WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the **DEVELOPMENT CONTROL COMMITTEE**Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 4.00 pm on Thursday 18 September 2014

PRESENT

<u>Councillors:</u> J Haine (Chairman); W D Robinson (Vice-Chairman); M A Barrett, A C Beaney, R J M Bishop, D A Cotterill, C Cottrell-Dormer, Mrs M J Crossland, Mrs E H N Fenton, S J Good, P J Handley, P D Kelland, R A Langridge, T J Morris, B J Norton, Dr E M E Poskitt, G Saul and T B Simcox.

5. MINUTES

RESOLVED: that the Minutes of the meetings of the Committee held on 21 March 2011 and 4 June 2014, copies of which had been circulated, be approved as correct records and signed by the Chairman.

6. <u>APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS</u>

Apologies for absence were received from Messrs M R Booty, N G Colston, J C Cooper, D S T Enright, H J Howard and T N Owen.

7. DECLARATIONS OF INTEREST

There were no declarations of interest from members or officers.

8. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

9. PLANNING AND STRATEGIC HOUSING SCHEME OF DELEGATION

The Committee received the report of the Head of Planning and Strategic Housing reviewing the existing scheme of delegation as it applied to the Development Management, Enforcement. Conservation and Landscape elements of the Service in light of legislative changes and the experience since it was last reviewed in April 2008.

The Area Development Manager outlined the background to the scheme of delegation and previous reviews. The main changes proposed in the document were outlined and clarification was given in relation to county matters, where the District Council was not the determining authority.

(Mr Cotterill joined the meeting at this juncture)

Mr Norton expressed broad support for the changes highlighted in the document as a way of expediting action. Mr Norton however indicated that there could be associated costs and it was important members were kept advised of progress. The concern was acknowledged and it was indicated that reports would be presented to members accordingly.

Mr Langridge suggested that it was important that councillors retained a role in respect of tree preservation orders and advertisement consents. The Committee was reminded that whilst wider delegation was proposed there was still the opportunity for councillors to ask for matters to be referred to one of the Area Planning Sub-Committees.

Mrs Crossland referred to powers to remedy the condition of land and the need for more definitive guidance. The Area Development Manager acknowledged it was a subjective matter but some supplementary guidance may assist. Further issues were raised in respect of removal of permitted development rights, parish and town councils having a contrary view to the recommendation and the use of temporary stop notices to take quick action.

On being put to the vote the first recommendation in the report was carried.

The Committee then gave detailed consideration to potential further changes to the scheme as referred to in recommendation (b) and paragraph 4.2 of the report, and it was also advised that officers were also seeking authority to make minor changes to the scheme in the future if there was a change in job title.

Mr Langridge emphasised the importance of consultation with local members and the need for responses to be quick to allow matters to go forward. Mr Handley, whilst acknowledging timescales, suggested that no further extension of delegations was needed and the current level of member involvement needed to be retained. Mr Norton suggested that the number of applications affected was relatively small.

Mr Norton asked about delegation of applications that may involve legal agreements. In response it was indicated that to exercise the delegation agreement of the local council was needed and they often guided the content of an agreement. Dr Poskitt suggested that delegation PDM4(c) could be clearly worded as it could be misinterpreted as being for refusals only.

Discussion ensued regarding the need for members to be kept advised of applications so that call-in could be exercised if needed and the wording on delegation PDM4(I) being extended to make it clear that any subsequent application needed to reflect the decision of the planning appeal.

Mr Robinson indicated that he believed officers had achieved the right balance and proposed that the changes summarised in paragraph 4.2 of the report should be supported subject to officers being given authority to make minor changes in respect of job designations if necessary and the extension of PDM4(I) as suggested.

Mr Morris suggested that the proposal could be extended for PDM4(c) and (d) to include local member consultation. Mr Robinson indicated that he was content with his original proposition and reminded the Committee that a review would be undertaken in a year. Mr Cottrell-Dormer indicated that the scheme of delegation worked well and seconded the proposal. The Committee -

RESOLVED:

- (a) That the scheme of delegation included in the <u>Appendix</u> to these minutes be introduced for a trial period of one year;
- (b) That officers be authorised to make any minor drafting changes to the document and make amendments, as necessary, when job designations were changed and/or to ensure that all delegations were at the appropriate level; and
- (c) That the Council be recommended to incorporate the revised delegations into the Officer Delegation Rules included in Part 4 of the Constitution.

(Mr Langridge requested that his vote against those elements of the scheme included in the Appendix which arose from recommendation (b) in the report be recorded).

