Area Planning Sub-Committee's decision in May 2005 to agree (contrary to recommendation) with the four houses was part of a package where the money from the housing development would fund the provision of a large (19-bed) extension to the hotel which would in turn secure the future well-being of the hotel/pub/restaurant, which is the last facility in the village. That rationale was carried forward through the 2006 and 2007 applications. The phasing was simple. As set out in Para 1.1 above the houses and the extension were to be built simultaneously. The current proposal is to deliver the hotel extension in 3 phases, (i) 4 bedrooms and the shop (ii) 6 bedrooms (iii) the remaining 13 bedrooms (it is not specified whether this would be in one phase or in further sub-phases). It should be noted that the proposed condition only relates to the first 10 bedrooms and in a worse case scenario could take in excess of five years. There is therefore no certainty that the full scheme will ever be completed. This causes the Head of Development Control and Major Developments to have severe concerns about whether the benefit of securing the future long-term viability of the business will be delivered.
- 5.2 It is possible to draw from the confidential financial situation report from the applicant's agent that the downturn in the economy has reduced the value of the housing site by 50% and that even the cost of building/equipping the first 10 bedrooms will be more than double the value of the housing site. The applicant indicates that ideally he would wish to build the whole development, but that any increase in the number of rooms will improve the financial situation of the business. The applicant's accountant has estimated that the construction of 10 bedrooms will allow the business to break even/make small profit. It is also noted that additional bedrooms will enable the hotel to be more effective in the conference/wedding sector, further improving the viability of the business. It is also explained that the delay in utilising previous consents has been caused by issues concerning covenants, causing the submissions of revised applications. The applicant has given assurances that all funds raised from the sale of the housing sites will be invested in the construction of the hotel facilities. Finally they indicate that if these phased development proposals prove unacceptable they would have to consider

cessation of trading and closure.

- 5.3 Notwithstanding the above comments from the applicants the Head of Development Control and Major Developments considers that there is a substantial risk that the hotel extension will not be built in its entirety and that therefore the approval of housing contrary to policy will not achieve its stated aims of securing the long-term future of the facility for the village through the funding of the extensions.

6. Recommendation

Refuse on the grounds that:

The amended phasing of the provision of the hotel accommodation introduces significant uncertainty into the construction of the majority of the proposed hotel extension contrary to the reasons for the original grant of planning permission for the houses (which are contrary to normal Green Belt policy), that decision being taken to ensure the future long-term viability of the hotel/pub/restaurant business. The houses would therefore represent inappropriate development in the Green Belt that is contrary to Policy CO4 of the South East Plan and Policy GB1 of the adopted Cherwell Local Plan and the very special circumstances case now advanced is no longer sufficient to outweigh the normal strong presumption against such inappropriate development.

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