

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the  
**LOWLANDS AREA PLANNING SUB-COMMITTEE**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2:00 pm on Monday 11 June 2018

PRESENT

Councillors: E J Fenton (Chairman), D S T Enright, (Vice-Chairman), Mrs M J Crossland, H B Eaglestone, Mrs E H N Fenton, S J Good J Haine, P J Handley, P D Kelland, R A Langridge, N P Leverton, C M Rylett and B J Woodruff

Officers in attendance: Phil Shaw, Catherine Tetlow, Miranda Clark, Kelly Murray and Paul Cracknell

10. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 21 May 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

11. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker.

12. DECLARATIONS OF INTEREST

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

13. LAND TO THE SOUTH-WEST OF CHARLBURY ROAD, HAILEY - APPLICATION NO. 17/00992/OUT

The Chairman of the Sub-Committee had agreed that this report, copies of which had been circulated, be considered as a matter of urgency. In order to assist members of the public present, the application was considered as the first substantive item of business.

The Development Manager introduced the report and reported receipt of additional representations from Mr Leslie Harrison.

Mr Ben Mountfield, representing the Hailey Action Group, addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Graham Knaggs, representing Hailey Parish Council, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

In response to a question from Mrs Crossland, Mr Knaggs confirmed that the site was within the Parish of Crawley not Hailey but indicated that the proposed development would have a significant detrimental impact upon the setting of the Hailey Conservation Area.

The Development Manager then presented his report. He stressed that it was essential that Members determined the application with reference to the information set out in the report without having regard to the comments made by Mr Knaggs relating to the previous report considered at the January meeting. The Development Manager also advised that, contrary to the suggestion by Mr Knaggs that they should be accorded full weight, only limited weight could be given to the locational policies for housing set out in the emerging Local Plan.

It was important to recognise that there was significant social benefit in the provision of affordable housing and the report reflected this in its balanced approach. However, whilst the original report had recommended approval of the application subject to a legal agreement, circumstances had changed significantly since it had been written as set out in the report. In consequence, the balance in favour of development had shifted as identified in the report and Officers now recommended that the Sub-Committee determine that it would have resolved to refuse the application.

Mr Kelland agreed that, had the Sub-Committee had the opportunity to do so, it would have refused the application and proposed the Officer recommendation. The proposition was seconded by Mr Enright.

Mrs Crossland indicated that it was not clear why the application was opposed by the neighbouring parish council but not by the parish within which it was situated. The Development Manager suggested that it was possibly because the proposed development was some distance from the residential part of Crawley and would have a far greater impact upon the neighbouring parish.

Mrs Crossland stated that, having visited the site, she had been persuaded that the application was acceptable in its revised form.

Mr Haine reminded Members of a previous application in the vicinity in respect of which the Council's decision to refuse had been upheld at appeal during which the importance of the local landscape had been recognised. He noted that Crawley was designated as a hamlet hence not identified for further development within the Local Plan. The proposed development was in an unsustainable location and would have a detrimental impact upon the setting of the Hailey Conservation Area. It was not logical, there was no evidence of need and the site was not allocated for development within the Local Plan.

Mr Haine reminded Members that the Council had recently been successful in defending an appeal on a site at Poffley End and indicated that he could not support the current application which he considered to be contrary to policies BE1, BE2, BE3, BE4, BE5, BE21, NE1, NE3, T1, H2, H4 and H6 of the Local Plan 2011, Policies OS2, H2, T1, EH1 and E7 of the emerging Plan and paragraphs 55, 109.1, 132, 134, 17.1, 17.5, 17.10, 17.11, 211, 216.1 and 216.3 of the National Planning Policy Framework.

Mr Langridge considered this to be a balanced decision. There was a clear benefit in the provision of affordable housing but he was of the opinion that, the tilted balance in favour of development having shifted, the Officer recommendation was correct.

