

Planning Committee

Appeals Progress Report

28 March 2013

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

Recommendations

The meeting is recommended:

- (1) That the position statement be accepted.

Details

New Appeals

- 1.1 **12/01035/LB – Wingtree Cottage, 16 Main Street, Wroxton-** appeal by Ms Pamela Nickell against the refusal of listed building consent for the erection of a frameless glass extension in courtyard; amendments to approved scheme 08/00846/LB – Written Reps

Forthcoming Public Inquiries and Hearings between 28 March 2013 and 18 April 2013

- 2.1 Inquiry commencing at 10.00am on Tuesday 16 April 2013 at the Council Chamber, Bodicote House, White Post Road, Bodicote to consider the appeal by Gladman Developments Ltd against the refusal of application 12/00926/OUT for proposed development of up to 75 residential dwellings, landscape, open space, highway improvements and associated works at land adjoining and south of St Christophers Lodge, Barford Road, Bloxham.

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Allowed the appeal by Mr A Aldridge of Hill Residential against the refusal of application 12/00305/OUT for the erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping at land to the west and south of nos 7-26 The Green, Chesterton (Committee) –** The Inspector commented "Notwithstanding the conflict with adopted development plan policy and all other matters raised, and having had regard to policy guidance in the Framework, overall I conclude that the limited adverse impacts of granting permission would not be sufficient to significantly and demonstrably outweigh the scheme's substantial benefits. The proposal would amount to sustainable development and should therefore be permitted, subject to conditions."
- 3.2 **Part allowed and part dismissed the appeals by Bolsterstone Innovative Energy (Ardley) Ltd against decisions to refuse to discharge conditions 21 and 22 (11/00218/DISC) and the refusal to vary condition 21 of the appeal decision (08/02495/F) for the erection of 4 no. turbines and ancillary development including a new site entrance, access tracks, a control building with substation and underground cabling and the erection of 1 no. anemometer monitoring mast at Willow Bank Farm, Fritwell Road, Fewcott(Committee)**
Prior to the latest Public Inquiry in Dec 2012 into aviation matters there were principally two issues of debate; 1) whether condition 21 Of 08/02495/F relating to the submission of a satisfactory Safety Report could be discharged and 2) whether or not condition 22 relating to the safe operation of radar at London Oxford Airport could be operated safely with appropriate mitigation measures and if not could the condition be varied to be worded more clearly/precisely.
By the time the Inquiry started all parties agreed that a satisfactory Safety Report had been submitted and therefore condition 21 was not discussed in detail at the inquiry and the Inspector allowed the discharge of condition 21. Therefore the only issue was whether or not there was sufficient evidence to discharge condition 22 relating to radar mitigation measures or whether the condition should be varied.
The inspector concluded that at this time it has not been demonstrated that there are adequate mitigation measures to ensure the safe operation of the radar when the wind farm is in place. As such the Inspector did not discharge condition 22 but instead reworded the condition to be more precise
- 3.3 **Dismissed the appeals by Mr & Mrs Markham against the refusal of applications 12/00347/F and 12/00348/LB for a sun room at the rear of The Cottage, 20 Newton Purcell, Buckingham (Delegated) –** The Inspector concluded that the proposed sun room would result in an incongruous addition in terms of footprint, form and materials to the detriment of the special architectural and historic interest of the listed building.

Implications

Financial: The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by Kate Drinkwater, Service Accountant:

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Legal: There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Nigel Bell, Team Leader-Planning and Litigation 01295 221687

Risk Management: This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Nigel Bell, Team Leader-Planning and Litigation 01295 221687

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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