

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Development Control Committee**  
held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon on  
**Tuesday 4 June 2019** at 2:00 pm.

### PRESENT

Councillors: Jeff Haine (Chairman); Ted Fenton (Vice Chairman); Andrew Beaney, Richard Bishop, Mike Cahill, Owen Collins, Nigel Colston, Julian Cooper, Derek Cotterill, Merylyn Davies, Hilary Fenton, Steve Good, David Jackson, Nick Leverton, Martin McBride, Neil Owen, Alex Postan, Carl Rylett, Geoff Saul, Harry St John and Ben Woodruff.

### 5. MINUTES

**RESOLVED:** That the minutes of the meetings of the Committee held on 25 March and 15 May 2019 be approved as correct records and signed by the Chairman.

### 6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Maxine Crossland, Harry Eaglestone and Duncan Enright and the following resignation and temporary appointments were reported:

Councillor Ben Woodruff for Councillor Harry Eaglestone; and

Councillor Martin McBride for Councillor Maxine Crossland

### 7. DECLARATIONS OF INTEREST

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

### 8. APPLICATION FOR DEVELOPMENT- THE DRIVING CENTRE ENSTONE AIRFIELD (APPLICATION NO. 18/03319/OUT)

The Committee received the report of the Head of Planning and Strategic Housing giving details of an application 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 and published on the website.

In addition to this, Mr Shaw outlined a response he had received from Mr Histon of the CPRE. He advised Members that he had produced the previous report in full and updated or new information was shown in bold print. For the benefit of new Members of the Committee, Mr Shaw introduced the application and highlighted the key visual impacts on the maps. Mr Shaw reminded the Committee of the reasons for deferring the application at the meeting on 25 March 2019 and the applicant had provided clarification on the key land uses, building heights, the illustrative master plan and the landscape and building plan. He requested that Members consider the impact on heritage assets along with the information provided by the applicant on Trip Information, details of the shuttle bus and peak traffic distribution. Finally, Mr Shaw outlined the potential materials palette that could be used for the development.

Greg Mitchell from Framptons Planning addressed the meeting on behalf of the objectors in opposition to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

In response to Mr Mitchell's submission, Councillor Haine queried the lack of affordable housing provision when taking into account the 28 lodges being proposed. Councillor Good also queried whether the amount of money being offered by the applicant would be sufficient to build 14 affordable housing units elsewhere.

John Mitchenson addressed the meeting on behalf of the Great Tew Parish Meeting, in support of the application. A summary of his submission is attached at Appendix B to the original copy of these minutes.

Councillor Beaney asked for clarification on the number of attendees at the Parish Meeting. Mr Mitchenson confirmed that at the largest meeting there had been 23 members of the public present.

Councillor St John queried the comment made by Mr Mitchenson relating to the threat of the site being used for building houses or an industrial estate. Mr Mitchenson confirmed that some members of the public present would prefer to see this development built.

Councillor Good reminded the Committee that Parish meetings were the most local of all those affected and were the closest to the site in question.

Councillor Leverton commented that the Achilles heel of this application was the road system and he asked Mr Mitchenson if the road infrastructure was not improved would he still support the application. Mr Mitchenson replied that he could only speak on behalf of the Parish meeting and it had been agreed that the Parish felt able to support it if there could be a constriction on visitor numbers. The state of the roads was a County Council issue but any funds made available to mitigate these problems would help.

James Rowe Chair of Sandford St Martin and Ledwell Parish Council, addressed the meeting in opposition to the application. A summary of his submission is attached at Appendix C to the original copy of these minutes.

Councillor Beaney queried the volume of traffic being experienced through Sandford St Martin and Ledway and Mr Rowe confirmed that the Parish Council believed the information supplied by the applicant to be incorrect.

Councillor Leverton asked Mr Rowe if he was able to confirm the number of traffic movements per day as a result of visitors to Soho Farmhouse. Mr Rowe was not able to provide this information.

Malcolm Axtell addressed the meeting in his capacity as Chairman of Over and Nether Worton Parish Meeting, in opposition to the application. A summary of his submission is attached at Appendix D to the original copy of these minutes.

Hamish Laing addressed the meeting on behalf of the Westcote Barton Parish Meeting, in opposition to the application. A summary of his submission is attached at Appendix E to the original copy of these minutes.