As a new Member of the Sub-Committee, Mr Woodruff came to the application with fresh eyes. He considered that the application site was not in a sustainable location and, in the absence of an evidenced need, agreed that it should have been refused.

Mr Handley suggested that the land was susceptible to flooding and agreed that the application should have been refused/

Mr Good concurred, indicating that he was pleased that the Officer recommendation had been revised since January. He acknowledged that the application had been an emotive one for local residents but emphasised that the Sub-Committee was required to base its decision on planning policy grounds and not be swayed by emotion.

The Development Manager clarified the grounds upon which the Sub-Committee would have refused the application and Members confirmed these as being:-

1. The inappropriateness in principle under emerging Local Plan policy H2;
2. The harm to designated heritage assets;
3. The landscape and visual harm to the site, the nearby area and the setting of the village;
4. The unsustainability of the location due to the lack of a shop and the facilities in Hailey and the likelihood that future occupiers of the proposed dwellings would be likely to rely on using private motor vehicles for the great majority of their ordinary trips; and
5. the lack of a mitigation package to provide affordable housing as required under relevant policies of the adopted and emerging Local Plans and contributions towards infrastructure and services on which the proposal would otherwise place an undue burden.

The recommendation was then put to the vote and it was:-

**RESOLVED:** That, if the Sub-Committee had been given the opportunity to determine the application, it would have refused permission for the following reasons:-

1. In the absence of convincing evidence to demonstrate that the proposed housing is necessary to meet identified housing needs in this undeveloped, unallocated site adjoining but outside the built up area of the village of Hailey, the proposal would be contrary to policy H2 of the emerging West Oxfordshire Local Plan 2011-2031.
2. The proposal would adversely affect the setting of Hailey Conservation Area and Leafield parish church, contrary to policies BE5, BE8, H2 and BE2 of the West Oxfordshire Local Plan 2006-2011; and policies; OS2, EH7, EH8 and EH9 of the emerging West Oxfordshire Local Plan 2011-2031; and paragraphs 17, 131 and 132 of the NPPF; and this planning harm to these designated heritage

assets would outweigh the public planning benefits expected to arise from the proposal, contrary to paragraph 134 of the NPPF.

3. The proposed development would represent an intrusion into the countryside surrounding and forming a setting to the village of Hailey that would fail to form a logical complement to the existing pattern of development and character of the area and would involve the loss of an area of open space that makes an important contribution to the character or appearance of the area, contrary to policies H2; H6, BE2 and BE4 of the West Oxfordshire Local Plan 2006-2011; and policy OS2 of the emerging West Oxfordshire Local Plan 2011-2031; and paragraphs 17, 56, 58, 59, 60 and 61 of the NPPF; it would have an adverse impact on the character and appearance of the site and the nearby area in landscape and visual terms in a highly attractive minor valley landscape close to the Cotswolds Area of Outstanding Natural Beauty contrary to policies NE1 and NE3 of the West Oxfordshire Local Plan 2006-2011; and policies OS2 and EH1 of the emerging West Oxfordshire Local Plan 2011-2031 and paragraph 17 of the NPPF; and it would give rise to housing in a locations without convenient access to a good range of services and facilities, where opportunities for walking, cycling and the use of public transport cannot be maximised; and where future occupiers of the proposed dwellings are very likely to be highly reliant on private motor vehicles for the majority of their daily trips due to the lack of easily accessible facilities in this relatively unsustainable location, contrary to policies T1 and T3 of the emerging West Oxfordshire Local Plan 2011-2031 and paragraphs 17, 30, 34 and 95 of the NPPF. In combination with the harm identified to the setting of the Hailey Conservation Area and Leafield parish church as designated heritage assets; and the policy harm arising from building new housing in a location that is considered unsuitable without convincing evidence to demonstrate an identified housing need; the overall harm arising from the proposal would clearly and demonstrably outweigh the planning benefits expected to arise from the proposal, contrary to policy OS1 of the emerging of the emerging West Oxfordshire Local Plan 2011-2031 and paragraph 14 of the NPPF.
4. In the absence of an agreed mitigation package securing the appropriate amount and nature of affordable housing; and contributions necessary to adequately offset the additional burden that the new development would otherwise place on existing infrastructure and services; the proposal conflicts with Policies BE1 and H11 of the West Oxfordshire Local Plan 2006-2011; and policies OS2, OS5, EH3a, T3 and H3 of the emerging West Oxfordshire Local Plan 2011-2031 and paragraphs 7, 17 and 30 of the NPPF.

