

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

22 OCTOBER 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

APPEALS – PROGRESS REPORT

1 Introduction and Purpose of Report

- 1.1 This is a standard report item, the aim of which is 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 received.
- 1.2 A verbal update on any changes since the preparation of the report will be given.

2 Wards Affected

- 2.1 All wards in the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 Bob Duxbury (extension 1821)

5 New Appeals

- 5.1 None

6 Forthcoming Public Inquiries and Hearings between 22 October 2009 and 19 November 2009

- 6.1 None

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 **Dismissed the appeal by Mr T Beckett against the refusal of application 09/00048/F for a one bedroom dwelling adjoining 2 Grimsbury Drive Banbury (Delegated)** – The Inspector found that the appeal site is not large enough to accommodate a separate dwelling without appearing awkward and contrived. The sub-division of the plot in the manner proposed would be at odds with the existing pattern of development. Whilst finding that no harm would be caused to the living conditions of occupiers of 8 Manor Road this did not outweigh the harm caused to the character and appearance of the area.

- 7.3 **Dismissed the appeal by Mr T Beckett against the refusal of application 09/00209/F for two No one bedroom flats adjoining 16A Dexter Close Banbury (Delegated)** – In the Inspector's view, the overall siting, scale and bulk of the proposal is acceptable. With regard to traffic and parking requirements, the Inspector found that the proposal would cause harm to highway safety contrary to the guidance set out in PPG 13 and the aims of T4 of the South East plan which indicate that residential parking should have regard to local circumstances.
- 7.4 **Allowed the appeal by Wroxton and Balscote Parish Council against the imposition of conditions nos. 2, 7, 8 and 9 of 08/01659/F relating to a new community hall at land adjoining Butchers Meadow, Shutford Road, Balscote, Banbury (Committee)** – The Inspector did not consider that the proposed cladding would appear incongruous or harmful to the character and appearance of the area (Condition No 2) and concluded that conditions 7, 8, and 9 (access, parking and manoeuvring areas) were not necessary having regard to highway safety as use of the existing drive in its present form for pedestrian access would not lead to conflict with PPG 13.

8 Risk Assessment, Financial Effects and Contribution to Efficiency Savings

- 8.1 The following details have been approved by Eric Meadows (Ext 1552) (Financial) and Rosemary Watts (Ext 1566) (Risk)
- 8.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks from accepting the recommendation.
- 8.3 Financial effects – 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 revenue estimate.
- 8.4 Efficiency savings – there are no efficiency savings arising from this report.

9 Recommendations

- 9.1 It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Background Papers:

All papers attached to the planning application files reported in this report.