

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Development Control Committee**  
held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon on  
**Monday 2 March 2020** at 11:00 am.

### PRESENT

Councillors: Jeff Haine (Chairman); Ted Fenton (Vice Chairman); Andrew Beaney, Richard Bishop, Mike Cahill, Owen Collins, Nigel Colston, Julian Cooper, Derek Cotterill, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, David Jackson, Dan Levy, Neil Owen, Elizabeth Poskitt, Alex Postan, Geoff Saul and Harry St John.

Officers: Phil Shaw (Business Manager Development Management); Chloe Jacobs (Planner)

### 11. MINUTES

**RESOLVED:** That the minutes of the meeting of the Committee held on 4 June 2019 be approved as a correct record and signed by the Chairman.

### 12. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Steve Good and Nick Leverton and the following temporary appointments were reported:

Councillor Elizabeth Poskitt for Councillor Nathalie Chapple  
Councillor Dan Levy for Councillor Carl Rylett

### 13. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to items to be considered at the meeting.

### 14. APPLICATION FOR DEVELOPMENT- NO OVEN COTTAGE, LITTLE TEW (APPLICATION NO. 19/ 01646/FUL)

The Committee received and considered the report of the Business Manager Development Management, which requested determination of the above application in the context of the previous decision of the Uplands Area Planning Sub-Committee to grant consent, subject to conditions, and to the view of the Business Manager that it was contrary to policy and would set an undesirable precedent.

Planner, Chloe Jacobs introduced this item and explained that two additional representations had been received, the applicants' agent had circulated a letter to all Members of the Committee and a letter of objection had been received from Savills regarding the flat roof and proposed massing within the plot. She explained that Little Tew was a small village, five miles from Chipping Norton, with one hundred and fifty houses, no shop or pub, although there was a church. It was a Grade II listed building within the heart of the conservation area. The proposed dwelling would sub-divide the plot and would fill the whole of the plot.

The Officer showed existing elevations, including elevations from the rear of the site and views from the garden to the church, together with photos of views through the village. Officers had spoken to the Church Warden in relation to the Yew trees, which were outside the application boundary and as such not for consideration under this application. Key representations from the Conservation Officer and the Policy Manager were highlighted.

Charlie Luxton, the applicant's agent, spoke. He advised that the Local Plan accepted new design in villages if the design was innovative. The design would not open the door for new applications. The proposal would reinstate the view of the church, removing the annex and reducing the hedge, was sustainable and the wall garden would right the wrongs of the current dwelling, it was a simple design. There was an extensive and robust discussion at the meeting of the Uplands Area Planning Sub-Committee and the Sub-Committee had agreed that it was a contemporary new home in the conservation area. If it did set a precedent, specific conditions could be placed on the decision.

Councillor St John sought clarification, in relation to the Yew hedge, which was shown on the photograph as being cut down in order to see the view of the church. Mr. Luxton explained that he had met with the Vicar and Church Warden and they were supportive of the Yew hedge being cut to a length of 2.5m and interplanting taking place. He had received a letter of support from the Vicar who liked the idea of getting day light into the church yard. Mr. Luxton reiterated that this was a unique application and the current building had been built in the 1970's next to a church of heritage importance.

The Business Management Development Management, Phil Shaw explained that he had exercised the right for this application to be heard by Development Control Committee so that they could determine whether it was policy compliant or whether it could set a precedent and undermine the strategy of the Local Plan. There were three tests which he set out to Committee; was the application policy compliant, were there sufficient material considerations to set policy aside, should the application be refused.

The Development Plan was the starting point and where it would be in conflict, permission should not be granted. He advised Members of paragraphs within the report relating to the provision for heritage assets; the conservation area for Little Tew and the important groups of buildings within the area; regarding the footprint of the proposed building being large scale; car parking; harm to the conservation area etc.