#### 14. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Strategic Housing giving details of applications for development, copies of which had been circulated. A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book.

**RESOLVED:** that the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Head of Planning and Strategic Housing, subject to any amendments as detailed below:-

#### 3 17/03959/FUL 24 High Street, Eynsham

The Development Manager introduced the application.

Ms Jaqueline Mitchell addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

The applicant, Mr Graham Bannell, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

The Development Manager then presented his report containing a recommendation of refusal and made reference to email correspondence sent by the applicant to Members. He advised Members that the application had generated a significant volume of third party interest, including that of amenity societies such as Historic England and the CPRE. The Development Manager also noted that the Parish Council had modified its response to the application as outlined in the report.

Mr Enright proposed that consideration of the application be deferred to enable a site visit to be held for so Members could take the opportunity of assessing the potential impact of the development in context. The proposition was seconded by Mr Kelland and Mr Rylett expressed his support.

Mr Woodruff questioned whether a site visit was necessary given the harm to heritage assets identified in the report. In response, the Development Manager advised that, whilst Officers were of the opinion that the harm caused by the proposed development was sufficient to warrant refusal,

It was not unreasonable for Members to conduct a site visit to assess whether or not they concurred with that view.

The recommendation of deferral was then put to the vote and was carried.

Deferred to enable a site visit to be held

#### 18 18/00544/FUL 39 Brize Norton Road, Minster Lovell

The Principal Planner introduced the application and advised Members that, whilst her recommendation had been one of provisional approval, the County Council had maintained its concerns with regard to the lack of detail in relation to vehicle swept path analysis and drainage proposals.

Accordingly, the applicants had requested that consideration of the application be deferred to enable them to engage in further discussions with the County Council.

Mr Jonathan Stowell, representing the Minster Lovell Parish Council, addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

In response to a question from Mr Enright, Mr Stowell indicated that most local residents appreciated the historic significance of the Charterville layout but the financial incentive of development was an undoubted attraction for some householders.

Mr Langridge proposed that consideration of the application be deferred.

Mr Haine questioned the need for a deferral as he considered that there were sufficient grounds upon which to refuse the application now.

The Principal Planner advised that, having requested a deferral, the applicant's agents had decided not to attend the meeting and not had the opportunity to address the Sub-Committee. In equity, it would be inappropriate to determine the application without giving them the chance to do so.

Mr Haine acknowledged the position and the recommendation of deferral was seconded by Mr Woodruff. On being put to the vote the recommendation was carried.

Deferred at the applicant's request

34 18/00869/HHD 107 Queen Emmas Dyke, Witney

The Planning Officer introduced the application.

The applicant, Mr Eddie Puffit, addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

In response to a question from Mrs Crossland, Mr Puffitt advised that he had spoken to Officers in relation to his application on three or more occasions and exchanged around a dozen emails.

Mr Woodruff asked Mr Puffitt whether he had taken any advice from his builder regarding the technical aspects of the development. In response, Mr Puffitt advised that he had not as he had assumed that the work carried out would reflect the submitted drawings. In response to a question from Mr Leverton, Mr Puffitt advised that the front façade of the garage conversion could be reduced by some 20cm, reducing it from 58cm to 38cm.

The Planning Officer then presented her report containing a recommendation of refusal. She advised that, even if the front façade was reduced by 20cm, it would still be above the eaves level of the existing bungalow.

Mr Eaglestone noted that the conversion had secured Building Regulation approval and the Planning Officer advised that Building Control Officers would not have assessed the development in planning terms.