Councillor Hilary Hibbert-Biles addressed the meeting in her capacity as County Council representative, in support of the application. A summary of her submission is attached at Appendix F to the original copy of these minutes.

Councillor Beaney asked for clarification on the comments supplied by Oxfordshire County Council's technical advisor for traffic. Councillor Hibbert Biles confirmed that OCC believed the highway infrastructure to be adequate and reminded the committee that this application was for outline permission and a lot of the details could be discussed at a later stage.

Peter Mullins, the applicant, addressed the meeting in support of the application and was assisted by John Westerman of Edgars Ltd. A summary of his submission is attached as Appendix G to the original copy of these minutes.

Councillor St John asked Mr Mullin whether he had looked at other sites in Oxfordshire. Mr Mullin advised that he had looked at a number of alternative sites in both the UK and France. However, geographically this site was in the heart of the birthplace of the automotive industry so it seemed like the perfect location.

Councillor Collins asked how many cars Mr Mullins was custodian of. Mr Mullins advised that his collection was in excess of 250 vintage vehicles and the proposal was to have 30 on display in the UK with an equal number from other collectors around the world. The collection would then be refreshed on a rotating basis.

Following a question from Councillor Davies, Mr Westerman advised that the lodges had a functional relationship with the museum but it was not envisaged that they would be primary residences. It was thought that these would be second or third homes for collectors to see other vintage cars in motion. This was a tourism led development and the occupancy of the lodges would be controlled.

The Development Manager then presented his report containing a recommendation of conditional approval and reminded Members that this was an on balance report and the QC that had addressed the Committee at the March meeting had stated it was a fair analysis of the policy position.

Mr Shaw explained that the Affordable Housing contribution from CIL would equate to around £10,000 per plot compared to the overall figure of £1.25 million being proposed by the applicant. As yet there were no live applications for A but alternative uses had been explored previously. The report referenced that the Policy Officer felt there was a need to ensure that this was a tourism led development to be policy compliant, in those regards.

Mr Shaw reminded Members of the history of this application and the applicant had addressed ten points that the Committee had requested further information on. In addition the applicant was proposing to commit 5% of the operating profit into a Community Fund which could be applied for by local community groups. Additional landscaping had been proposed to alleviate the issues raised in relation to the two lodges located in the flight path of the airfield although officers had been unable to convince the applicant to relocate them altogether. Members were reminded that they could choose to preclude the area of land that the two lodges were located on, should they be minded to, as this was an outline application.

Officers were satisfied that this was a suitable location and the optimum place for the museum to be located and the Tourism Policy had been justified. Substantial weight had also been given to the National and Local Tourism Advisors comments.

With regard to the visual impact, Mr Shaw stated that this was not a virgin landscape and the area already housed large buildings. In fifteen to twenty years, the visual impact would

be negligible. The Environmental Health Officers were also content with the noise report subject to conditions.

A final update was that the exhibits would be retained in perpetuity and the contribution package totalled £62,000 per plot. Officers' recommendation was one of approval, subject to conditions, with an amendment to Condition 14 to state "10 years" and the two additional conditions detailed in the additional representations paper.

Councillor Haine quoted the Policy which related to Affordable Housing and queried the amount of money being proposed, which he felt should be £7million. Mr Shaw explained that the policy allowed for payment in lieu of affordable housing provision on site and this offer was five times more than the policy required.

Councillor Beaney felt that the proposal was contrary to a number of policies including E4, OS2, H2 and did not feel that the applicant had done enough to mitigate the issues being raised. He queried the makeup of the Community Travel Forum, the housing money being offered, whether 36 months was sufficient time to deliver affordable housing elsewhere and hoped that villages would not be swamped with additional houses. He was concerned about the location of the two lodges in the flight path, the car parking provision, the trip analysis and whether a Park & Ride facility could be located at Chipping Norton.

In response, Mr Shaw advised that the description of the Travel Forum was to give an idea of who could be involved and was not prescriptive. He agreed that officers did not want to swamp local communities and hoped that the funds could be cascaded to assist with controlled delivery. The car parking numbers could be prescribed at this stage and additional traffic pressures could be alleviated by the use of correct signage, satellite navigation routes and pre-ticketing arrangements. However, Mr Shaw did not feel that a Park & Ride in the Chipping Norton area would be viable because of the lack of land available and could prove problematic.

