

Application No: 10/01021/F	Ward: Otmoor	Date Valid: 05.07.10
Applicant:	B A Property Management Ltd, c/o Victor C Brown Architect, The Studio, 7 Mill Lane, Horton cum Studley, Oxford, OX33 1DH	
Site Address:	The Otmoor Lodge, Horton Hill, Horton cum Studley, Oxon, OX33 1AY	

Proposal: Variation of condition 7 of 07/02478/F. To permit the project to be constructed in two phases.

1. Site Description and Proposal

1.1 This applications relates to a planning permissions 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 for 4 houses which were permitted to ensure the future viability of the pub-restaurant/hotel as a village facility. The planning history of the site is recorded in more detail below in Section 5 of the report.

1.2 The proposal is to substitute an alternative phasing agreement for the houses and the hotel extension. The applicant proposes that condition 7 is amended to state that the development will be undertaken in two phases

- First phase will comprise the construction of house units 1 and 2, the proposed shop (approved under ref no 09/00936/F), ten bedrooms and hotel facilities as identified in red on the submitted drawings.
- The second phase would comprise house units 3 and 4 and the remaining hotel bedrooms and facilities as identified in blue on the submitted drawings.

All of the first phase will be built concurrently, and likewise all of the second phase would be built concurrently.

2. Application Publicity

2.1 The application has been advertised by individual letter to neighbouring properties and by site notice. The final date for comments was 11 August 2010.

2.2 Eight letters of object have been received from local residents who comment that (in summary)

- Reworking of previous application for phasing that has been previously

refused – attention drawn to reasoning of previous refusal.

- Hotel currently closed – is there a need for the development?
Rationale behind original permission floored – still no shop after 5 years.
- Succession of applications each proposing a larger and more intrusive development.
- Applicant originally contended that 20 bedrooms necessary for viability – now only half that number could be provided initially with no timescale governing the provision of the remainder – uncertainty covering completion of the hotel/return to viability.
- Adjacent properties blighted by threat of high density development.
- Adverse impact upon residents of extended construction through phasing.
- It should be got on with rather than continuing to string out the planning/construction process.
- Phasing draws into question the pretext for the original approval and seeks reconsideration of the scale of development allowed.
- If permission is granted the permission should include strict stipulations on the provision of the facilities, specifying extent, opening hours and a requirement that they are maintained for a significant duration.

3. Consultations

- 3.1 Horton cum Studley PC are unanimously opposed to this application. They are dismayed that the covenant that they lifted 3 years ago in consideration for the continued provision of a village shop and pub has simply not materialised. They say that they now find themselves in the position where the economic conditions in which the covenant was lifted have changed beyond recognition. Not only have villagers had to make other arrangements with regards to shopping but the applicants original business plans have also been amended to fit economic opportunities, and continue to do so. They say they have no shop and the provision of a pub has now been withdrawn and closed for months. They consider they must oppose this proposal which has no relation to the original applications and involves two stage development.
- 3.2 OCC (as local highway authority) raise no objections subject to the continuation of the previous conditions.

4. Relevant Planning Policies

- 4.1 Adopted Cherwell local plan policies GB1 and S28.
- 4.2 Non-statutory Cherwell Local Plan policies GB1, GB1a and S25

5. Appraisal

- 5.1 The principal issues in this case are:-
- i) the history of planning applications/decisions on this site
 - ii) Green Belt policy and the very special circumstances case originally advanced.
 - iii) impact upon residential amenity
- 5.2 Planning History

The planning history of applications/decisions can be summarised as follows:-

- 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.
- 09/00936/F - Planning permission granted for single storey shop extension to front of existing building.
- 09/00937/OUT - Planning permission refused for amended design for extension to hotel to form 23 bedrooms.
- 09/01178/F - Planning permission refused for variation of condition 7 of 07/02478/F re phasing of construction of shop, hotel facilities and housing. The reason for refusal was that:-

“The amended phasing of the provision of the hotel accommodation introduces uncertainty into the construction of the majority of the proposed hotel extension undermining the reasons for the original grant of planning permission for the houses (contrary to normal Green belt policy), which decision was taken to ensure the future long-term viability of the hotel/pub/restaurant business. The houses would therefore represent inappropriate development that is contrary to Policy CO4 of the South East Plan and Policy GB1 of the adopted Cherwell Local Plan; the previously expressed very special circumstances are diminished to the extent that they are considered to no longer outweigh the normal strong presumption against such inappropriate development”

- 09/01697/REM – Reserved matters approval given to design of extension to form 20 bedrooms and ancillary facilities, shop and post office and 4 dwellings.

