

Application No: 09/00937/OUT	Ward: Otmoor	Date Valid: 13.07.09
Applicant:	B A Property Management	
Site Address:	The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford	

Proposal: Extension to hotel to form 23 additional bedrooms, ancillary facilities, car park and access

1. Site Description and Proposal

- 1.1 This application seeks outline planning permission for the extension of the public house/restaurant/hotel complex which is centrally located within this Green Belt Village. This site has a complex planning site history (see Section 5 below). The proposal seeks consent for a two storey extension across the back of the existing building and a three storey wing to the rear of that, at right angles to the main building stretching to and partly incorporating an existing two storey annex building to the rear. A car park for 48 cars is proposed further to the south. The four houses adjacent, approved in 2008, will be separated from the hotel extension by the access road to the car park.
- 1.2 The proposed extension is proposed to be built in phases, the initial phase being the 3 storey section at right angles to the rear of the existing hotel. All of the shell of this part of the building would be built, but only the ground and part of the first floors would be fitted out as the new lobby and bedrooms.

2. Application Publicity

- 2.1 The application has been advertised by individual letters to neighboring property and by site notices. The final date for comment was 21 August 2008.
- 2.2 Letters of representation have been received from six local residents who object to the proposals on the following grounds:-
 - Large scale proposal out of character with village
 - Loss of light to properties in The Green
 - Loss of view to Green Belt and Studley Priory from properties in The Green
 - Will allow hotel to become conference facility increasing noise pollution especially at night
 - The green roadway is small and unsuitable to serve the development, and will cause a hazard to children playing
 - Junction of The Green with main village that is busy and adjacent to school bus stop
 - Road forms pedestrian access to village hall
 - Light pollution from bedrooms
 - Competition to village hall for events such as wedding receptions to the

detriment of the funding of the hall

- Lack of demand for extra bedrooms – hotel rarely full
- Anticipate extended time span for construction
- Car parking encroaches into Green Belt – why so much?
- Need for comprehensive assessment of all elements of the proposal
- Disagree with enabling concept of house
- Overlooking and loss of privacy
- Expressing concern that the funding arrangements are complicated and long winded causing long term blight to adjacent properties
- No up to date business cards made
- Concern about protected species on land nearby
- Overdevelopment and overdomination of properties on The Green
- Loss of wall to The Green frontage
- Need for a shop is questionable
- Amount and type of development may encourage CDC to reclassify Horton-Cum-Studley from current 'C' classification
- Temporary financial downturn should not be taken as reason for restructuring the previous linkage arrangements for timing the construction of the houses and hotel extension
- Seeks use of Section 106 powers to prevent any further development of this site

- 2.3 The Oxford Green Belt Network express concern about the mass of the proposed extension, its impact upon the openness of the Green Belt and about the size of the proposed car park. The 3 storey block linking the annex will create a structure which is out of keeping in this sensitive Green Belt location in their opinion they say it will cut out existing views and does not seem very neighbourly. There appears to be a large element of enabling development tied up with what is proposed and there is a real prospect, in their opinion, that the development will drag on in a piecemeal fashion for a long time and that the construction will be detrimental to living conditions for nearby properties.

3. Consultations

- 3.1 Horton Cum Studley PC report that they were equally split in their opinions on this proposal, with 2 members in favour (but expressing concerns about overdevelopment and traffic but want to support a pub and shop in the village), whilst 2 members object to the proposal on the grounds of overdevelopment, traffic affecting safety of pedestrians going to the hall/playing fields/school bus stop, Green Belt, loss of privacy and light pollution.
- 3.2 The Council's Environmental Protection Officer comments that there are unlikely to be land contamination issues but recommends a planning note.
- 3.3 The Council's Ecology Officer has requested that submission of a survey for great crested newts and other reptiles which may use the rough grassed area at the southern end of the site as foraging areas from known habitats nearby. A reptile survey has been requested.
- 3.4 Oxfordshire County Council has raised queries concerning the amount of parking provided, but has latterly confirmed that they raise no objections.