He also explained policies in the Local Plan – OS2, Locating development in the right places; H2 - Delivery of new homes and that residential development has to be of exceptional quality and innovative. NPPF paragraph 79 related to isolated homes in the countryside which in policy terms applied to this site, and which had to be truly outstanding and innovative.

Strategic Policy needed to be considered, the application was not exceptional or innovative; Little Tew was not a suitable or sustainable location, the site was at the centre of a Conservation Area, the pattern of development of the village was very dispersed and the site was very sensitive, the footprint was large scale, there would be increased activity on the site, the building would harm the character of the plot and appearance of the area, less than substantial harm meant that there was harm, it would impose itself into the street scene, the Officers did not believe that this development was sustainable or truly outstanding, did not enhance the conservation area, did not have eco or other requirements, and did not enhance the setting of the church.

Councillor Colston proposed that the application be refused as per officer's recommendation, as he considered it was setting a dangerous precedent, it was not considered exceptional and not in keeping with Little Tew. Councillor Cotterill seconded this proposal explaining that the dwelling would affect the setting of No Oven Cottage, there was no guarantee that the trees would be cut down, there was no information available to determine if this was innovative such as Passive House, rainwater harvesting.

Councillor Beaney, disagreeing with the officers recommendation, quoted the Local Plan Policies OS1 and 2, he was confused with OS3 reference, did not understand why OS4 had been missed out, and he considered the dwelling did meet the innovative design under H2. He was happy with EH9, first two parts of EH10 he considered did enhance the conservation area, EH12 was not attached to the report, and he was not convinced with reference to EH13, 14 and 15. The Business Manager explained the relevance of the quoted policies but it was agreed that OS3 should be OS4.

Councillor Owen supported the application with many misgivings, and explained it would be an attempt to right the wrongs of the previous generations.

Councillor Crossland highlighted that as this was a rare occasion that applications were put to Development Control Committee she felt strongly that Officer experience should be listened to and policy had been approved by Councillors, the application was not compliant with policies and did not bring benefit to the community, the design was not innovative.

The Business Manager Development Management, Phil Shaw, reminded Members it was their decision to make, Officers were there to advise Members.

Members' concerns related to the building not being innovative, it was contrived and if the ramifications of this application had been clear at the Uplands Area Planning Sub-Committee the decision may have been different although it was accepted that the proposal did have some advantages; the new garden wall would be built in aged Cotswold stone. Councillor Owen was concerned that the decision may harm the independent thought of Members of the Committee, although he understood that this application had been referred to the full Committee in order for them to consider Policy and Strategy.

The Officer recommendation of refusal was then put to the vote and was carried unanimously.

**RESOLVED:** That planning application 19/ 01646/FUL be **refused**, for the reasons set out in the report as amended by the substitution of OS4 for OS3.

**[Note:** After the meeting, and prior to the above decision being notified, the application was withdrawn].

## 15. UPDATE: GOOD PRACTICE GUIDANCE AND TRAINING

The Business Manager Development Management, Phil Shaw, introduced the report explaining that a previous resolution in 2016 endorsed the heads of terms which would be incorporated into new planning good practice guidance. This had not been completed and national legislation and case law meant that the guidance and training needed to be progressed, to ensure a degree of protection for the Council.

Members considered that training would be useful and should be offered to all Members of the Council to widen the pool of substitutes on Committee. It should be mandatory for Committee Members and those wishing to substitute, with training taking place following the elections in May 2020, with evening sessions as well as daytime sessions. They highlighted that they needed quick and easy reference and summaries of policies in order for them to be able to quote policy reasons easily.

Councillor St John considered that training should be held on National design standards.

**RESOLVED:**

- (a) That the need for updated Planning Good Practice Guidance be confirmed, based on the principles agreed in April 2016; and

- (b) That the Business Manager, Development Management be requested and authorised to arrange for the commissioning of external planning training, in consultation with the Chairman of the Committee.

The meeting closed at 12.35 pm

CHAIRMAN