Councillor Colston did not support the officers' recommendation although he did feel it had been a fair presentation. He did not feel that a lot had changed since the previous meeting and he shared the concerns of surrounding villagers who wanted to keep the Cotswolds rural. He felt that the correlation between the lodges and the museum was a dangerous one and found it unacceptable. He did not feel that the traffic measures being proposed would work and he found the suggestion of a Traffic Forum patronising. In relation to the proposed 5% profit being put to community projects, based on 200 thousand visitors a year, Councillor Colston concluded this was not viable.

With regard to the design and landscaping proposals, Councillor Colston agreed that the site in its current state was a mess and long term, the landscaping would improve this. However, the trees would need to be tended for a number of years. He was also surprised at the lack of comment from the Environmental Health Officer in relation to the airfield. In conclusion, he felt that if it was the cars and not the building that was the tourist attraction, the site could be located anywhere. He therefore, moved that the application be refused because it was contrary to policies E4, T1, OS2, H2 and H3.

In response, the Business Manager- Development Management stated that with regard to the benefits to tourism, the attraction would help to drive overnight stays in the District and it was not an attraction that was reliant on the weather. He advised Members not to be overly critical of the points raised by the applicant because they had made efforts to address the concerns raised at the last meeting. The applicant had a responsibility to make

reasonable attempts to address the concerns under the NPPF and officers felt they had done this. It was not a planning consideration to weigh up whether the applicant had considered alternative sites. The noise conditions had been added to ensure that no racing was allowed on site which was the situation on site at present.

Councillor Leverton thanked Mr Mullin for attending and commended the outstanding quality of design. He was concerned that neither the Civil Aviation Authority nor the Health & Safety Executive had commented on the location of the two lodges in the flight path and noted that transport was the single biggest problem to and from the site. He also suggested the provision of a Park and Ride site, with electric buses in a vintage design. He felt that there was big potential for local employment at the venue but did not feel that the transport modes being proposed were 'man enough'. In response, Mr Shaw advised that neither the Civil Aviation Authority or the Health and Safety Executive had to be consulted on the plans due to the airfields status. Again, he reiterated that as far as transport issues were concerned, the Highways Authority had not raised an objection.

Councillor Haine queried the lack of an objection from the County Council and wondered at what stage this would be triggered. Did there have to be five deaths on the road before they would do anything? Mr Shaw explained that their responses were dependant on government legislation and the Highways Authority overriding aim was safety, irrespective of numbers.

The motion to refuse the application was seconded by Councillor St John. In seconding, he advised that he had undertaken some research on the existing permissions of Vision Motorsport and the planning consents they had been awarded in the past. He queried the current use of the land to the south east of the site which he stated was now being used to grow crops and trees and suggested that its status was not Brownfield but agricultural. In response to a question regarding how the traffic would be monitored on Green Lane, Mr Shaw advised that there would be a traffic counter installed on site. Councillor St John also queried the contribution towards affordable housing being sufficient.

In response, Mr Shaw explained that the average CIL amount was expected to be £10,000 per plot. Therefore, the contribution that a developer would be required to offer in the case of this application of 28 dwellings was £280,000. However, the applicant was offering £1.25million and officers had accepted this

Councillor Collins addressed the Committee as a new member and stated that he had no complaint with the museum which he felt was an attractive design and applauded Mr Mullins' altruism. However, he did not feel that the lodges were subservient or essential to the museum proposal. He was not comfortable with these being used as second or third homes which were unaffordable to the majority of people. He therefore felt unable to support the officers' recommendation.

Councillor Owen thanked all those individuals who had sent representations through to Members and he felt that the presentations delivered at the meeting had been impassioned and clear. He recognised that there were quality of life concerns being raised but reminded Members of the number of objections to the Enstone Airfield initially. Ultimately, it was the fear of the unknown. He felt that the officers were the Council's experts and he had been persuaded by the tourism argument. In addition, as this was outline permission he believed that the details could be decided at a later date.

Councillor Jackson spoke and reiterated his concerns from the last meeting which mainly related to traffic concerns and the impact this would have on the Bartons Ward. Whilst he appreciated that there were benefits such as the 5% profit contribution, he did not feel that the contributions would be sufficient to cover signage, lower speed limits, provide safe crossing places. He was sceptical of the peak traffic distribution figures being stated and quoted the sections of the Local Plan that he felt the application was contrary to.