5.3 Obviously the most significant of the above applications to the determination of this application is that considered for a similar description proposal which was considered by the Committee in October 2009 09/01178/F above. I attach as annex 1 the report on that application. It will be seen from para 1.2 of that report that the proposal phasing was quite different.

5.4 Impact upon previously advanced Green Belt case

In the appraisal section of the report on Annex 1 it will be noted that the HDCMD considered that there was a substantial risk that the hotel extension (which was proposed in 3 or 4 stages) would not be built in its entirety and that therefore the approval of housing contrary to policy would not achieve the originally stated aims of securing the long-term future of the facility for the village through the funding of the extensions.

5.5 This proposal simplifies the phasing and simplifies the build process and the ability to continue to trade throughout. The first phase provides the shop (in the prominent frontal position approved in 2009) and 10 bedrooms, together with two of the dwellings allowed under the 2007 provision. As noted in para 5.2 of Annex 1 the applicants estimate that the construction of 10 bedrooms will allow the business to break even. There is undeniably still a risk that phase two of the development will not occur but the applicants have indicated that with this phasing it will make arrangements of appropriate funding simpler and achievable. They also have indicated that they wish and intend to move straight onto phase two.

5.6 Given the continued economic climate your officers consider that it is appropriate for the Council to reconsider its position in the light of this revised phasing proposal. Whilst acknowledging the continued risk of the full development not occurring, and therefore the facility not returning to the full economic health originally proposed it is considered that the Council should appeal this proposal and thereby support this local business, which will therefore continue to provide the best commercial shop/pub/restaurant/hotel facilities in the village.

5.7 Impact on residential amenity

As the development is unchanged the impact of the finished development is as previously considered acceptable under 07/02478/F and 09/01697/REM. The local residents draw attention to their perceptions that they will suffer on-going construction activities and disturbance/disruption as a consequence of the division of the development into two phases. In response we consider that the scheme is readily divisible without undue extra build time caused by the sub-division. Whilst there may be a break in construction the actual build periods shall be similar, and there is no reason to suppose that there will be undue problems during an interim cessation. It is recognised that the planning phase of this proposed development has been protracted and unsettling due to the uncertainty attached to a scheme varying regularly, but approval of this will enable a prompt start on site.

5.8 If this application is successful the applicant's attention has already been drawn to the need to amend Condition 5 of 06/01927/OUT, which contains a similar phasing condition, and to consider the implications for the Section 106 agreement re facility provision which exists.

6. Recommendation
Approval, subject to:-
i) the applicant entering into a legal agreement concerning the maximum cessation of works between phases 1 and 2 of the hotel extensions and the physical treatment of phase 1 in that eventuality.
ii) the following condition;
1) That the part of the hotel extension permitted under planning permission references 06/01927/OUT and 09/01697/REM and 09/00936/F are shown in red

on the drawings submitted with this application shall be built concurrently with houses 1 and 2 permitted under 07/02478/F and that thereafter that part of the hotel extension permitted under the above permissions and shown in blue of the drawings submitted with this application shall be built concurrently with houses 3 and 4 of the houses permitted under 07/02478/F. Neither of the houses in each phase shall be occupied until the related phase of the hotel is complete and ready for use.

Reason: to avoid only the houses being built, which were only approved in 2006 on the basis that they will assist in the funding of the construction of the hotel extension and thereby help return the village facility in accordance with Policy S29 of the adopted Cherwell Local Plan.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits and whilst the proposal does not accord with Policy G4 of the Oxfordshire Structure Plan 2016 and Policy GB1 of the adopted Cherwell Local Plan, it is only a relatively minor variation on planning permissions 06/00537/F and 06/01927/OUT, and the continued facilitation of the retention of the public house hotel and reinstatement of the shop/post office outweigh the normal presumption against development in the Green Belt. For the reasons given above and having regard to all other matters raised, the Council considered that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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