

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
Held in the Council Chamber at 2.00 pm on **Monday, 27 February 2023**

PRESENT

Councillors: Richard Langridge (Chair), Michael Brooker (Vice-Chair), Joy Aitman, Colin Dingwall, Ted Fenton, Andy Goodwin, Nick Leverton, Charlie Maynard, Lysette Nicholls, Elizabeth Poskitt and Andrew Prosser

Officers: Kelly Murray (Senior Planning Officer), David Ditchett (Senior Planner) and Elloise Street (Planner), Esther Hill (Planner), Michelle Ouzman (Democratic Services Officer) and Anne Learmonth (Democratic Services Officer)

Other Councillors in attendance: Dan Levy and Michele Mead

113 Minutes of Previous Meeting

The minutes of the meeting held on Monday 30 January were approved and signed by the Chairman as a correct record, subject to change to

Pg 6 and 7 – 22/02853/FUL and 22/02854/LBC 46a Market Square, Witney –Councillors urged the applicant to seek pre-application advice.

114 Apologies for Absence

Councillor Levy substituted for Councillor Alaric Smith.

Councillor Mead substituted for councillor Eaglestone.

115 Declarations of Interest

Declarations of Interest were received as follows

Pg 30 - 22/01068/FUL T Robins Building, Avenue Three, Witney.

Councillor Brooker knew the applicant on a professional level and Councillor Aitman had heard the application when put before Witney Town Council.

Pg 54 - 22/01384/OU Land North East of Ducklington Farm Course, Hill Lane, Ducklington

Councillor Prosser knew the applicant on a professional level.

Applications determined under delegated Powers

Pg 130 – Item 36 – Councillor Fenton declared his stepson knew the applicant

Pg 131 – Item 43 – Councillor Fenton declared that when teaching the applicant was a former student.

116 Applications for Development

The Chair advised that both Calais Farm Building applications would be presented and debated together and voted on as separate applications.

21/03758/FUL Calais Farm Building, Buckland Road, Bampton and 21/03761/FUL Calais Farm Building, Buckland Road, Bampton.

Kelly Murray, Principal Planner introduced the application for a change of use and sub-division of building C to Class E (g) (unit 2) and B8 storage (unit 1 and unit 3) use (retrospective) (amended application) and the application for a change of use of building B to Class E (g) (unit 1) and B8 storage (units 2 and 3) use. (Retrospective) (amended application).

Nathan Shayler spoke as the applicant in respect of both applications. A copy of the speech is attached to the original copy of the minutes.

Kelly Murray continued with the presentation which covered both applications. She showed various slides of the site, detailing the current uses for storage and light industrial use. The site has been cleared of external storage. There had been objections from residents regarding vehicles accessing the site close to homes however there had been no objections from Highways.

The Principal Planner confirmed that the officer recommendation is to grant permission subject to the conditions set out in the Committee Report.

The Councillors discussed the application which raised the following concerns and issues;

- Had there been an outcome to the enforcement complaint.
- Access to the property was by a narrow track, would there be conditions regarding access and timings.
- Types of vehicles accessing the site such as bigger sized vehicles and whether this could be conditioned.
- Noise from the site over weekends and evenings.

The Principal Planner confirmed that the enforcement complaint would continue if the applications were refused and that the purpose of the applications was to regularise the current unlawful uses of Buildings B and C. The removal of the storage containers and the cessation of the mechanic business formerly occupying Building A have reduced the larger vehicles needing access to the site. The lawful use of the site was agriculture/ equestrian which might reasonably entail large agricultural machinery such as tractors using the track to access the site. As the track was a private road and Highways were not objecting to the amended applications the use of the access was a civil issue for the owner. Amendments had been made to the original applications made in 2021 which addressed some of the objections raised and Officers considered the others could be dealt with by the recommended conditions. Although it was not possible to impose a condition limiting the type/size of vehicles accessing the site and informative might be added.