Councillor Cotterill queried whether the traffic figures were distorted due to the Soho Farmhouse traffic being uncontrolled. He felt the application would further develop the District's tourism offer and reminded Members that Enstone Airfield had been problematic for twenty years. The site could house a number of alternative uses and he felt this proposal was preferable and attractive with the number of trees absorbing a lot of the noise. In response to the concerns raised about traffic, he reminded Members that many villages had successfully applied 20mph limits which had satisfied problems and the Parish Council had the ability to apply for this. He commended the exhaustive work by the officers and advised that he would propose the officer's recommendation if the refusal was lost.

Councillor Woodruff concurred that a lot of work had been done by the applicant to address the concerns raised last time. He felt this was a unique opportunity and urged his colleagues to support the application.

## 9. DURATION OF MEETINGS

**RESOLVED:** That, the meeting having lasted for three hours, in accordance with Paragraph 9 of the Council's Procedure Rules (Duration of Meetings) the meeting be not adjourned but continue to dispose of the remaining business.

Councillor Good expressed his thanks to everyone for putting forward their points of view and thanked everyone who had worked on the changes since the last meeting. He felt that the support from the County Councillor and the Tourism officers was important and agreed that tourism was very important in the District. He hoped that the site would create jobs and he applauded the 5% profit being put into a community fund.

Councillor Davies thanked the applicant for their patience during this lengthy process but questioned the possibility of adding a condition to ensure the lodges were maintained as holiday lodges. She recognised how helpless you can feel as a resident living near to proposed sites but had balanced that with the need for economic stability and growth. In response, Mr Shaw advised that he was happy to look at the wording conditioning the lodges again.

In response to Councillor Colston's comments regarding the Traffic Forum, Councillor Postan assured him that these groups had been set up with the intention of assisting local communities and had originally come about to stop festivals interfering with harvest time in rural locations. He stated that the Burford Quarry traffic forum had helped communication between all parties. He felt that the lodges were intrinsic to the ethos of the museum and would draw art owners to the area, bringing cars that otherwise would not be seen. He applauded the philanthropic offer that Mr Mullin had given the UK and felt it would be unfair to refuse it. In his opinion, to move this venture to Bicester would be akin to displaying a Faberge egg in the workshops and equally to move it to Gaydon would be similar to hanging The Fighting Temeraire by JMW Turner on the railings of Hyde Park.

Councillor Saul felt that the museum was a great idea and the architecture was stylish. The hotels and restaurants he had spoken to felt the venture would be good news and hoped that additional jobs would be created. However, he queried the planning test being used to determine the essential use of the lodges. In response, Mr Shaw explained that officers had looked at the site in its entirety, had concluded that it was predominantly a tourism venture, and it could therefore be supported. However, he recognised that this was a matter of opinion and the decision was finely balanced.

Councillor Bishop advised that this was an exciting opportunity and the report had been well produced. He complimented the officers on a balanced conclusion and the speakers for their contributions. He reminded Members that West Oxfordshire relied upon tourism to a great extent and he highlighted the comments from Sally Balcome, CEO of Visit England/Visit Britain. He was satisfied that officers were content with the affordable housing donation and that many of the details being discussed at the meeting could be dealt with at a later stage.

Councillor Fenton stated that he had read every representation and shared a number of the concerns being expressed. However, having considered the arguments he did feel that this was a tourist attraction and would be in favour of approval. He was in favour of the idea of a shuttle bus especially if electric technology could be utilised.

Councillor Rylett concurred with Councillor Fenton and recognised there were positives and negatives to be weighed up. He also urged the applicant to incentivise visitors to use other modes of transport.

At this point clarification was provided on the reasons for refusal being proposed. It was confirmed that it was felt that the proposal was contrary to Local Plan policies E4, T1, OS2, H2 and H3.

Mr Shaw advised the Committee that to include policy T1, which related to transport, in the refusal reasons might be difficult to defend at appeal because the technical experts, the County Council Highways department, had not raised any objection to the scheme.

The proposer and seconder agreed that Policy T1 should be removed from the list of policies being included in the refusal reason.

The recommendation of refusal for the reasons stated above was then put to the vote and was lost.

