

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 9 January 2017

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, Miranda Clark and Paul Cracknell

52. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 12 December 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

53. APPLICATION NO. 16/02657/FUL – LAND OFF WELL LANE, CURBRIDGE

The Development Manager advised that, owing to an administrative error, a 21 day re-consultation period had been advertised in relation to this application rather than the correct 10 day period. A further letter had been received prior to the extended closing date but the Development Manager explained that the issues raised had either been addressed during the course of debate at the previous meeting or could be dealt with by the inclusion of a note on the decision notice. If Members were content with this approach, the Head of Planning and Strategic Housing could be authorised to incorporate a note on the decision notice. Conversely, the application could be referred to the next meeting of the Sub-Committee for determination.

**RESOLVED:** that the Head of Planning and Strategic Housing could be authorised to incorporate a note on the decision notice addressing the issues raised during the extended consultation period.

54. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker.

55. DECLARATIONS OF INTEREST

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

56. 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 I6/00602/FUL Land North of Springfield Oval, Witney

The Development Manager introduced the application.

Mr Andy Holme 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 Enright, Mr Holme advised that residents on the north side of Springfield Oval had experienced flooding of their gardens in the past which they believed to be groundwater flooding.

The applicant's representative, Mr Andrew Ward, 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 the Chairman, Mr Ward confirmed that the application was time sensitive as funding would be withdrawn if the development was not able to proceed within the current financial year.

The Development Manager then presented his report. He advised that, contrary to his previous understanding, the grassed area in the centre of Springfield Oval had been retained in the Council's ownership at the time that the housing stock was transferred to West Oxfordshire Housing.

He drew attention to the report of additional recommendations and recommended that consideration of the application be deferred pending re-consultation and receipt of responses to amendments from the technical consultees.

Mr Emery thanked Officers for their efforts in developing this scheme and questioned whether Thames Water was content with the proposals. In response, the Development Manager advised that no formal response to the revised plans had been received from Thames Water.

Mr Emery proposed the Officer recommendation of deferral which was seconded by Mr Kelland.

Mr Langridge expressed his support for the proposition but, recognising the time constraints, stressed that the application should be brought before the next meeting.

Mr Howard questioned whether the funding deadline could be extended. In response, the Development Manager explained that this was a question for the applicants but, as the proposed legal agreement only related to the transfer of funds and the provision of affordable housing, there was no reason to assume that it could not be resolved speedily.

Mr Howard considered that it was important to receive a formal response from Thanet Water prior to determination of the application and questioned whether it would be possible to secure an alternative access to the site from the adjacent 'Gladman' development. The Development Manager advised that it would not be possible to resolve the question of an alternative access in time for the next meeting.

Mr Haine expressed his concern at the possibility of the loss of funding for this scheme which would bring much needed affordable housing to the District. He believed that most of the changes proposed could be incorporated into the development and that the outstanding issues could be resolved by Officers. Accordingly, Mr Haine proposed an amendment to the proposition of deferral that the Head of Planning & Strategic Housing be authorised to approve the application in consultation with the Chairman of the Sub-Committee subject to resolution of outstanding design issues, confirmation of no objections from technical consultees, to no new and substantive issues being raised during the re-consultation process, to the applicants entering into a legal agreement on the basis set out in the report and to such conditions as were considered appropriate.

The amendment was seconded by Mr Good.

Mr Mills questioned whether funding was in place to enable the County Council to meet the cost of the necessary mitigation measures as, given the County's financial position, it was not certain that they would be able to fund Traffic Regulation Orders. Accordingly, it was necessary to obtain the County Council's view. Mr Mills indicated that, whilst the provision of affordable housing was important, so too was the retention of social cohesion and expressed his support for deferral. The development Manager confirmed that, whilst the applicants had advised that the County Council had raised no objection, this had not been confirmed directly with the Council.

Mr Handley indicated that it appeared that development would be approved on the site in some form and encouraged local residents to take the opportunity to engage with the developers to seek to advance their position with regard to parking and access and improvements to the grassed area. He too expressed support for a deferral.

Mr Kelland suggested that the application should be brought back before the Sub-Committee for determination and indicated that he would prefer to see access to the site through the 'Gladman' development.

The Chairman reminded Members that it was not the role of Members to redesign a scheme but to determine the application before them.

Mr Enright emphasised the need for affordable housing and, in particular for social housing for rent. Whilst the current scheme was unlikely to win any awards, he believed that the objections raised by local residents were not insuperable.

Mr Enright stressed the need for appropriate footpath and cycle links and suggested that the outer side of the oval could be widened to provide additional parking. Mr Enright also enquired whether developer funding could be provided to assist the Town Council's operation of the 233 bus service.

Mr Haine questioned whether the amendments were sufficient to warrant re-consultation as they were unlikely to give rise to any new and substantive issues. R Haine also concurred with Mr Mills over the need to ensure that County Council funding was in place.

Mr Mills questioned whether a deferral could give rise to submission of an appeal for non-determination. In response, the Development Manager advised that, whilst this was a theoretical risk, the time constraints imposed by the funding arrangements were such that it was unlikely to become a reality.

