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2 October 2024

Our Ref: SZG/2568/2157568/365/SG  
Your Ref: 24/02058/F

Dear Sir/Madam

**24/02058/F – PLANNING OBJECTION. APPLICATION BY LNT CARE DEVELOPMENTS FOR THE PROPOSED ERECTION OF A TWO STOREY BUILDING TO FORM A 66NO. BEDROOM CARE HOME FOR OLDER PEOPLE WITH PARKING, ACCESS, LANDSCAPING AND ASSOCIATED GROUND WORKS ON LAND TO THE NORTH OF ANNIVERSARY AVENUE, GRAVEN HILL, BICESTER, OX25 2BF (“THE LNT PROPOSAL”)**

We write on behalf of LNT Care Developments Limited (“LNT”) in response to the objection to the LNT Proposal made by Knights PLC on behalf of Graven Hill Development Company Limited (“GHDCL”) (“**the Objection**”).

The ownership structure of GHDCL referenced in the opening paragraph of the Objection and towards the bottom of the first page is not a material planning consideration: it cannot be considered by the local planning authority in determining the LNT Proposal. We presume it has been included with the intention to influence the local planning authority, which is inappropriate. It must be disregarded to avoid any suggestion of bias.

The receipt of the Objection was somewhat of a surprise to our client given that GHDCL has to date been assisting with facilitating the LNT Proposal. GHDCL were in regular contact with LNT throughout its contract negotiations relating to the acquisition of the property to which the LNT Proposal relates and were in direct conversations with LNT in relation to supplying fill material for the proposed development as well as varying title documents to facilitate the LNT Proposal. We acknowledge this point is not a material planning consideration, but we consider it is useful context.

The local planning authority should not solely rely on GHDCL’s interpretation of the points of law raised in the Objection. Before determining the LNT Proposal we strongly recommend that the local planning authority take their own legal advice.

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We note, however, that no evidence has been provided by GHDCCL in support of the figures they have included in their letter, the figures are themselves inconsistent and we expect they are likely to be out-of-date.

The local planning authority is required to consider each application it receives on its own merits and take into account the significant benefits of the LNT Proposal, and it is not appropriate to include a condition which would prevent commencement of the LNT Proposal unless and until a certain stage was reached on the wider Graven Hill site. The LNT Proposal is for a purpose built, 66 bed care home, with each room benefitting from its own dedicated wet room facility. There is a clearly demonstrated under-provision of such facilities within the local area and we therefore expect that the local planning authority should focus on the benefits that the LNT Proposal will bring to the local community by assisting in addressing that existing under-provision.

In any event, we note that, in the Objection, GHDCCL focus on the risk to the Phase 1 Permission (as defined in the Objection). We further note that, GHDCCL do not object to the principle of C2 development within the area currently earmarked for public open space, rather the Objection relates to the timing of development. On that basis, we would suggest that the most appropriate way to address the issues raised by the Objection is for an amendment to be made to the Phase 1 Permission to remove the area for LNT's development from land within the Phase 1 Permission as part of the "renewal" application which GHDCCL identify is necessary (or perhaps even as part of the determination of the Phase 2 Permission (as defined in the Objection) if this provides an appropriate mechanism to do so).

With regard to other matters raised in the objection, we would comment as follows.

As detailed in the Noise Assessment report, Sport England document 'Artificial Grass Pitch (AGP) Acoustics C Planning Implications, presents typical noise source data from an AGP pitch; namely, 58dB LAeq 10m from the side line reducing to 50dB LAeq(1 hour) at a distance of 40 metres at 1.5m above ground level in an open location. As detailed in the document the 'typical' source noise level has been derived from measurement of nine sport sessions on three separate AGPs, including football, hockey, rugby and participation by men, women and children.

The shortest distance from sport pitches to the LNT building is 45m. On this basis, the working assumption is that noise from the nearest sports pitch will dominate resulting in an overall noise level at the LNT building not exceeding 50dB LAeq (1-hour) during the daytime period. With an open window this would result in an internal noise level of  $\leq 35-40$ dB LAeq (1-hour) based on 10-15dB attenuation, and therefore in line with BS8233 guidance. It is also understood that the candidate windows for the development would provide  $R_w(C, C_{tr})$  35(-2,-5) dB and therefore with windows closed the IANLs (internal ambient noise levels) would be even lower.

The above is without inclusion of specific design measures to reduce noise emissions from the sport pitches. Notwithstanding this, it is reasonable to assume that standard design measures, as detailed in Sport England document would be considered as part of the design process of the sport pitches to reduce noise emissions. These may include measures such location of entrance and access routes where possible away from nearby housing to provision of resilient fixings to fences is relevant to reduce rattle and impact noise.

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In summary, the impact of noise from the sports pitches therefore on the Care Home is considered negligible. Any mitigation required, to further reduce potential impact of noise on the Care Home by the neighbouring land promoter, would likely be minimal and in line with Sports England requirements such as (as stated above) resilient fixings to reduce rattling of fencing.

The GHDCL objection details that there is an error in relation to positioning of tree T13 which is located on the southern boundary of the proposed development site. It is suggested that the trunk of the tree should be shown within the red line boundary provided by the applicant. For completeness, the tree in question is located on the site boundary with part of its trunk within the red line and another part within 3<sup>rd</sup> party land. The tree is proposed for retention and soft boundary treatments are proposed on the southern boundary to protect T13 and provide green open space to the immediate south of the development. Notwithstanding the above the tree is proposed for retention with arboricultural protection measures proposed during the construction phase, this is therefore a non-issue.

Please note that LNT is keen to work with GHDCL and yourselves to find an appropriate solution to this challenge to ensure that the wider scheme is not prejudiced. Notwithstanding the above, our client should not be penalised because GHDCL have allowed their existing outline planning permission to expire by building out at a slow rate. Our client therefore looks forward to the positive determination of their application and delivering a much-needed C2 care home on this site in a timely manner.

Yours faithfully

*This letter is unsigned but is approved*

Freeths LLP  
Please respond by e-mail where possible