Councillor Andy Goodwin proposed approval as per the recommendations in the Officer's report this was seconded by Councillor Elizabeth Poskitt, was voted on and carried. The vote was unanimous.

Committee **Resolved** to:

- I. Approve the application as per Officers recommendations in the report.

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21/03761/FUL Calais Farm Building, Buckland Road, Bampton.

Councillor Michael Brooker proposed approval as per the recommendations in the Officer's report this was seconded by Councillor Elizabeth Poskitt, was voted on and carried. The vote was unanimous.

Committee **Resolved** to:

- I. Approve the application as per Officers recommendations in the report.

Councillor Michael Brooker and Councillor Joy Aitman left the Chamber at 2.30pm

22/01068/FUL T Robins Building, Avenue Three, Witney.

Before beginning the presentation, Esther Hill, Planning Officer, brought the members attention to a discrepancy on page 31 of the agenda highlighting that the year of the representations received from the WODC ERS Officer should be 2022 and not 2023 as stated in the report.

The planning officer then presented the application for a change of use from current mixed /warehouse to Sui Generis to allow the premises to be used as a live music and entertainment venue along with a bar serving alcohol, hot and cold food. A single story extension to the front aspect to provide a new ladies toilets and disabled toilets with access and fire escapes. A change to the front of Unit 5 (in service yard) to create the venue entrance, including the additional of a window for the box office and a bin and cycle store.

Gavin Hyatt spoke as the applicant, a copy of the speech is attached to the original copy of the minutes.

The Chair invited questions of clarification from the committee.

The Councillors asked how hot food would be prepared and served at the venue. Gavin Hyatt confirmed that there were no plans for a kitchen to be included on the site. But that the permission would allow for external caterers such as a kebab Van to come on site to serve hot food.

The Planning Officer continued with the presentation confirming that the application met the tests of the Local Plan and National Planning Policy Framework with regards to the 'town centre first approach', therefore the siting of the development was considered acceptable. That the development would not give rise to neighbouring amenity issues and no objections were received from Thames Valley Police with regards to safety and security. The venue would be close to the town centre where there are a number of carparks and access to bus routes and taxis. The site can be accessed from public footpaths with streetlights along the duration within the industrial estate. People may choose to cycle, cycle storage is proposed. There were no objections from Highways or any other statutory consultee. The venue will benefit the visitors and the local community providing a space for local groups and clubs to be held promoting social wellbeing, interest and interaction within the community. The venue will result in economic benefits for the town.

The Planning Officer confirmed that the officer recommendation is to grant permission subject to the conditions set out in the Committee Report.

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The Councillors discussed the application which raised the following concerns and issues;

- Parking in the area with focus on safety,
- numbers of parking spaces available,
- yellow lines to prevent parking problems.
- noise disturbing lorry drivers resting in the area.
- Fire safety, limits on attendees.
- What licensing arrangements would cover the venue

The Planning Officer confirmed that there would be no yellow lines to manage the parking within the industrial estate as there had been no objections from Highways and this would fall outside of the red edged boundary of the site. Thames Valley Police have been consulted on the application and the applicant submitted a security strategy including security lighting, cctv and training for staff. To number the amount of people attending the applicant would have to go through fire safety regulations which is not covered by the Planning Team. The application would have to go before the Licencing Committee to cover aspects on licensing.

Councillor Ted Fenton proposed approval as per the recommendations in the Officer's report this was seconded by Councillor Charlie Maynard, was voted on and carried. The vote was unanimous.

Committee **Resolved** to

- I. Approve the application as per officers recommendations in the original report.

Councillor Andrew Prosser left the Chamber and Councillor Michael Brooker and Councillor Joy Aitman returned to the Chamber at 2.48pm.

22/01384/OUT Land North East of Ducklington Farm Course, Hill Lane, Ducklington.

David Ditchett, Principal Planner, introduced the outlined application (all matters reserved except for means of access with the A415) for up to 385 residential dwellings (use class c3), up to 1.22ha of employment land (use classes B2/B8), public open space, landscaping, drainage infrastructure and other associated engineering works. The Principal Planner proceeded to show members a PowerPoint showing the development site, the constraints, the proposed plans and images of the site from several locations.