Mr Mills also expressed concern at the lack of provision of funding for air quality mitigation measures, indicating that this represented a demonstrable harm. The Development Manager advised that, in determining the application Members needed to balance the harm caused in terms of air quality management against the benefit of the provision of affordable housing.

In response to a question from the Chairman the applicant's representative, Mr Ward, advised that, having taken advice from his clients, there was no scope for revising the funding timescale at this juncture as the funders required a planning consent to be in place by the end of the financial year.

The amendment was then put to the vote and was carried. Having become the substantive motion it was:-

**RESOLVED:** that the Head of Planning & Strategic Housing be authorised to approve the application in consultation with the Chairman of the Sub-Committee subject to resolution of outstanding design issues, confirmation of no objections from technical consultees, to no new and substantive issues being raised during the re-consultation process, to the applicants entering into a legal agreement on the basis set out in the report and to such conditions as are considered appropriate.

23 16/01054/OUT Land at Former Stanton Harcourt Airfield, Main Road, Stanton Harcourt

The planning Officer introduced the application.

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 C to the original copy of these minutes.

Mr Enright questioned Mr Mathew's contention that the County Council had recommended refusal of the application as being in an unsustainable location.

In response, Mr Mathew drew attention to paragraph 1.18 of the report in which it was stated that the County Council's withdrawal of financial support of the number 18 bus service in the summer would prevent safe and suitable access for all and will not allow use of sustainable transport modes to be maximised,

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 D to the original copy of these minutes.

The Planning Officer then presented her report and drew attention to the report of additional recommendations containing a proposed amendment to condition 14 as set out in the schedule of applications. In response to Mr Mathew's comments regarding sustainability, she acknowledged that sustainable transport was not accessible from the site but explained that, in coming to their recommendation of conditional approval, Officers had considered this to be outweighed by other benefits.

With regard to concerns expressed in relation to the adjacent former landfill site she advised that the operators were required to comply with the requirements of the Environment Agency's licensing regime. In addition, the applicants had also initiated their own monitoring programme which had established that there were currently no reasons to preclude development. Further, in the event that difficulties were encountered in the future, technical solutions were available to enable these to be overcome.

Mr Mills questioned why the conclusions with regard to the current site differed from those reached in relation to previous applications for development at Tar Lane. In response, the Development Manager advised that the Tar Lane landfill site had operated in earlier times when its use was less regulated and the capping requirements different from those applied to the airfield site. At Tar Lane, the application had been to build on top of the landfill site whilst the current application related to land adjacent to the former landfill site. There had also been concerns that the type of development at Tar Lane, comprised of Mobile Homes, would give rise to the risk of gasses accumulating in skirted voids beneath the dwellings whereas here, traditional construction would obviate such risk.

Mr Kelland expressed his concern over the application, indicating that there was evidence of gas venting from the adjacent land. He suggested that the application should be deferred to seek an independent assessment of the situation and assurances that residents of the proposed development would not be placed at risk.

The Development Manager acknowledged that there were concerns over gasses venting from the adjacent land but this did not mean there were problems on the development site itself. Monitoring carried out by the applicants had not revealed any subterranean transfer of gasses and had also confirmed that appropriate mitigation measures could be put in place should problems of this nature arise in the future. An unsubstantiated fear did not warrant refusal and the investigations carried out by the applicants had been sufficient to address the concerns raised.

Having identified the potential issue the Council had done all it could in the absence of evidence to support a reason for refusal.

Mr Good demurred, indicating that this was a difficult site that he regretted had been identified in the emerging Local Plan. In the event that permission was granted he suggested that the development should provide the best possible benefit to the local community by way of developer contributions. He outlined the potential of the site and suggested that the 30mph speed limit should be extended and developer funding provided to the Parish Council.

Mr Good questioned where responsibility for the future maintenance of the retained wartime structures would lie and it was explained that a sum of £41,000 was available from the development and it would be up to the Parish Council to determine how this would be applied and decide how to use the retained building. It was not intended that the building would be open to the public but it was up to local residents and organisations to see what agreement could be reached.

Mr Howard questioned the merits of retaining the blast shelters, expressing concern that these could be a danger to children playing on the structures. In response, the Planning Officer advised that she did not see these structures would constitute a danger but it remained for the Council's Leisure Services section to consider the future of the retained structures in consultation with the Parish Council.

Mr Howard also took issue with the suggestion at paragraph 5.60 that the site was at low risk of flooding as he had personally witnessed flooding in the vicinity during 2007. In response, the Planning Officer confirmed that Thames Water had raised no objection to the development.

Mr Emery agreed that the 30mph speed limit should be extended and questioned whether there were any hazardous operations being carried out on the nearby industrial estate. In response, the Development Manager advised that the industrial site had the benefit of a B2 industrial use but was not subject to any hazardous substances consents.

Mr Langridge expressed his support for the application, indicating that development would improve this brownfield site and preserve a range of significant heritage assets. There were only a very limited number of brownfield sites in the emerging Local Plan and, whilst acknowledging the concerns expressed with regard to the adjoining former landfill site, Mr Langridge indicated that investigations had been carried out and mitigation measures identified if necessary. In the absence of any objection from the technical consultees, Mr Langridge proposed the Officer recommendation of conditional approval. The proposition was seconded by Mr Enright.