4. Relevant Planning Policies

- 4.1 South East Plan – Policy SP5 (Green Belts); CC6 (sustainable communities); TSR2 (rural tourism); TSR5 (tourist facilities) and C4 (Green Belt)
- 4.2 Adopted Cherwell Local Plan – Policies GB1, S28, T2, T5, C2
- 4.3 The non-statutory Cherwell Local Plan 2011
The following policies are relevant – Policies, GB1, GB1a, S25, T2 and T5

5. Appraisal

- 5.1 The principal issues in this case are
- (i) the history of planning applications on this site, and the state of variations in this case
 - (ii) Green Belt policy and the very special circumstances case
 - (iii) Tourism policy
 - (iv) Impact upon residential amenity
 - (v) Traffic matters
 - (vi) Biodiversity matters

5.2 Planning History

- 5.3 The applicant has submitted a series of applications since 2004 these are summarised below:-

- 04/02395 Resolution to approve in May 2005 for extension to hotel to form 19 bedrooms and construction of four town houses with associated parking (contrary to recommendation) subject to departure procedures and the applicants entering into a legal agreement to ensure the provision of the intended shop. The Secretary of State did not call in application. Legal agreement drafted but not completed (overtaken by next application)
- 06/00537/F Planning permission granted in June 2006 for extension to form 23 bedrooms with 4 detached houses/garages subject to legal agreement re provision of shop.
- 06/01927/OUT Outline planning permission granted in December 2006 for 20 bedroom extension to hotel, shop/PO and 4 dwellings. This revised scheme had the extension and houses in a much tighter grouping near the rear of the existing hotel.
- 07/02478/F Planning permission for 4 detached houses approved in May 2008. Variation on the siting of the houses originally submitted as reserved matters is reserved matters pursuant to 06/01927/OUT, but cannot be

treated as such because siting was not a reserved matter.

- 09/00549/F Proposal for 5 dwellings. Application withdrawn.

- 5.4 This application is also accompanied by two others 09/00936/F for the erection of an extension to the front of the hotel/public house a shop unit and an application which seeks to vary the condition placed upon 07/02478/F which provided the timing of the linkage between the hotel extension and the houses (09/01178/F) (see separate reports). These three applications should be assessed as a complete group explaining the applicant's intentions.
- 5.5 It will be noted that following the overturn of recommendation in May 2005 the principal of a substantial extension to the hotel in part funded by the enabling development of four houses has been accepted by the Council. Those decisions were based on the perceived need for the Council to assist the applicant in the taking of exceptional measures to ensure the future continued provision of a public house/restaurant as a much needed facility for the village. The schemes have also sought to re-provide a shop for the village following the closure of the previous shop approximately 4 years ago.
- 5.6 The June 2006 approval (06/00537/F) gave detailed planning permission for a 3 storey wing extending at right angles from the rear of the hotel along the frontage to The Green. The top floor was shown accommodated within a mansard roof, and was no higher than the existing hotel. Windows on the west elevation, facing the properties in The Green were limited to bathrooms or corridors. The later outline planning permission (06/01927/OUT) showed the bedroom extension on a 3 storey structure parallel to and adjoining the rear of the existing hotel, with the houses also close in to the rear of the hotel.
- 5.7 As described in para 1.1 above this proposal is further variation with the 3 storey wing centrally located on the rear of the hotel, extending at 90 degrees. It will reach further south than previous proposals, but will be set further away from the rear of houses in The Green, and will be partly shielded from them by the intervening new houses proposed. Illustrative plans of the new proposal have been provided together with a composite elevation showing both the proposed hotel extension and the approved houses. These will be shown at committee.
- 5.8 **Green Belt Policy and the very special circumstances case**
- 5.9 The approved Green Belt washes across the village of Horton-Cum-Studley. In 2005 the HDPS advised that in his opinion the proposal to construct nineteen bedrooms and four houses was inappropriate development which was contrary to Green Belt policy. That recommendation was not accepted; the Members considered that on balance the need to ensure the future viability of this last facility in the village outweighed the normal presumption of refusal. That application was advertised as a departure but the Secretary of State chose not to intervene. The early 2006 application was deemed therefore to not need departure procedures as this was largely of the same scale and nature. The later 2006 application had even less intrusion into the Green Belt.

