

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
DEVELOPMENT CONTROL COMMITTEE

Held in Committee Room One, Council Offices, Woodgreen, Witney, Oxon at 11.00am
on Monday 25 April 2016

PRESENT

Councillors: J Haine (Chairman); W D Robinson (Vice-Chairman); M A Barrett, ,
R J M Bishop, N G Colston, J C Cooper, C Cottrell-Dormer, Mrs M J Crossland,
D S T Enright, P J Handley, P D Kelland, R A Langridge, Sir Barry Norton,
Dr E M E Poskitt, G Saul and T B Simcox

14. MINUTES

RESOLVED: That, the Minutes of the meeting of the Committee held on 14 December 2015 be approved as a correct record and signed by the Chairman.

15. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr A C Beaney, Mr D A Cotterill for his late arrival to the meeting, Mr H B Eaglestone, Mrs E H N Fenton, Mr S J Good, Mr H J Howard, Mr T J Morris and Mr T N Owen and the Chief Executive reported receipt of the following resignation and temporary appointment:-

Mr J C Cooper attended for Mr A M Graham

16. DECLARATIONS OF INTEREST

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

17. CHAIRMAN'S REMARKS

The Chairman introduced Jeremy Charlett, the Council's Systems and Office Manager and Richard Wheeler, Conservation and Design Officer, and welcomed them both to the meeting.

18. PLANNING APPLICATION NOTIFICATION

The Committee received and considered the report of the Head of Planning and Strategic Housing inviting Members to review the Council's procedures for engagement on planning applications with Town and Parish Councils and the public in light of experience since October 2014.

The Head of Planning and Strategic Housing presented the report and outlined the operation of the public notification arrangements.

Mr Robinson indicated that, whilst he had been initially sceptical of the new arrangements, his concerns had proved to be unfounded. He was aware of only one complaint from a member of the public relating to failure of notification and none from Members of the Council. The new system had given rise to a greater level of public response to planning consultations, together with an increase in direct lobbying of Members.

Mr Robinson proposed that the new arrangements be continued but enquired whether, in the absence of the 'weekly list' it would be possible to devise a system whereby Members received notification of applications of particular significance throughout the District.

In response, the Systems and Office Manager advised that Officers could explore the possibility of doing so by creating a self-service list incorporating appropriate criteria.

Mr Haine advised that he had signed up to receiving alerts for the various parishes within his ward and had found the new system to work well.

In seconding the recommendations, Mr Langridge indicated that he too had been sceptical but had found the new system to work well. He was particularly pleased to see that Officers remained sensitive to the needs of those town and parish council's yet to adopt the new arrangements as the project moved forward.

Sir Barry advised that, whilst he had received some informal complaints from individuals who had not been made aware of large applications of wider local significance as they were not resident in the immediate vicinity of the development site. They had expressed concern that they might not become aware of such applications before the statutory consultation period expired and Sir Barry expressed the hope that the Council would continue to receive representations after the deadline date. In all other respects he agreed that the new arrangements were working well.

In terms of engagement with local councils, Sir Barry indicated that he had expected a greater level of take-up than had been achieved to date, particularly amongst the larger local councils. He was pleased to note that the programme of support was to continue and that councils would not be forced to adopt new procedures. However, he expressed some concern that it would be some time before all local councils were operating under the new arrangements.

In response, the Systems and Office Manager advised that Officers had initially concentrated their efforts on the larger town and parish councils and, whilst this had been successful to some degree, it had been found that some authorities had their own embedded processes which they were reluctant to change. Discussions with some of the larger councils were on-going and it was hoped that the momentum of take-up would increase as the advantages became more widely recognised.

Mr Cottrell-Dormer indicated that he found the weekly list useful and enquired how else the information it contained could be provided. The Systems and Office Manager undertook to discuss this with him in more detail outside the meeting.

Whilst expressing her support for the arrangements overall, Mrs Crossland raised concern over the computer confidence both amongst Members and within certain sections of the community. Accordingly, it was important to ensure that no one was disenfranchised and that arrangements for neighbourhood notification were robust. Equally, on-line systems had to be simple to use.

In response, the Head of Planning and Strategic Housing explained that efforts had been made to ensure that alternative means of notification such as site notices and neighbour notification were retained. He advised that Officers were happy to assist Members by providing advice and training in setting up on-line alerts and would prefer that these systems were used as idiosyncrasies in the production of the weekly list meant that it could be inaccurate. He also confirmed that Officers would explore ways in which applications of significance could be highlighted. The Chairman of the Committee stressed that Officers were happy to assist and that he had found the system was easy to use and did not require any technical knowledge to operate.