Matthew Barker, Vice Chair of Ducklington Parish Council spoke in objection to the application, a copy of the speech is attached to the original copy of the minutes.

The Councillors asked for clarification on the following points;

- Smell from the sewage treatment works
- Whether the primary school in Ducklington has provision for more students
- Expansion of the sewage site.

Matthew Barker confirmed that the smell from the sewage works was weather dependant. If the wind was in the direction of the village the smell was worse. The primary school did have capacity for more students and the closest shop was Lidl. The expansion of the sewage works would be within the current site.

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Michael Knott spoke in support of the application as the agent, a copy of the speech is attached to the original copy of the minutes.

The Principal Planner continued with the presentation and read out the following speech “The application was received in May 2022 and we have spent the last 9 months working through the technical issues with the agent (Barton Willmore, now known as Stantec) the applicant (David Wilson Homes Southern) and consultees before reaching a recommendation.

The history of the site is set out in detail in the officer report. However to summarise, the site has previously been considered as part of the Council’s SHELAA (Strategic Housing and Economic Land Availability Assessment) in 2016. The SHELAA assessment concluded that “The site is divorced from Witney by the A40 and development of this site would result in unsustainable urban sprawl, dependent on car travel, subject to a poor level of residential amenity and causing the coalescence of Witney with the outlying villages of Ducklington and Curbridge”. The wider site was also considered as part of the Local Plan Examination in 2017/2018, with the Council preferring to allocate land to the east and north of Witney. The Inspector examining the Local Plan agreed with the Council’s assessment of the site.

Other related planning history is the application for up to 120 homes at the Moors which was refused by Members in March 2022 while we could demonstrate a 5YHLS. The Inspector then allowed in the appeal in January 2023, when we could not demonstrate a 5YHLS, Officers have set out, in detail, the comparison between that application and this in the committee report. The application to the rear of 110 Witney Road is also a material consideration.

Turning to consultee standpoints. As of today, we have objections from Ducklington Parish Council, Thames Water, OCC archaeology and our Air Quality, Conservation and Design Landscape, and Policy Officers.

Other consultee replies are either not received, raising no objections or objection subject to S106 contributions (such as the Oxford Clinical Commissioning Group NHS).

16 Objection comments and 1 general comment were also received.

Turning to the assessment, while I have touched on it so far, it should be explicitly stated that the Council cannot demonstrate a 5 year housing land supply, it is published at approximately 4.1 years. As such, the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits, or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

The Committee Report sets out in detail the benefits of the scheme and the adverse impacts. However, to summarise, the benefits include that the proposed development would:

add up to 385 dwellings to West Oxfordshire Council housing stock,

Of the up to 385 dwellings, 40% (up to 154 homes) would be affordable homes

M4(2) compliant homes (a higher standard that designs new dwellings so that they're more easily accessed and adapted should the need arise in future) and 5% of homes as M4(3) (wheelchair accessible).

The illustrative masterplan shows retained tree belt planting, sustainable drainage system (SuDs), hedgerow planting, semi natural green space, allotments, a village green, green corridors, a MUGA, edible landscapes, orchard and meadow planting, local equipped area for

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play (LEAP), Local Area for Play (LAP) and an informal kick about area. In addition, the proposal would create new public open space, and pedestrian/cycle routes. However, as explained in the report. The current location of the MUGA, informal kick about area, allotments, the bulk of the open space, and some walking/cycling routes would be within an area affected by the odour from the operation of the sewage treatment works and abattoir.

The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area.

The provision of up to 1.22ha of employment land (use classes B2/B8) would result in job opportunities and the associated economic benefit. However, the proximity of this employment land to the odours created by the operation of the sewage treatment works and abattoir reduces scope for the nature of the employers able to operate in this area.

For biodiversity net gain 14.90% in habitat units and 11.26% hedgerow units on-site would be achieved.

