

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 12 December 2016

PRESENT

Councillors: Mrs M J Crossland (Chairman); R A Langridge (Vice-Chairman); M A Barrett;  
H B Eaglestone; P Emery; D S T Enright, Mrs E H N Fenton; S J Good; J Haine; P J Handley;  
H J Howard; P D Kelland and J F Mills

Officers in attendance: Phil Shaw, Catherine Tetlow, Kim Smith, Christine Cushway,  
Jonathan Noel and Paul Cracknell

45. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 14 November 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

46. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker.

47. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting at this juncture. Subsequently, in relation to application No. 16/02349/FUL (The Zinc Building, Ventura Way, Carterton), Mr J F Mills indicated that, whilst not a disclosable interest, he wished to put on record the fact that he was a Board Member of the Oxfordshire Enterprise Partnership and that the refresh of the LEP's Strategic Economic Plan envisaged economic growth for Carterton.

48. 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:-

(In order to assist members of the public, the Sub-Committee considered the applications in which those present had indicated a particular interest in the following order:-

16/01054/OUT; 16/01902/OUT; 16/03309/S73; 16/00602/FUL; 16/02657/FUL;  
16/03360/S73; 16/03396/S73; 16/03492/OUT ad 16/03626/FUL

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda).

3 I6/00602/FUL Land North of Springfield Oval, Witney

The Development Manager drew attention to the report of additional recommendations and confirmed that his recommendation was that consideration of the application be deferred to enable a site visit to be held and negotiations with the applicants concluded. He reported receipt of additional observations submitted by Mr Cotterill on behalf of two of his constituents.

The Development Manager indicated that, in determining the application, Members would need to weigh up the benefit of the provision of affordable housing against receipt of developer contributions and landscape impact.

In proposing the Officer recommendation of deferral, Mr Mills advised that it would be necessary to establish whether the County Council would be able to continue to maintain those services and facilities in respect of which it had requested developer funding going forward.

The proposition was seconded by Mr Enright who expressed some concern as to the potential traffic impact on Springfield Oval. Mr Enright questioned the ownership of the land at Springfield Oval and the Development Manager informed Members that he had been advised that the land was in the ownership of Cottsway Housing.

*(Subsequent investigation confirmed that the grassed area in the centre of that development had not been transferred to Cottsway but had been retained by the District Council)*

Mr Langridge expressed his support for the proposition but, in the light of recent appeal decisions, cautioned against any attempt to refuse the application on the basis of its impact upon the landscape. With regard to the relative merits of provision of affordable housing against financial contributions, Mr Langridge indicated that his first inclination was in favour of affordable housing.

Mr Howard outlined the difficulties of manoeuvring large vehicles around Springfield Oval and the damage caused by vehicles over-running the edges of the central grassed area. He suggested that the highway should be widened and additional parking provided to address this. Mr Handley concurred, suggesting that developer funding could be utilised for that purpose.

Mr Kelland questioned why access to the site could not be taken from the adjoining land and it was explained that the two areas were in different ownerships.

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

Deferred to enable a site visit to be held and negotiations with the applicants concluded.

22 16/01054/OUT Land at Former Stanton Harcourt Airfield, Main Road, Stanton Harcourt

The planning Officer introduced the application and drew attention to the further observations set out in the report of additional representations. With regard to the Comments made by the Council's Pollution Control Officer she advised that, if Members were minded to approve the recommendation of conditional approval, a further condition (or provision within the proposed legal agreement) regarding the future maintenance of mitigation measures could be required.

Mr Charles Mathew, the Chairman of the Stanton Harcourt Parish Council, 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.

In response to a question from Mr Howard, Mr Mathew gave details of the drainage problems encountered in the vicinity, indicating that he believed the capacity of the sewerage system to be inadequate.

The applicant's representative, Mr John Mackenzie, then addressed the meeting in support of 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 Mr Emery, Mr Mackenzie outlined the proposals for the retention of some of the original wartime buildings and structures on the site. Mr Handley questioned whether some form of memorial could be erected on the site to commemorate those who had lost their lives on the airfield during an air raid. Mr Mackenzie advised that the developers had agreed to make a financial contribution towards public art and indicated that this could be an appropriate use of those funds.

The Planning Officer then presented her report containing a recommendation of conditional approval.

Mrs Fenton indicated that she could not support the application and suggested that Members should visit the site. In proposing that consideration of the application be deferred to enable a site visit to be held, Mrs Fenton also questioned the adequacy of the water supply to existing properties in the village.