Mr Handley remained concerned that the Council did not have sufficient information to approve the application and considered that a bunding arrangement should be employed. He expressed his support for a deferral.

The Development Manager reiterated that the Council's Officers were reliant upon the advice of the technical consultees in this respect and that they had confirmed that they had no objection to the application. This

position was supported by the applicant's report and appropriate conditions had been recommended. In such circumstances, refusal of the application would place the Council at risk of cost at appeal.

Mr Haine concurred, indicating that he would support the application.

Whilst development was regrettable, Mrs Fenton acknowledged the historical significance of the site. However, local councils were disinclined to accept additional maintenance responsibilities. In response, the Development Manager advised that, by determining the application at a local level, the Council would retain a far stronger negotiating position in securing developer contributions than if it were to be decided on appeal.

Mr Good questioned how public use of the retained building would be resolved, identifying certain organisations that could be interested in occupying office space on the site. The Development Manager advised that this would be resolved through the legal agreement and, should the Parish Council not wish to undertake the role; a management company would be established. He confirmed that the Council would be happy to assist in identifying an appropriate alternative use.

Mr Kelland asked how long the developers would be responsible for the retained building The Planning Officer advised that this would be resolved through negotiation of the S106 agreement.

Mr Kelland also enquired whether this site could be considered in conjunction with other potential development sites and the Development Manager reiterated that each application had to be determined on its own merits.

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

Permitted, subject to the amendment of condition 14 as set out in the report of additional representations and to the applicants entering into a legal agreement on the basis set out in the report.

(Mr Kelland and Mr Good voted against the foregoing application and Mr Emery, Mr Handley and Mr Howard abstained from voting. Each requested that their votes or abstention be so recorded)

(Mr S J Good left the meeting at this juncture)

48 16/03427/FUL 46 Acre End Street, Eynsham

The Planning Officer introduced the application.

Ms Caryl Seddon addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix E to the original copy of these minutes.

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

In response to a question from Mr Howard, Ms Seddon advised that the stop for S1 bus was located close to the access to the site which was often obstructed by this regular service.

Mr Emery indicated that, whilst local residents were happy to see the existing building brought back into use, they were concerned over the proposed car parking arrangements and the relationship between the existing and proposed new properties.

Accordingly, he proposed that consideration of the application be deferred to enable a site visit to be held to allow Members to assess the potential impact of the development on site. The proposition was seconded by Mr Mills and on being put to the vote was carried.

Deferred to enable a site visit to be held.

57 16/03492/OUT Land at Station Road, Bampton

Members noted that this outline application had been superseded by the following application for full planning permission.

60 16/03626/FUL Land at Station Road, Bampton

The Development Manager introduced the application and made reference to the further observations set out in the report of additional representations and reported receipt of the applicant's response to the concerns raised by the Parish Council.

Mr Des Dunlop, the applicant's agent, addressed the meeting in support of to 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 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.

In response to a question from Mr Barrett, the Development Manager advised that the Parish Council had not withdrawn its objection but that the concerns expressed had been addressed in the applicant's response.

Mr Barrett expressed his concern with regard to traffic generation and access arrangements, indicating that he would prefer to see the 'chicane' removed. However, he acknowledged that this was not a matter under the applicant's control.

The Development Manager acknowledged that there had been a number of accidents in the vicinity of the site but these had been the result of vehicles travelling at excessive speed, not turning movements.

(Mr Eaglestone left the meeting at this juncture)

Mr Mills advised that there had been a number of historic accidents on this particular stretch of road but acknowledged that these could not be directly related to the current application as the cause of these had been speeding.

Given the increasing elderly population in the County, Mr Mills indicated that he would be happy to see an age restriction condition upon the development, particularly as this had been identified as an issue by the



Director of Public Health. In addition, he suggested that signage should be erected to give advanced warning of queuing traffic.

Mr Emery expressed his support for the scheme and questioned whether the public open space would be secured as such in perpetuity. In response, the Development Manager advised that the green space would be transferred to the Parish Council or a management company to secure its future maintenance. Whilst the Government had introduced measures enabling a developer to argue that circumstances had changes such that the terms of a Section 106 were out of date, there would be a positive obligation to retain the open space imposed through the legal agreement.

Subject to the inclusion of an age restriction condition and a requirement to erect signage to give advanced warning of queuing traffic the recommendation of conditional approval was proposed by Mr Emery and seconded by Mr Langridge.

In response to a question from Mr Handley, the Development Manager confirmed that a footway would be constructed to link into the existing network and explained that the question of street lighting could be addressed through a safety audit.

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

Permitted subject to the applicants entering into a legal agreement on the basis outlined in the report, revised as detailed above, and to such conditions as are considered appropriate by the Head of Planning and Strategic Housing.

67 16/03940/FUL Acre End Cottage, Chapel Road, South Leigh

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

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

Permitted

57. 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 appeal decisions was received and noted.

The meeting closed at 5:20pm.

CHAIRMAN