INTRODUCTION OF NEW PLANNING AND BUILDING CONTROL SYSTEM

The Committee received and considered the report of the Head of Planning and Strategic Housing advising members of the introduction of a new computer system for planning and building control, and seeking guidance on the best ways to engage parishes and the public through the planning application process.

The Head of Planning and Strategic Housing gave the background to the introduction of the new system, and the proposed changes in the manner of the notification of applications to parishes, neighbours and on site and the likely cost savings.

Mr Handley expressed concern that the changes were reliant on new technology which was not necessarily accessible to all so other methods needed to be retained.

Mr Robinson reported the views of Mr Enright, who was unable to attend the meeting, who had suggested that training on the alerts system was needed, parishes should be made fully aware of the new process, and that site notices should be made clearer and more obvious.

Mr Robinson outlined his involvement in the project as Cabinet member and clarified that the project was fully funded by planning delivery grant. The improved public access was highlighted and more focussed neighbour notification was considered beneficial and would generate significant savings.

Mr Robinson then proposed the recommendations in the report subject to (f) being amended to make it clear that the review after six months would allow the Committee to make any amendments that may be necessary in the light of the experience gained.

Mr Norton and other members expressed concern about neighbour notification and that officers needed to ensure that any affected property was advised and not just immediate neighbours. The issue of a lack of computer access for people, particularly for the elderly was emphasised. The Area Development Manager indicated that case officers would carefully assess the site and ensure that all relevant properties were notified of an application.

A number of members fed back concerns of local councils that online information would not necessarily be detailed enough, that they had limited printing facilities, and that the current system of large scale plans being provided in hard copy should be retained. This included reference to the fact that some parish council meetings displayed the plans on boards at their meetings, for the benefit of councillors and the public, including before the meeting had formally started. The Head of Planning and Strategic Housing acknowledged the concerns and advised that it was the intention to work with local councils, and to provide IT and other assistance where possible. He also stated that in the case of larger applications plans may still need to be provided.

Mrs Fenton and Mr Good highlighted issues around broadband capability in some areas and the cost of printing for local councils. It was reiterated that officers would work with individual councils and that the new procedures would be phased.

(Mr Robinson left the meeting at this juncture)

Mr Langridge highlighted that a review after six months would be undertaken. The Head of Democratic Services confirmed that all but a couple of parish meetings had email set up. Mr Beaney questioned whether the proposed fund would be enough to help local councils.

A number of members expressed support for the email alerts system as a positive enhancement and were reassured that support would be given to local councils.

Discussion ensued regarding the provision of plans to local councils, the likely cost savings, public perception that it was a cut in service, local councils and communities helping to publicise applications and improvements to site notices.

(Mr Cottrell-Dormer left the meeting at this juncture)

Mrs Crossland referred to IT requirements and the quality of plans. The Area Development Manager advised that application documents would only need to uploaded once rather than scanned as was currently the case, meaning that the image quality should be improved.

(Mr Barrett left the meeting at this juncture)

The Head of Democratic Services advised that as the proposer had left the meeting a new proposition was required.

Mr Morris then proposed the officer recommendation with (f) being amended as previously discussed. Mr Norton seconded the proposal.

On being put to the vote the proposition was carried, and it was -

RESOLVED:

- (a) That the current system of neighbour notification be replaced by a new approach which combined the use of site notices in all cases, with the notification of those individual neighbouring properties particularly affected by a proposal;
- (b) That the capabilities of 'My West Oxfordshire', and of public access to allow groups or individuals to register for email alerts on planning applications, be promoted;
- (c) That the current hard copy notification of planning applications to Parish Councils be replaced with a new system based upon email alerts, with the implementation phased over a six month period and with a programme of support for Parish Councils:
- (d) That a fund of £5,000 be established from savings in printing and distribution to offer grant funding towards IT equipment and service upgrades for Parish Councils required as a consequence of the introduction of email notification on planning applications, with the Head of Planning and Strategic Housing being authorised to implement and administer the scheme;
- (e) That a session be organised to brief all members on the improvements in the computer system and how to access planning information;
- (f) That the implementation of the new notification and engagement arrangements commence in October 2014, and that a report on the effectiveness of the arrangements be submitted to this Committee at a suitable date after six months of operation to enable the Committee to make any amendments that may be necessary; and
- (g) That Cabinet be recommended to amend the Council's Statement of Community Involvement to reflect the Committee's decisions on neighbour notification and parish engagement.