In seconding the recommendation, Mr Kelland expressed concern over the safety of the adjacent landfill site and stressed that the Council needed to be satisfied that it did not pose a danger to health before permitting development. Mr Kelland also requested that information on the existing monitoring of the landfill site be provided.

Mr Langridge cautioned that the Council had no technical support to substantiate concerns over the safety of the adjacent landfill site and the relevant consultees had indicated that mitigation measures could be put in place.

Mr Emery indicated that he shared Mr Kelland's concerns regarding the proximity of the landfill site and suggested that further information was required prior to determination of the application.

Mr Mills suggested that further information regarding the adequacy of the fresh water supply and sewerage system serving the settlement should also be provided.

Mr Good expressed his support for a site visit to enable Members to assess the potential impact of the development upon the historic settlement and nearby listed buildings. He indicated that he would have preferred to see a fully detailed rather than an outline application.

Given that there were numerous similar sites across the country, Mr Howard questioned the merits of retaining the wartime structures. He also questioned the lack of objection from Thames Water in relation to sewerage infrastructure capacity.

Mr Mills noted that the County Council maintained proposals for a Stanton Harcourt by-pass within Policy SH2 of its Minerals and Waste Local Plan and questioned whether the proposed development should make a contribution towards this.

Mr Good took issue with Mr Howard's comments regarding the retention of wartime buildings, indicating that the station had played a significant role in historic events.

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

Deferred to enable a site visit to be held.

46 16/01902/OUT Land North of New Yatt Road, North Leigh

The Development Manager introduced the application.

The applicant's agent, Mr Michael Robson, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

In response to a question from Mr Emery, Mr Robson advised that, whilst the type and tenure of the affordable housing element had not been determined and would be led by the Council's Officers, the applicants had committed to the provision of 50% affordable housing.

The Development Manager then presented his report. He explained that, whilst the application had previously been recommended for refusal that recommendation had been revised to one of approval in light of recent appeal decisions. He advised that a verbal response had been received from the County Council as Highway Authority indicating that the road network was considered to be adequate for both this development and that recently approved on appeal on the adjacent site. His recommendation was one of conditional approval, subject to the applicants entering into a legal agreement, to an archaeological dig and to confirmation that the Highway Authority had no objection to the development.

In response to a question from Mr Handley, the Development Manager advised that a footway link was proposed to Green Lane and to the heart of the village through the Gladman site. He also advised that the nearest shops were in Witney or Long Hanborough.

Mr Langridge acknowledged that, following recent appeal decisions, the Council needed to adopt a pragmatic approach and proposed the Officer recommendation. Mr Emery concurred and seconded the proposition.

Mr Haine was pleased to note that appropriate ecological arrangements were to be made and questioned how this area would be protected during the course of development. In response, the Development Manager advised that a traffic and ecology management plan would be put in place by way of condition and the land maintained through the Section 106 agreement.

Mr Mills again indicated that it should be established whether the County Council would be able to continue to maintain those services and facilities in respect of which it had requested developer funding going forward. He also noted that, whilst Thames Water had indicated that it was the developer's responsibility to resolve issues of sewage disposal, the Company also had a responsibility in this respect.

Members expressed some concern at the apparent lack of consistency between the strategic and operational arms of Thames Water. It was noted that this issue had also been raised at the Economic and Social Overview and Scrutiny Committee and that arrangements were being made for representatives of the Company to meet with Members and Officers in the New Year.

The recommendation of conditional approval was then put to the vote and was carried

Permitted, subject to the applicants entering into a legal agreement on the terms outlined in the report and to confirmation that the Highway Authority and County Archaeologist had no objection to the development.

61 16/02657/FUL Land off Well Lane, Curbridge

The Development Manager presented his report and reported receipt of further observations from the applicants. He advised that condition 10 should require the existing boundary hedge to be retained at a height of not less than two metres.

He recommended that the application be approved subject to the applicants entering into a legal agreement and to the outstanding highway issues being resolved.

Mr Mills enquired whether consideration had been given to a reduction in the speed limit on the approach to the site. The Development Manager confirmed that this had been considered but that visibility from the proposed access was considered to be adequate.

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

Permitted, subject to the applicants entering into a legal agreement on the terms outlined in the report and to confirmation that the Highway Authority had no objection to the development.

The Development Manager introduced the application.

Mr Richard Haines, the Chairman of Aston, Cote, Shifford and Chimney Parish Council, addressed the meeting in objection to the proposed variation. A summary of his submission is attached as Appendix D to the original copy of these minutes.

In response to a question from Mr Howard, Mr Haine advised that Thames water had not given any indication as to when remedial work to the sewerage network would be carried out.