- 5.10 In this proposal the scale of the development is similar to the 2005 and 2006 cases, and does not have any worsened impact upon the openness of the Green Belt or its objectives. It of course remains inappropriate development as defined in PPG2 and therefore should be refused unless the very special circumstances case is sufficient.
- 5.11 The third application (09/01178/F) in this package of proposals is to change the phasing arrangements for the houses relative to the hotel extension (see report). It will be noted that the HDCMD has concluded by recommending refusal of that application on the grounds that the amended phasing introduces significant uncertainty into the undertaking of the majority of the hotel extension thereby undermining the reason for the original grant of planning permission for the houses, which was to ensure the long-term viability of the hotel/pub/restaurant business. In the applicant's design and access statement accompanying this application the same rationale as previously is used as the very special circumstances why this permission should be granted. In your officers opinion however, as the proposed phasing arrangements only guarantee the provision of 10 bedrooms, and even that is in a phased way, the future economic well-being of the business cannot be assured and therefore the very special circumstances case that was previously accepted is seriously weakened. It is considered that the very special circumstances case no longer outweighs the strong presumption against this form of development in the Green Belt, and that the proposal should be refused planning permission.
- 5.12 **Tourism Policy**
- 5.13 Policy T2 of the Cherwell Local Plan and of the NSCLP indicates that within the build up limit of a settlement provision of new hotels will generally be approved provided they comply with other policies of the Plan (the newer policy specifically notes that the development should be compatible with the size and character of the settlement and should not lead to excessive traffic or environmental impact in the locality). The adopted Local Plan is silent about extensions to existing hotels either in the countryside or in a settlement. The NSCLP notes that extensions to existing hotels in the countryside will be acceptable subject to considerations about scale and impact on the countryside. Whilst neither policy set is a complete match for this situation, it is clear that if the assessment is that the scheme is acceptable on traffic, scale and countryside impact terms then such a scheme can be in line with the tourism policies of the Local Plan. The other issues are addressed below.
- 5.14 **Impact Upon Residential Amenity**
- 5.15 The main issues under the heading are
- Scale and over domination
 - Overlooking
 - Disturbance from access and use of car park
 - Design
- 5.16 The scale of the outline proposal to extend the hotel is as that approved in mid 2006 (that permission was just lapsed (June 2009)) it will be located further away from the houses in The Green and therefore will be less imposing upon them, although it

will be nearer to the houses in the east, but the nearest property is in the ownership of the applicant, and those further away have screening on their boundaries.

- 5.17 Despite the increased distance of the extension from the properties in The Green there may be an increased incidence of overlooking, as previously no bedroom had west facing windows. The windows in west facing bedrooms in this proposal are approximately 35 metres from the nearest houses. The east facing windows are however, only 13 metres from the boundary. This could be a concern if the adjacent house were in separate ownership/occupation, and if they were to be anything other than corridors/bathrooms. This could be ensued at a later time. There will be overlooking of the rear of one of the new houses proposed at short range. This is unfortunate but cannot be avoided in the current layout. Any occupier of this property would be aware of this relationship however.
- 5.18 The route of access to the car park remains close to the rear of the hotel and no additional disturbance is anticipated.
- 5.19 The design of the building is a reserved matter for later consideration. However, the illustrative plans submitted show a 3 storey building with the top floor within a mansard style roof. Whilst not following the pattern of the adjacent building this will keep the overall height of the building lower, whilst maximising the use of the top floor and therefore minimising the footprint. In this location, screened from view to some extent by the approved houses, this is considered acceptable. It follows the design concept of the previously approved scheme. The HDCMD has a concern about how this mansard design will adjoin the existing gable and rear roof slope, but this can gain be addressed at the reserved matters stage.
- 5.20 **Traffic and Parking**
- 5.21 The traffic generation will not be altered from that considered in 2006, with the same level of facilities proposed. The previously approved car park only showed 29 spaces access off The Green, with the existing parking to the frontage remaining. The current proposal has a car park with 48 space to the rear and 12 to the frontage, some set aside for the shop. This growth in car parking provision should ensure that there are no on-street parking issues which otherwise may interrupt the free flow of traffic in The Green or Horton Hill.
- 5.22 **Biodiversity Matters**
- 5.23 A reptile survey has not been provided. The Council cannot therefore be assured that protected species are not going to be detrimentally affected by this proposal.

6. Recommendation

Refuse on the following grounds:

- 1. The hotel extension and associated car park are inappropriate developments in the Oxford Green Belt. The Local Planning Authority consider that this**

scheme, with the phasing proposed, will not ensure the future economic viability of the business and therefore the retention of this facility for the village, and that therefore the very special circumstances advanced do not outweigh the strong presumption against inappropriate development in the Green Belt. The proposal would therefore be contrary to Policy CO4 of the South East Plan and Policy GB1 of the adopted Cherwell Local Plan.

2. The applicant has failed to submit a reptile survey, as requested, and therefore the Council cannot be satisfied that the development will not cause harm to the habitat of a protected species and therefore the proposal is contrary to Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

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