11. PUBLIC SPEAKING ARRANGEMENTS AT THE DEVELOPMENT CONTROL MEETING ON 9 OCTOBER 2014

Consideration was given to the report of the Head of Planning and Strategic Housing giving Members the opportunity to review the public speaking arrangements for the forthcoming meeting where the East and West Carterton planning applications would be determined, and to consider whether modifications to the adopted scheme of public speaking should be made in respect of all such major proposals or on a case by case basis. The Area Development Manager introduced the report and highlighted the proposed changes.

Mr Langridge proposed the officer recommendation subject to the arrangements for other forthcoming applications being decided on a case by case basis.

Mr Norton questioned whether allowing speakers just a minute, if a number spoke in the same category, was sufficient. The Committee was reminded that any increase in speaking time would need to be reflected across all categories and it was often more effective if one speaker made a submission on behalf of a number of people. Mr Norton seconded the proposal.

Discussion ensued on whether there should be an agreed protocol for any application considered by the Development Control Committee, the process for the referral of applications to the Committee and the need for participants to feel that they had had a fair hearing.

The Head of Democratic Services outlined arrangements for the meeting on 9 October 2014, and Mrs Crossland expressed the hope that all parties would have the opportunity to make their views known.

On being put to the vote the proposition was carried, and it was -

RESOLVED:

- (a) That the time for public speaking in each of the allowed speaking categories be extended from three to five minutes, with up to five speakers per slot;
- (b) That given the spatial location of Carterton between the two sites but where the developments would be largely undertaken in adjoining parishes, a representative of Carterton Town Council and ward members for Carterton who were not members of the Committee be allowed to apply to speak to either or both of the applications; and
- (c) That the principles of the above resolutions be applied on future occasions when major applications were referred to the Development Control Committee.

The meeting closed at 6.25pm.

CHAIRMAN

Appendix

Scheme of Delegation

Enforcement - Planning Functions

	Function	Delegated by:	Delegated to:
PEI.	 To authorise named officers to enter land under the following provisions:- (a) Section 324 of the Town and Country Planning Act 1990. (b) Sections 196a and 196b of the Town and Country Planning Act 1990. (c) Sections 214b and 214c of the Town and Country Planning Act 1990. (d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990. 	Development Control Committee	Head of Legal and Property Services/ Head of Planning and Strategic Housing
PE2.	 To serve Requisitions for Information and Planning Contravention Notices under the following enactments:- (a) Section 330 of the Town and Country Planning Act 1990. (b) Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. (c) Section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (d) Section 171c of the Town and Country Planning Act 1990. 	Development Control Committee	Head of Legal and Property Services /Head of Planning and Strategic Housing
PE3.	To institute proceedings in the Magistrates' Court for any non-return of the notices referred to above.	Development Control Committee	Head of Legal and Property Services
PE4.	To Serve Breach of Condition Notices	Development Control Committee	Head of Planning and Strategic Housing
PE5.	To serve Enforcement Notices.	Development Control Committee	Head of Planning and Strategic Housing
PE6.	To serve Notices under section 215 of the Town and Country Planning Act for remedying the condition of land and to undertake consequent legal or direct action in default to secure compliance with the notice and recover expenses reasonably incurred	Development Control Committee	Head of Planning and Strategic Housing
PE7.	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to secure compliance with planning legislation or restrain breaches or anticipated breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990	Development Control Committee	Head of Legal and Property Services
PE8	In cases of urgency the following matters: Article IV Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop Notices	Development Control Committee	Head of Planning and Strategic Housing

	Function	Delegated by:	Delegated to:
PE9.	Powers of action under Section 225 of the Town and Country	Development	Head of Planning
	Planning Act 1990 relating to fly posting and/or as amended or	Control	and Strategic
	extended by the Clean Neighbourhoods and Environment Act	Committee	Housing
	2005		
PE10.	To serve discontinuance notices relating to breaches of	Development	Head of Legal
	Advertisement Regulations.	Control	and Property
		Committee	Services
PEII.	To take enforcement action and institute legal proceedings in	Development	Head of Legal
	respect of breaches of the Hedgerows Regulations	Control	and Property
		Committee	Services
PE12.	Applications under the Transport Act to the Licensing Authority	Development	Area
	for Goods Vehicle Operator's Licence: authority to make	Control	Development
	observations on the application to the Licensing Authority.	Committee	Manager
PE13	Institute, defend and withdraw criminal or civil legal proceedings	Development	Head of Legal
	for offences, breaches of Planning legislation (including for Listed	Control	and Property
	Building Regulations and Tree Preservation Orders; non-	Committee	Services
	compliance with enforcement notices, Stop Notices, Temporary		
	Stop Notices, Breach of Condition Notices, Section 215 Notices,		
	and unauthorised advertisements)		
PE14.	To determine that no further action is required in respect of a	Development	Head of Planning
	breach of planning control which could have been dealt with under	Control	and Strategic
	delegated powers through the grant of a planning permission had	Committee	Housing
	an application been submitted.		
PE15	To withdraw Enforcement Notices and Breach of Condition	Development	Head of Planning
	Notices when they have clearly been complied with and it is no	Control	and Strategic
	longer possible for breaches to occur.	Committee	Housing
PE16	The power to withdraw Article 4 Directions where it is no longer	Development	Head of Planning
	expedient to remove permitted development rights.	Control	and Strategic
		Committee	Housing