The Development Manager then presented his report. He advised that Officers were reliant upon Thames Water for technical advice. He acknowledged that there appeared to be some inconsistency of approach but cautioned against the imposition of technical conditions without the support of the relevant statutory consultees.

Mr Mills questioned whether the current practice of removing sewage using tankers was acceptable in planning terms. The Development Manager advised that, whilst this was far from desirable, Thames Water had raised no objection in this regard. Accordingly, any resultant nuisance and disturbance caused to residents would have to be addressed through the provisions of the Environmental Protection Act, not the planning regime.

Mr Good reminded Members that the condition in question had been imposed to address the significant concerns held by Members over the adequacy of the sewerage system in the vicinity. The Development Manager advised that, whilst it could not impose conditions that would effectively preclude development, the Sub-Committee could apply a condition to the effect that the new properties could not be occupied until such time as a timetable for improvements to the sewerage network had been agreed.

Mrs Fenton made reference to problems encountered throughout Aston and expressed her support for the Development Manager's suggestion.

Mr Handley suggested that the problems experienced were not due to an inherent lack of capacity but resulted from illegal surface water drainage connections to the sewerage system.

Whilst sympathetic to the concerns raised, Mr Langridge reminded Members that there were no objections from the technical consultees and proposed the Officer recommendation subject to inclusion of the further condition suggested.

In seconding the proposition, Mr Howard emphasised that it was vital that Thames Water carried out the upgrades to pumping stations that it had already acknowledged were necessary.

The proposition was then put to the vote and was carried.

Permitted subject to the following additional condition:-

10. Prior to the first occupation of any of the houses hereby approved a timetable agreed in association with Thames Water for the implementation of any works to prevent sewer surcharging shall be submitted to and agreed in writing by the Local Planning Authority. Reason: To ensure that the potential for the proposed development to add to the existing sewerage discharge problems in the vicinity of the site is recognised and that timetabled measures are in place for the sewerage undertaker to address that potential issue

82 16/03360/S73

Eynsham Nursery and Plant Centre, Old Witney Road, Eynsham

The Development Manager advised that there were still design issues to be resolved in relation to certain aspects of this development and that Officers were seeking to negotiate with the applicants to secure highway connections to the wider development area. Accordingly, he requested Members to authorise the Head of Planning and Strategic Housing to approve the application subject to the applicants entering into a Deed of Variation to the legal agreement relating to the associated enabling consent.

The Officer recommendation was proposed by Mr Haine and seconded by Mr Kelland.

Mr Emery expressed his concern that there was no 'joined up thinking' regarding the wider traffic network with the County Council having submitted proposals for a roundabout to the west as part of its park and ride scheme. The Development Manager advised that it had been necessary to submit proposals to meet funding deadlines but that the overall design of the project would be subject to further public consultation.

The proposition was then put to the vote and was carried.

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to approve the application subject to the resolution of any outstanding design issues, to the applicants entering into a Deed of Variation to the legal agreement relating to the associated enabling consent and to such conditions as are considered appropriate and agreed in consultation with the Chairman of the Sub-Committee.

86 16/03396/S73

Land at Newland Street, Eynsham

The Development Manager presented the report containing a recommendation of conditional approval. He noted that the applicants would be required to enter into a Deed of Variation to the legal agreement relating to the associated enabling consent.

Mr Emery indicated that he considered the proposed design of the building to be inappropriate and out of keeping with other properties in the village.

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

Permitted subject to the applicants entering into a Deed of Variation to the legal agreement relating to the associated enabling consent

(Mr Emery requested that his abstention from voting on this application be so recorded)

94 16/03492/OUT Land at Station Road, Bampton

The Development Manager suggested that consideration of this and the following application be deferred to enable a site visit to be held.

It was proposed by Mr Emery and seconded by Mr Enright that consideration of the applications be deferred.

Mr Mills expressed concern with regard to the 'chicane' located close to the access to the site and suggested that the local highway network would be able to accommodate the additional traffic movements generated by the development if it were removed. Mr Howard and Mr Barrett concurred.

On being put to the vote the recommendation of deferral was carried.

Deferred to enable a site visit to be held.

97 16/03626/FUL Land at Station Road, Bampton

Deferred to enable a site visit to be held.

49. PLANNING APPEALS PERFORMANCE AND LESSONS FROM 2016

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing which outlined the Council's performance in defending planning decisions at appeal and drew lessons from the appeal decisions determined from 1 January 2016.