The employment area is supported in principle.

The applicant has confirmed that they are willing to meet the financial contributions to local services/infrastructure through a Section 106 agreement (except where noted in the report for onsite leisure and education).

A neutral impact is that the proposed development would not harm the settings of Ducklington Conservation Area or nearby listed/local listed buildings.

Moving to the harms. The development has an unknown impact to archaeology. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed scheme would affect this significance. It should be stated at this point that the applicant is willing to undertake this trenching either through the appeal process, or, if members resolve to approve the application, the trenching could be undertaken alongside the s106 process.

There is landscape harm.

The proposal does not respect the village character and local distinctiveness; it is not of a proportionate and appropriate scale to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not avoid the coalescence of Witney and Ducklington; and would not protect the local landscape or setting of Ducklington or Witney.

New housing in this location conflicts with the strategic housing policies in the local plan. However, as we cannot demonstrate a 5YHLS, this conflict carries less weight.

The scheme has very poor permeability with Witney or Ducklington.

The proposed development is solely for housing, with some employment (B2/B8) and does not provide the infrastructure or services required to serve the development. Occupiers are required to travel to meet their daily needs, this travel is likely by private vehicle and as such, the proposed development would not meet the definition of a 20 minute neighbourhood. It is an unsustainable form of development

With regard to odour. Officers have found harm to the living conditions of future occupiers of the dwellings, that the quantum of development would be affected, that conditions/reserved matters are not appropriate, that the public open space, allotments, informal kick about area,

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and MUGA would be affected, leading to less public use, and that the quality of the development as whole is unacceptable.

Impacts to health and wellbeing owing to the poor quality public open space, allotments, informal kick about area, and MUGA being affected by odour.

While on the subject of odour, officers direct member attention to the late submission titled 'Notes on Interpretation of the Olfasense Odour Impact Assessment for Witney WwTW and Odour Aspects of the Officers Report' circulated to members last week. For clarity, officers have read this report and its contents have not changed the refusal reasons, nor the recommendation.

Officers would pick up on two points in the Executive Summary. Firstly, point 2 states that 'The Officers position is based on the proposition that odours from the WwTW should be allocated to the "most offensive" odour category'. The Committee Report does not suggest that, in 5.108, the committee report is clear that the odour from the sewage treatment works are likely to be between moderately offensive and most offensive odours.

The second point is that in point 13 of the Executive Summary states 'In my opinion the Officers Report does not introduce any substantive new evidence or reasoning to overturn the opinion and conclusion of Olfasense'. The committee report does not overturn the findings of the report, nor does it disregard its findings. Indeed, many of the officer arguments are based on this report, alongside other published information on odour impacts such as IAQM The Institute of Air Quality Management and DEFRA (Department for Environment, Food & Rural Affairs). Nonetheless, there is no firm level at which odour becomes harmful, per se. indeed, IAQM guidance and the submitted Olfasense report testify to that.

To conclude, the application is recommended for refusal with the four refusal reasons set out in the committee report".

The Councillors discussed the application which raised the following concerns and issues;

- The new development would rely on Ducklington Village's resources.
- Access from the site to the main road A415 would not be safe for cyclists, pedestrians and wheelchair users.
- Safety concerns if children attended the primary school at Ducklington crossing a very busy road.
- Where the site would sit locally would it be part of Ducklington or Witney?
- What noise impact would the abattoir have on the site.
- What impact the odour would have on the site.
- Thames Water capacity for the site.
- Was the site on a bus route.
- Safety concerns over children playing near ponds on the site.
- The archaeology heritage value.