Trees - Planning Functions

	Function	Delegated by:	Delegated to:
PTI.	In cases of urgency the making of Tree Preservation Orders	Development	Head of Planning
		Control	and Strategic
		Committee	Housing
PT2.	Authority to confirm unopposed Tree Preservation Orders	Development	Head of Planning
		Control	and Strategic
		Committee	Housing
PT3	Authority to determine:	Development	Head of Planning
	(a) any application to carry out work to a tree(s) subject to a	Control	and Strategic
	Tree Preservation Order;	Committee	Housing/Area
	(b) any notification to carry out work to a tree within a		Development
	Conservation Area.		Manager
	(Subject, in the case of a refusal recommendation, to prior		
	consultation with the Ward Member(s)).		

	Function	Delegated by:	Delegated to:
PT4	 To authorise named officers to enter land under the following provisions:- (a) Section 324 of the Town and Country Planning Act 1990. (b) Sections 196a and 196b of the Town and Country Planning Act 1990. (c) Sections 214b and 214c of the Town and Country Planning Act 1990. (d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990. 	Development Control Committee	Head of Legal and Property Services / Head of Planning and Strategic Housing
PT5.	Authority to institute proceedings in the Magistrates' Court in respect of breaches of Tree Preservation Orders and Trees within Conservation Areas and non-compliance with Tree Replacement Notices	Development Control Committee	Head of Legal and Property Services
PT6	To determine Hedgerow Removal Notices and ancillary matters	Development Control Committee	Head of Planning and Strategic Housing/Area Development Manager
PT7	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997	Development Control Committee	Head of Legal and Property Services
PT8	To deal with any consultation (subject to there being no objections) by the Forestry Commission under: (a) Felling licence regulations. (b) The Forestry Grant Scheme. (c) Dedication Scheme. or such schemes and regulations as may replace or supplement the above.	Development Control Committee	Head of Planning and Strategic Housing/Area Development Manager
PT9	To determine, following prior consultation with the local Member(s), that no further action is required in respect of a breach of control which could have been dealt with under delegated powers had an application been submitted.	Development Control Committee	Head of Planning and Strategic Housing/Area Development Manager

Development Management - Planning Functions

	Function	Delegated by:	Delegated to:
PDMI	To authorise named officers to enter land under the following provisions: a) Section 324 of the Town and Country Planning Act 1990. b) Sections 196a and 196b of the Town and Country Planning Act 1990. c) Sections 214b and 214c of the Town and Country Planning Act 1990. d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Control Committee	Head of Legal and Property Services
PDM2	To determine whether the prior approval of the Local Planning Authority is required for development falling within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	Development Control Committee	Area Development Manager

F	unction	Delegated by:	Delegated to:
Т	own and Country Planning (Environmental Impact Seesment) (England and Wales) Regulations 1999 (as	Development Control Committee	Area Development Manager
	mended) and to offer screening and scoping opinions.	Committee	T lariagei
PDM4 T o A C C L (S D fc (a) (b) (b) (f) (f) (g) (g)	Assessment) (England and Wales) Regulations 1999 (as mended) and to offer screening and scoping opinions. To determine (with or without planning conditions or bligations) all planning applications and applications for advertisement Consent, Listed Building Consent, Conservation Area Consent (as amended), Certificates of awfulness, Time Limit Extensions, Variation of Conditions (as a mended), Certificates of awfulness, Time Limit Extensions, Variation of Conditions (as a mended), Certificates of awfulness, Time Limit Extensions, Variation of Conditions (as a mended), Certificates of awfulness, Time Limit Extensions, Variation of Conditions (as a mended), Certificates of awfulness, Time Limit Extensions, Variation of Conditions (as a method of Planning exceptions: Applications which within 21 days of the date of registration, any District Councillor requests (in writing) that it be determined by the Committee/Sub-Committee, stating the planning reasons for such referral Applications where the intended decision would be a material departure from the provisions of the approved or draft development plan or other approved or adopted Council planning policies or Supplementary Planning Guidance. Applications submitted by or on behalf of the Council or which, in the opinion of a Strategic Director or the Head of Planning and Strategic Housing, affect Council owned land and/or buildings. Applications for telecommunications masts (with the exception that additional antennae may be allowed provided that the Government's safety guidelines are met) Applications submitted by or on behalf of a Member or employee of the Council (or their spouse/partner) or where there may be a similar perceived or actual conflict of interest.	Development Control Committee	Head of Planning and Strategic Housing/Area Development Manager
	the clear views of the Inspector when determining the initial appeal)		

