

Cherwell District Council

Planning Committee

31 August 2017

Appeals Progress Report

Report of Head of Development Management

This report is public

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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **15/01872/F – Co-Op, 26 High Street, Kidlington, OX5 2DH.** Appeal by Cantay Estates Ltd and Midcounties Cooperative Society against the refusal of planning permission for the erection of new buildings off Sterling Road Approach to contain 46 x 2 bedroom flats, conversion of offices above existing retail store to form 8 x 2 bedroom flats, and alterations to existing retail store. Construction of new accesses, car parking, service and turning areas and landscaping.

16/00332/ECOU – Vans For Bands, 42 Woodstock Road East, Begbroke, Kidlington, OX5 1RG. Appeal by Mr Davis and Mr Anderson against the serving of an enforcement notice on land to the rear of No 42 Woodstock Road East for the change of use of the land for outside storage/parking of vehicles for hire, the change of use of the land for use as offices for a vehicular hire business and the erection of a workshop for vehicle repairs/maintenance in connection with a vehicular hire business.

17/00449/F – 1 The Cottage, Blackthron Hill, Blackthorn, OX25 1TJ. Appeal by Mrs Chennells against the refusal of planning permission for a retrospective erection of a replacement conservatory.

17/00532/Q56 – Field Barn, Epwell Grounds Farm, Shutford Road, Epwell. Appeal by Mr Mura against the refusal of prior approval for the conversion of agricultural building into a dwellinghouse.

17/01008/F – The Poolhouse, 57 West End, Launton, OX26 5DG. Appeal by Mr Richard and Mr David Walker against the refusal of planning permission for the change of use of poolhouse to a self-contained dwelling and erection of a new double garage.

17/01095/OUT – Evelyns Farm, Brill Road, Horton Cum Studley, Oxford, OX33 1BZ. Appeal by Paul Harris Homes Ltd against the refusal of outline planning permission for the demolition of outbuildings; erection of single dwelling house with associated access, landscaping and hardstanding

2.2 Forthcoming Public Inquires and Hearings between 31st August 2017 and 28th September 2017.

Public Inquiry commencing Tuesday 12th September 2016 at 10 am Cherwell District Council, White Post Road, Bodicote, OX15 4AA. Appeal by Albion Land Ltd against the refusal of outline planning permission 14/01675/OUT for erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Allowed the appeal by JE and AJ Wilcox against the refusal of planning permission for the erection of 6 No. agricultural buildings for poultry production, together with associated infrastructure of broiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond. Land North of OS 0006 and South East of College Farm, Pinchgate Lane, Bletchingdon. 16/01706/F (Committee).

This application was refused by Planning Committee contrary to officer recommendation. The application was resisted as it was not considered that sufficient information had been provided in regard to odour and the impact this would have on the amenity of nearby residential properties and users of the Weston on the Green service station. The Inspector noted a detailed odour impact assessment had been submitted which demonstrated that predicted

odour levels would fall below the benchmark set by the Environment Agency (EA) which is set at a level that is unlikely to cause nuisance to residential receptors. It was noted there was no objection raised from the Environment Agency or the Councils Environmental Protection Service.

Furthermore no alternative technical evidence of harm had been provided. Whilst impacts on the service station were predicted to fall marginally outside the EA's benchmark, given that odour events were predicted to be very isolated and visits to the service station would be for short periods, the probability of experiencing an odour episode was considered to be considerably reduced and not justify dismissing the appeal. Furthermore, the Inspector noted the emissions would be tightly controlled by an Environmental Permit issued by the EA and pointed to advice at paragraph 122 of the NPPF which states that the planning system should not seek to control processes or emissions where these are subject to approval under pollution control regimes.

The Inspector therefore concluded the appeal should be allowed. The appellant also applied for an award of costs against the Council's decision. This decision is yet to be issued.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 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:

Denise Taylor, Group Accountant, 01295 221982,

Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 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, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 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, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
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