Mr Handley enquired when the Council could expect to have an adopted Local Plan in Place. The Development Manager advised that the current consultation was to close on December 23 and that the Council's revised submission would be made in the New Year. The Planning Inspectorate would not give any indication of when the Hearing would be resumed until that submission had been received but Officers were hopeful that, having adopted the Sedgefield approach to the calculation of the five year housing land supply in the interim, the Hearing could resume in February or March. This would enable the Inspector's report to be received by mid-summer, allowing adoption of the plan in the autumn.

Mr Eaglestone indicated that the Council had no control over build-out rates. The Development Manager advised that this concern had also been raised by the Uplands Area Planning Sub-Committee during its consideration of the report earlier in the month. That Committee had resolved that the Secretary of State for Communities and Local Government and the Local Member of Parliament be advised of the Council's concerns with regard to unimplemented planning permissions and requested to consider the introduction of measures to address them. Members concurred with this approach and the Sub-Committee endorsed the decision.



50. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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

Mr Langridge advised that there was some suggestion that the Saddlers Arms at New Yatt was being occupied for residential use. The Principal Planer (Enforcement) undertook to investigate further and advised that a Breach of Condition Notice could be served if appropriate.

Mr Emery suggested that a timeline of events would make the report more valuable to Members.

Mr Good made reference to a letter he had received that was critical of Officers' involvement in dealing with an alleged breach of planning control at the Mason Arms, South Leigh. Members of the Sub-Committee considered that such criticism was entirely unjustified.

51. CHANGE OF USE OF THE ZINC BUILDING, VENTURA WAY, CARTERTON (APPLICATION NO. 16/02349/FUL)

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding an application for planning permission for the change of use of the Zinc Building, Ventura Way, Carterton from offices to flats.

In order to enable Members to give consideration to exempt information regarding legal and valuation advice it was:-

**RESOLVED:** that the Sub-Committee being of the opinion that it was likely, in view of the nature of the business to be transacted, that if members of the public were present during the following items of business there would be a disclosure to them of exempt information as defined in paragraphs 3 and 5 of Part I of Schedule 12A to the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information), the public be excluded from the meeting.

Having considered the exempt information provided and the advice of the Council's Officers the Sub-Committee:-

**RESOLVED:** That the public be readmitted to the meeting.

The Development Manager then presented the report. Given the strong arguments in favour of its retention as office space, the Officer recommendation was one of refusal.

Mr Mills indicated that, whilst not a disclosable interest, he wished to put on record the fact that he was a Board Member of the Oxfordshire Enterprise Partnership and that the refresh of the LEP's Strategic Economic Plan envisaged economic growth for Carterton.

(Mr Enright left the meeting at this juncture)

Mr Mills indicated that this was a key site in terms of economic development and he believed that it should be retained as such. The Development Manager suggested that the reason for refusal should be revised to take account of this strategic importance.

Mr Haine concurred; reminding Members that the Council had made an Article 4 Direction precluding conversion to residential use without planning consent. This was a clear example of a situation in which conversion to residential use was inappropriate. Residential use would be incompatible with adjoining commercial uses and Mr Haine proposed the Officer recommendation of refusal.

In seconding the proposition, Mr Howard noted that Phase II of the Carterton Leisure Centre was to be constructed in close proximity to the Zinc Building and expressed concern that the centre's opening hours would give rise to nuisance and disturbance to any nearby residents. Mr Howard agreed conversion to residential use was inappropriate and that office accommodation was needed to promote economic growth in Carterton.

Mr Handley concurred and expressed concern over the payment of compensation to the applicant. The Council's solicitor advised that, should the application be refused, the applicants would be fully entitled to submit a claim for compensation for the reasons previously stated.

Mr Langridge acknowledged that the risk of compensation was a relevant consideration but considered that refusal was justified given the importance of this commercial building to Carterton.

In response to questions from Mr Good, the Development Manager advised that the building had been in commercial use but was not fully occupied at present. He confirmed that the proposed conversion complied with Fire Safety Regulations. Mr Howard indicated that the availability of office space in the building had not been widely advertised.

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

Refused for the following reason:-

That by reason of the loss of the existing modern and commercially attractive commercial premises in a location where such premises would be unlikely to be replaced, in an area recognised in the SEP as a priority for economic regeneration, where the loss of the facility would adversely affect the local economy, where the development would result in additional commuting to higher order settlement and where the incoming residential use is likely to put pressure on the continued economic activity on adjoining sites in order to limit the impacts on the residential amenity of incoming occupiers, the proposal is considered to give rise to strong economic objections. As such the proposals would give rise to the harms identified in paragraph 51 of the NPPF and additionally would be contrary to the terms of policy E6 of the adopted WOLP and policy E1 of the emerging plan.

The meeting closed at 5:40pm.

CHAIRMAN