The Development Manager advised that, whilst the work complied with the requirements of the Building Regulations, it was not acceptable in planning terms.

Mr Handley indicated that the applicant was now in an unfortunate position through no fault of his own and suggested that the construction of a false pitch to the front of the garage could render it less incongruous.

Mr Kelland stated that this was not the first occasion that such a situation had arisen as a result of advice being given on the basis of inadequate plans. He agreed with Mr Handley's suggestion that a false pitch would reduce the visual impact of the building.

Mr Haine questioned whether a 20cm reduction in height would be sufficient to bring the works within the parameters of permitted development.

Mr Langridge was in no doubt that the development was inappropriate as it stood but expressed the hope that the building could be modified so as to make it acceptable. Mrs Crossland agreed that the application could not be approved as submitted as the building was incongruous in the street scene. She suggested that the building would look better with revised fenestration and painted white. Mrs Crossland expressed her sympathy for the applicant's predicament given that he had acted in good faith and emphasised the importance of obtaining accurate plans before seeking advice.

Mrs Crossland expressed the hope that the applicant could work with the Council's Officers to identify an acceptable solution.

The Development Manager advised that the cost of obtaining professional plans discouraged those undertaking minor projects from doing so. Given that Members considered that the development was not acceptable in its present form, he suggested that the most appropriate course of action would be to refuse the application. This would give the applicant the opportunity to go to appeal or to submit a revised scheme that was either acceptable in planning terms or fell within permitted development rights.

In response to a question from Mr Good, the Development Manager confirmed that there was no intention to commence enforcement action as Officers would liaise with the applicant in an effort to identify an acceptable solution.

Mr Enright noted that there was a wide variation in the form of development in the vicinity and questioned whether the extent of the harm had been over-stated. He asked that Officers consider simple ways in which to remedy the harm such as the provision of soffit boards or a false pitch as suggested by Mr Handley.

In proposing the Officer recommendation of refusal, Mr Langridge expressed the hope that Officers would work with the applicant to develop a solution.

The recommendation was seconded by Mrs Crossland and on being put to the vote was carried.

Refused

38 18/00877/FUL Ferndale, Back Lane, Aston

The Senior Planner presented her report and advised that the Highway Authority had raised no objections to the application.

The Officer recommendation of conditional approval was proposed by Mr Haine and seconded by Mr Woodruff and on being put to the vote was carried.

Permitted

43 18/00922/FUL 21 - 23 Market Square, Witney

The Senior Planner presented her report containing a recommendation of conditional approval and drew attention to the further comments from the applicant's agent set out in the report of additional representations.

The Officer recommendation of conditional approval was proposed by Mr Langridge and seconded by Mr Enright who expressed his support for the principle of residential development in town centre locations as a way in which to maintain their vitality and viability. However, he stressed the importance of ensuring that appropriate facilities were provided with such accommodation.

Mr Good questioned whether the viability of the ground floor retail unit would be prejudiced by the loss of this storage space. In response, the Development Manager advised that improved arrangements for stock control and 'just in time' delivery had significantly reduced the need for storage space in retailing.

Mr Handley indicated that it was important to ensure that materials used during the conversion work matched those of the existing structure. Mr Langridge and Mr Enright agreed to amend their proposition to incorporate an additional condition to this effect.

The revised Officer recommendation was then put to the vote and was carried.

Permitted subject to the following additional condition:-

5. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason: To preserve the architectural appearance of the building.

## 15. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers was received and noted.



16. EASTNOR HOUSE, DUCKLINGTON LANE, WITNEY - APPLICATION NO. 17/02845/OUT

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing which invited Members to consider whether it would be expedient to undertake a formal site visit prior to the likely consideration of this application on 9 July 2018.

**RESOLVED:** That an accompanied site visit would not be necessary as the site was already familiar to Members.

The meeting closed at 3:45pm.

CHAIRMAN