It was proposed by Councillor Cotterill, seconded by Councillor Postan that the proposal should be approved as per officer's recommendations.

Councillor Beaney requested clarification on the wording of the conditions and it was agreed that he would meet with officers, and agree the finite wording in consultation with the Chairman and Vice-Chairman.

The recommendation of approval, subject to the prior completion of a legal agreement was then put to the vote and **was carried**.

**RESOLVED:** That application 18/03319/OUT be approved, subject to

- (1) completion of a legal agreement,
- (2) the conditions detailed in the report,
- (3) the additional conditions provided in the update report,
- (4) the informatives detailed in the report; and

(5) the detailed wording of the conditions would be delegated to officers, in consultation with Councillors Beaney, Haine and Ted Fenton, provided that the intent of the condition is maintained.

#### 10. NOTICE OF MOTION – ENVIRONMENTAL PROBLEMS DURING DEVELOPMENT

The Committee received the report of the Business Manager – Development Management for consideration of the Notice of Motion regarding environmental problems encountered during development, referred to the Committee by the Council and requesting they make recommendations accordingly.

At the meeting of the Council held on 24 April 2019 the following notice of motion was proposed:

*“That this Council asks the Development Control Committee to investigate and report back on how the use of clear and enforceable planning conditions and the imposition of monitoring fees might enable the better and more effective control of mainly environmental problems (e.g. dust, mud on roads, noise etc) during the construction period on larger development sites in our towns and villages; and charging of monitoring fees would help to offset some or ideally all of the cost of additional staff time in the enforcement team needed to enforce such conditions”.*

Historically, the position was that if the harms arising from development sites were a statutory nuisance (noise, dust, smell, antisocial hours etc), this would be dealt with by Environmental Health officers as a breach of the Environmental Protection regime. If it caused danger (mud, inconsiderate parking near junctions) it was a breach of the highway code and a matter for the police and if it resulted in damage to the highway, vehicle routing etc. then it was a matter for the County Council.

In more recent years the ability and willingness of these third parties to enforce the legislation for which they were responsible had diminished and consultees were now routinely seeking to have construction traffic management plans (CTMP) and routing agreements imposed as a means to try to persuade developers to address the concerns before they arose. The introduction of CTMP's had had an unexpected consequence in that residents often believed there would be no adverse impact and their expectations were not met. This had also led to an increase in the workloads and ability of the Planning Enforcement team and those officers in ERS who were assisting had become excessive to the extent that more problematic enforcement issues were taking second place to managing the CTMP.

The report therefore suggested that, given that developers often sought minor variations to schemes to reflect changed market conditions, shortages of particular materials, market taste etc., there could be a case to ask them to contribute to a liaison officer via a developer levy. It was considered that developers could be prepared to pay for a service where there was a dedicated officer assigned to their site whose responsibilities involved handling the variations requested by them, but who could also handle any variations/breach of conditions as they arose. Clearly, however, this could not be applied retrospectively and would only be applicable (if imposed) on any Section 106 agreement negotiated from now on.



Members considered the Notice of Motion and discussed a number of alternative options including rewriting public liability agreements, defining schedules of works and billing developers if the work was not carried out, or applying a bond to the legal agreement.

However, it was noted that a lot of these measures could prove problematic when dealing with a large residential development with multiple developers and sub-contractors on site at the same time.

Following a question from Councillor Leverton, Mr Shaw advised that there were no other authorities trialling the idea of a liaison officer and it would require WODC to test the legalities of it through Heads of Terms agreements.

Councillor Rylett stated that this had been a big issue in Eynsham and residents had been very concerned at the time. Mr Shaw explained that hours of his staff's time were being spent on the difficulties being experienced at Eynsham and at the Thornbury Road site.

It was agreed that communication was key to resolving a lot of the issue experienced with developers and residents and it was felt that the introduction of a liaison officer would help to bring all parties together and free up valuable enforcement officer time.

It was proposed and duly seconded that officers be allowed to test the legality and propensity of the development industry to recognise the merits of introducing a levy to fund an officer liaison post.

If there were any further reasons why it could not be imposed, a further report would come forward for Members' consideration.

**RESOLVED:** that the report be noted and officers continue to investigate the introduction of a developer levy.

The meeting closed at 6.14 pm

CHAIRMAN