

Cherwell District Council

Planning Committee

24 October 2019

Appeals Progress Report

Report of Assistant Director Planning and Development

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

2.1 New Appeals

19/00885/F - 97 Isis Avenue, Bicester, OX26 2GR - Demolition of existing conservatory; erection of single storey front and rear extensions and conversion of garage to habitable accommodation

19/00667/Q56 – Godwins Farm, Somerton Road, North Aston, Bicester, OX25 6AA – Change of use of an agricultural building to dwellinghouse

19/00962/F - Sycamore House, Shepherds Close, Weston On The Green, Bicester, OX25 3RF - Erection of building to form 1-bed dwelling, on the siting of the previously demolished barn, with courtyard garden and dedicated parking space - re-submission of 18/01644/F

19/00637/F – 30 Causeway, Banbury, OX16 4SL – Dormer on rear roof slope

19/00661/F – Purbeck End, 5 Vicarage End, Kidlington, OX5 2EL - RETROSPECTIVE - Change of Use of attached garage to independent dwelling unit

19/01043/F - Penny Meadow, 2 The Ridgeway, Bloxham, OX15 4NF -
Addition of rooflights to front and rear elevation and dormer to rear elevation to facilitate loft conversion

19/00775/F – Land Adjacent to 26 Winchester Close, Banbury, OX16 4FP
– Detached Dwelling

19/00692/F – 107 Woodstock Road, Yarnton, OX5 1PT - Amendment to 11/00860/F from a single and two storey rear extension to a two storey rear extension

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

17/01962/F - OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington - Appeal by Mr H.L Foster against the refusal of Planning Permission for the Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding.

Method of determination: Public Inquiry

Key Dates

Start Date: 04.09.2018 **Inquiry Date:** 29.07.2019 **Decision:** Awaited

18/00792/OUT - Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN - Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space

Method of determination: Hearing – Wednesday 4th September

Key Dates:

Start Date: 20.06.2019 **Statement Due:** 25.07.2019 **Decision:** Awaited

18/01332/F - Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton – Appeal by Mr C Smith and Mr R Butcher - Change of use of land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund

Method of determination: Public Inquiry

Key Dates:

Start Date: 29.01.2019 **Inquiry date:** 15.10.2019 **Decision:** Awaited

18/01894/OUT - OS Parcel 4300 North Of Shortlands And South Of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire, OX15 5QW - Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage

Method of determination: Hearing – Wednesday 25th September

Key Dates:

Start Date: 23.07.2019 **Statement Due:** 27.08.2019 **Decision:** Awaited

18/02079/F - 59 West End, Launton, Bicester, OX26 5DG - Conversion of pool house into a two-bedroom dwelling (existing unauthorised) (revised scheme of 17/01008/F)

Method of determination: Written Reps.

Key Dates:

Start Date: 30.08.2019 **Statement Due:** 04.10.2019 **Decision:** Awaited

19/00231/Q56 - Brockford Farm Agricultural Building, Tadmarton Heath Road, Hook Norton, OX15 5BU - Change of use of building and curtilage from agriculture to single dwellinghouse with associated physical works.

Method of determination: Written Reps.

Key Dates:

Start Date: 26.07.2019 **Statement Due:** 30.08.2019 **Decision:** Awaited

19/00444/F – 2 Boxhedge Terrace, Boxhedge Road, Banbury, OX16 0BX - Erection of single storey porch (Retrospective)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 30.08.2019 **Statement Due:** N/A **Decision:** Awaited

19/00596/OUT – Land to the West of Northampton Road, Weston On The Green - Residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure.

Method of determination: Hearing – 29th October 2019

Key Dates:

Start Date: **Statement Due:** **Decision:** Awaited

19/00910/F - OS Parcel 6091 East Of Duiker House, Fencott, OX5 2RD - Erection of 1no single storey dwelling and ancillary carport/garden workshop

Method of determination: Written Reps.

Key Dates:

Start Date: 03.09.2019 **Statement Due:** 08.10.2019 **Decision:** Awaited

Enforcement appeals

None

2.4 Forthcoming Public Inquires and Hearings between 25 October and 14 November 2019

1. 19/00596/OUT – Land to the West of Northampton Road, Weston On The Green - Residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure.

Hearing date 29th October.

Start time – 10.00am

Estimated days – 1 day

2.5 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Mr A Ng for Demolition of part of existing house and garage and erection of new two bedroom dwelling (re-submission of 18/00402/F). 22 Campbell Close, Bicester, OX26 6RY – 18/01841/F (Delegated)**

The Inspector considered the main issues to be the proposal's effect on the living conditions of neighbouring residents and future occupiers of the proposed dwelling and on highway safety by reason of associated car parking.

The Inspector agreed with the Council that the paved area to the front of the dwelling would not provide sufficient space for parking and that the proposal would therefore lead to "a small increase in on-road parking", but concluded that no substantive evidence had been submitted to "show how this would cause highway problems in the area". This is important to note – that despite an objection from OCC highways team on the increased harm and impacts on safety the Inspector did not find that their statement was sufficiently robust.

The Inspector found that "by reason of its size and proximity, the proposed building would appear as a substantial and obtrusive structure, causing a marked visual intrusion onto the adjoining gardens" and would "harm the outlook from the rear of Nos 1 and 2". The Inspector disagreed with the Council that the proposal would adversely affect the outlook from the rear windows of the existing dwelling at No. 22 and that in the absence of Council standards setting minimum outdoor space requirements the proposed garden space was adequate, but that the lack of harm in these respects did not override his concerns in relation to the impact on Nos 1 and 2.