	Function	Delegated by:	Delegated to:
	Notes regarding PDM4:		
	I) The restrictions set out in categories (a) to (i) above shall not apply to applications for a resubmission of an extant valid planning permission or to applications where the principle of the development has already been agreed by a previous permission/consent and the new proposal contains details generally consistent with the earlier permission and planning circumstances have not changed		
	2) The restrictions set out in categories (a) to (i) above shall not apply to any application seeking Reserved Matters consent where the principles have previously been agreed and the details are consistent with the criteria set out in the		
	outline permission. The determining officer shall only exercise the delegated powers after taking into account all material planning considerations, including any written planning objections or representations which may have been received.		
	4) The determining officer shall only exercise the delegated powers in accordance with planning legislation, regulations and procedures under which provision may be made for reference of applications to the Secretary of State or other statutory body.		
	5) The determining officer shall only exercise the delegated powers following the expiry of the relevant consultation periods (with the proviso that where, because of the submission of the application in relation to the meeting date, it is not possible to deal with an application within the statutory period, then the application shall be referred to the Committee/Sub-Committee in advance of the expiry of the consultation period for Members to determine whether they wish to delegate determination of the application to Officers).		
	6) The Head of Planning and Strategic Housing shall report details of all Planning applications determined under delegated powers to Members of the appropriate Area Planning Sub-Committee.		
PDM5	Where recommendations on a planning application or proposal are not accepted by the Area Planning Sub-Committee, the right to withdraw the application or proposal for final determination by the Development Control Committee.	Development Control Committee	Head of Planning and Strategic Housing
PDM6	Authority to determine that a particular planning application or other matter shall be referred to the Development Control Committee for decision.	Development Control Committee	Head of Planning and Strategic Housing or Area Development Manager
PDM7	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.	Development Control Committee	Head of Planning and Strategic Housing or Area Development Manager

	Function	Delegated by:	Delegated to:
PDM8	To determine discharge of conditions applications, Minor and Non Material Amendments	Development Control Committee	Area Development Manager/Case Officer
PDM9	In cases of urgency the following matters: Article IV Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop notices	Development Control Committee	Head of Planning and Strategic Housing
PDM10	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to restrain breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal and Property Services
PDMII	To determine, that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Head of Planning and Strategic Housing
PDM12	Institute, defend and withdraw criminal or civil legal proceedings for offences breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements)	Development Control Committee	Head of Legal and Property Services
PDM13	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Head of Planning and Strategic Housing
PDM14	To respond to applications for the winning and working of minerals or the use of land for mineral- working deposits (a "County matter" and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chairman of the Development Control Committee and the Leader of the Council.	Development Control Committee	Area Development Manager
PDM15	To respond to applications for waste development (a "County matter" and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chairman of the Development Control Committee and the Leader of the Council.	Development Control Committee	Area Development Manager
PDM16	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Area Development Manager
PDM17	Authority to submit observations on Traffic Orders to the Highway Authority.	Development Control Committee	Area Development Manager

	Function	Delegated by:	Delegated to:
PDM18	To decide whether to decline to determine applications under	Development	Head of Planning
	sections 70a and 70b of the Town and Country Planning Act	Control	and Strategic
	and sections 81a and 81b of the Planning (Listed Buildings and	Committee	Housing or Area
	Conservation Areas) Act 1990		Development
	,		Manager

CONSERVATION AREAS-Planning Functions

	Function	Delegated by:	Delegated to:
PC1.	With the exception of either the designation of or an amendment	Executive	Head of Planning
	to the boundaries of a Conservation Area, to exercise the		and Strategic
	Council's functions in relation to Conservation Areas		Housing

NOTES

- I. Where under any delegation consultation should be undertaken with the local member this should be i) by e-mail; and ii) for a period of three days and the delegation should only be undertaken after that period has expired and where there is no disagreement between members in multi member wards. No response will be taken as an agreement to the suggested action.
- 2. Changes to Officer titles, onward delegation and minor drafting changes to ensure that delegations operate at the most appropriate level are authorised without referral back to the Development Control Committee.