The Principal Planner confirmed that due to the site being separated by main roads the site did not link to Witney or Ducklington effectively. Officers cannot be certain of the significance of any archaeology in the area and thus could not assess how the proposed development would affect this significance. Due to the site being only housing there would be a need for potential residents to use Ducklington and Witney's resources such as the schools, GP surgeries, shops, cafes and public houses and due to a busy road and distance, these would not be easily

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accessible by foot. Bus routes are limited so there would be more reliance on private car use. Due to concerns over the impact of odour from the sewage works and abattoir on the site, the officers considered that there would be harm for future occupiers of the houses. The Odour could also result in the open green spaces not being used, but also recognised that it was hard to predict the levels of odour from day to day. The Principal Planner considers the scheme to be unsustainable development.

The Principal Planner read a statement from Thames Water which confirmed that there is currently insufficient capacity in their network to accommodate the needs of the proposed development for foul water and off site capacity.

In response to a question querying the stance of Thames Water, the Principal Planner showed a PowerPoint slide containing the last formal comment from Thames Water dated November 2022. The Principal Planner explained that Thames water are objecting to the scheme. However, Thames Water caveat their objection by suggesting conditions and mitigation if Local Planning Authority are satisfied with the applicant's assessment that the amenity of future occupiers of the proposed development will be acceptable. The Principal Planner explained that as set out in the report, officers do not consider the application to be acceptable in amenity terms and are not satisfied that odour could be adequately dealt with at reserved matters, or by the application of conditions.

In response to a question querying the likely increase in size of Witney Sewage Treatment Works, the Principal Planner explained that he was forwarded emails between Thames Water and the applicant on the day of the committee and could confirm that the 6% referred to in point 5.123 relates to likely increase in odour. The Principal Planner explained that this increase is at a very early stage and is not formally confirmed by Thames Water for the purposes of this application, however is a material consideration.

Councillor Elizabeth Poskitt proposed refusal as per the recommendations in the Officer's report this was seconded by Councillor Andy Goodwin, was voted on and carried. The vote was unanimous.

Committee **Resolved** to:

1. Refuse the application as per officers recommendations in the original report.

Councillor Andrew Prosser returned to the Chamber at 3.50pm.

22/03327/FUL Singe Wood Stables, White Oak Green, Hailey.

Elloise Street, Planning Officer, presented the application for the conversion of stables into two bedroom living accommodation for letting purposes.

Jeremy Smith spoke as the applicant, a copy of the speech is attached to the original copy of the minutes.

The Councillors asked for clarification on what eco-friendly building materials would be used. There were also concerns raised about the site not looking appealing and questioned whether it was contaminated.

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Jeremy Smith confirmed that the materials used would be to a high standard, the building would be well insulated, triple glazed and a ground sourced heat pump would be used.

The Planning Officer continued with her presentation and confirmed that Hailey Parish Council had submitted an updated comment stating that they would have objected to the application due to the restrictive covenant on the site. The Planning Officer clarified that restrictive covenants are not a planning matter. The building was not part of the local village due to its location in woodland. There were no walkable services nearby and so not a sustainable location for tourist accommodation. There would be a heavy reliance on cars to access shops. When considering policies H2, OS2 and E2 of the Local Plan, the application would not meet the criteria.

The Councillors discussed the application which raised the following concerns and issues;

- The location of the dwelling
- Materials used to build the dwelling
- The length of time the property could be let as holiday accommodation
- Could the property become a permanent residence?
- Access to the site on a bend and could be dangerous to those unfamiliar with the area.

The Planning Officer confirmed that the location of the dwelling would not be part of a village or hamlet and therefore would not represent sustainable development or tourism. There was a limit to the time a person could hire a holiday let for. There were no objections from Highways, however there were no public footpaths to access the local shops or bus stop resulting in the use of a private car.

Councillor Lysette Nicholls proposed refusal as per the recommendations in the Officer's report this was seconded by Councillor Andrew Prosser, was voted on and carried. Councillor Nick Leverton abstained from the vote.

Committee **Resolved** to:

- I. Refuse the application as per officers recommendations in the original report.

117 Applications Determined under Delegated Powers and Appeal Decisions

The report giving details of applications determined under delegated powers was received and noted.

It was noted that there were no Appeals Report.

The Meeting closed at 4.07 pm

CHAIR