Accordingly the Inspector upheld the Council's decision in this respect and dismissed the appeal.

- 2. Allowed the appeal by Mr M Harvey for Externally re-clad and re-image an existing office and the attached industrial brick factory, storage and distribution unit. This includes splitting the existing industrial unit into 5 separate areas with additional DDA access and Accessible WC provision to all areas. 126 Churchill Road, Bicester, OX26 4XD – 18/01727/F (Delegated)**

The Inspector considered the main issue to be the proposal's effect on the character and appearance of the area.

The Inspector agreed with the Council that there would be significant change to the appearance of the building, and that the appeal building and another close by used a substantial portion of brickwork in its elevations and that they and a number of other industrial buildings fronting Churchill Road had "an almost residential eaves height, and windows which reflect those in the houses" in the vicinity. Nonetheless, the Inspector concluded that the use of

different materials would retain sufficient articulation to add interest to the building's principal elevation, and that overall the proposals would cause no harm to the appearance of the building or to the character of the area. The Inspector allowed the appeal, subject to condition including to require details of all external facing materials.

- 3. Allowed the appeal by Euro Garages Ltd for Re-development of the existing service station including the retention of the existing petrol filling station (PFS) and kiosk; demolition of existing restaurant building and construction of a drive-thru coffee-shop; construction of a restaurant building on land currently used for HGV parking; associated parking provision; retention of existing vehicular access from Oxford Road and reconfiguration of internal access routes to serve the development; creation of separate pedestrian/cycle access; all associated engineering and landscape works - re-submission of 17/01967/F – Bicester Service Station, Oxford Road, Bicester, OX26 1BT – 18/01822/F (Delegated)**

The Inspector considered the main issues to be the proposal's effect on the character and appearance of the area, and whether the proposal would provide suitable and safe access for pedestrians and cyclists.

On the first issue the Council considered that the layout of the proposed development would be cramped and detrimental to the character and appearance of the area including the new development at Kingsmere. The Inspector found that the proposals would appear predominantly as part of the commercial service station complex rather than be seen in the context of other commercial buildings rather than as part of the surrounding residential development. The Inspector concluded that the buildings' failure to address the road frontage would not detrimentally affect the character or appearance of the locality, that it had "sufficient regard" to its context, and that sufficient space was left to the boundaries for landscaping.

On the second issue the Council had refused the application on the basis of the applicant failing to demonstrate that a continuous footway could be provided along the Oxford Road to provide pedestrian access to the site from the surrounding network. During the course of the appeal the appellant provided additional information to satisfy the local highway authority (LHA) in this regard but still argued such measures were not necessary. However, the Inspector agreed with the Council that, given (i) the nature of the proposed uses, (ii) the changing nature of the area and (iii) the position of the site relative to surrounding uses and the busy road network, the proposed footpath connections were appropriate and necessary to ensure that enhanced access provision for pedestrians and cyclists. The Inspector concluded that the proposed footpath connections agreed with the LHA during the course of the appeal could be secured by planning condition.

For these reasons the Inspector allowed the appeal, subject to conditions relating to drainage, a Construction Traffic Management Plan, land contamination assessment, footway connections, externally facing materials, external lighting, hard landscaping, noise levels, a delivery & servicing plan, a

Car Park Management Plan, car and cycle parking provision, and use and opening hours restrictions.

The Inspector refused the appellant's costs application, disagreeing with the appellant that the Council had behaved unreasonably in refusing the application on design grounds or that such concerns could have been addressed simply through conditions, finding instead that the decision involved matters of judgement and that the Council's concerns "went well beyond the issue of materials". The Inspector also noted, contrary to the appellant's assertions, that the Council had repeatedly and extensively engaged with the appellant during the planning application, including that extensions of time had been agreed, which allowed further time and opportunity for dialogue to seek to resolve its issues with the proposals.

4. Allowed the appeal by Powersun Ltd for Erection of accommodation building and associated ancillary external works to accommodate gas fuelled demand response electric generation facility to support the National Grid. Part Land East And Adj To Roundabout At Junction Of Bicester Road, Launton – 19/00163/F (Delegated)

The Inspector considered the main issue to be the proposal's effect of the development on the landscape character and appearance of the area and upon the setting of the village of Launton.

The Inspector found that due to its height the main building would be visible from several viewpoints both from the Bicester Road and from within Launton although in the case of the latter this would be at a distance of several hundred metres, and that in all of these views the "recently constructed large-scale industrial buildings on an allocated employment site at the edge of Bicester" would also be seen. The Inspector held that the appeal proposal's quasi agricultural appearance would offset its visual impact.

In respect of impact on the setting of Launton, the Inspector found that the appeal site did not sit between Launton and Bicester but further north and was "separated by an expanse of open land" and that there was a "significant degree of separation between Launton and Bicester in the area to the east of Bicester Road which contains the appeal site". The Inspector was "not persuaded" that the proposal "would unduly harm the openness of the land that distinguishes the settlement of Launton, or that it would contribute to any coalescence with Bicester."

The Inspector gave Saved Policy C8 little weight insofar as it related to this appeal. The Inspector gave significant weight to the benefits of the proposal in supporting infrastructure associated with renewable and low carbon energy.

The Inspector concluded that, "if developed with a suitable scheme of planting as the appellant proposes", the appeal proposal would not be unduly prominent or intrusive in the landscape, and accordingly allowed the appeal, subject to conditions relating to access, surface water drainage and landscaping.

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:

Kelly Wheeler, Business Partner, 01295 225170,
Kelly.wheeler@cherwell-dc.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:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.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:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
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