Mr Handley stated that he had also been sceptical but had found the new arrangements to be satisfactory. He noted that not all local councils were IT literate. However, whilst this

position would change over time, dual arrangements would have to be continued until then. Mr Handley questioned whether on-line access led to the proliferation of repetitive observations and expressed his concern that site notices were sometimes removed or relocated by applicants. In conclusion, Mr Handley indicated that he also valued the weekly list.

The Head of Planning and Strategic Housing repeated that the introduction of electronic notification of planning applications to local councils would only take place by agreement. He acknowledged that the on-line system was more interactive and, whilst increasing the ease with which objections could be raised, it also offered developers the opportunity to address these. In conclusion, he reiterated that Officers would be happy to assist Members in tailoring alerts to meet their specific requirements and stressed the concerns previously expressed with regard to the accuracy of the weekly list.

Mr Cooper welcomed the proposed introduction of notification of tree works applications and enquired as to the nature of complaints received. In response, the Head of Planning and Strategic Housing advised that there had been very few complaints received on the introduction of the new system. These had related to the lack of individual notification and the adequacy of the location of site notices. To address these issues, Officers would be checking site notices when visiting and notifying individual occupiers of any properties particularly impacted by development.

Dr Poskitt emphasised the importance of the location of site notices under the new arrangements and noted that there may be practical issues discouraging some local councils from embracing the change.

(Mr D A Cotterill joined the meeting at this juncture)

In response to Dr Poskitt, the Head of Planning and Strategic Housing acknowledged the need to work with local councils to encourage them to adopt the new system. Mr Haine noted that Milton-under-Wychwood Parish Council had found the new arrangements saved both time and effort.

Mr Enright thanked Officers for their efforts and congratulated them on the introduction of the new arrangements which he considered to be a great success. He agreed with Mr Robinson that notification of applications of significance would be helpful, as would a tagging facility to help track the progress of an application through to determination. Mr Enright suggested that the ease of handling should be emphasised as a benefit to encourage parishes to take up the new system and indicated that he would be happy to help with its introduction at Witney Town Council.

The Systems and Office Manager advised that the ability for residents to make comments directly on-line had helped the Council in processing planning applications. Whilst contributions were moderated to address any inappropriate content, considerable savings in time had been made by avoiding the need to scan and upload hard copy correspondence. He acknowledged that the success of the new system had given rise to an increase in the volume of correspondence and this had become a challenge in itself. In conclusion, he accepted that take-up amongst local councils had not been as rapid as had been hoped but noted that those who used the new system were very happy with it. This level of user satisfaction could be used to encourage more authorities to adopt the system.

Mr Colston questioned whether all parishes had been approached as he was surprised that some in his ward had not yet taken up the offer. In response, the system and Office Manager confirmed that all parishes had been contacted initially but that the primary focus

had been on bringing the larger authorities on board in an effort to secure the greatest benefit in terms of volume and therefore cost and process.

Mr Simcox questioned whether a more robust approach should be taken in encouraging local councils to join as many were already used to working with email. The System and Office Manager advised that the Council had taken a passive approach to date as it wished to introduce the new arrangements by agreement.

Mr Handley welcomed the continued provision of assistance and training for local councils and went on to question the accuracy of some of the site and location plans submitted by applicants as many appeared to be out of date. In response the Head of Planning and Strategic Housing undertook to give further consideration to how best to provide training and support to roll the programme out further.

Mr Bishop recognised the initial reticence on the part of some local councils to take up the scheme but offered his assurance that the system was easy and enjoyable to use and expressed his support for the recommendations.

Mr Kelland noted that different parishes reflected differing characteristics and that some might need a greater degree of encouragement to move forward. He went on to concur with Mr Handley's concerns over the quality of some plans. Mrs Crossland and Dr Poskitt also expressed concern over the quality of some application drawings.

In response, the Development Manager acknowledged that the increased use of computer aided design had led to some difficulties as what might appear satisfactory on-screen could lose clarity when printed or projected. Location plans had only to portray the development site, not the surroundings and in some smaller settlements Ordnance survey did not update the base maps available as frequently as in the larger towns. That said, applications were not accepted unless the accompanying drawings met the statutory requirements and the Systems and Office advised that some 40% of applications were rejected in the first instance.

RESOLVED:

- (a) That the new arrangements for the notification of planning applications be continued, combining the use of site notices in all cases, with the notification by the case officer of those individual neighbouring properties judged to be particularly affected by a proposal;
- (b) That the Council continues with the phased introduction of electronic notification of planning applications to Town and Parish Councils, with changes made by agreement with individual Town and Parish Councils and with the programme of support;
- (c) That the distribution of weekly lists of applications validated and determined to Town and Parish Councils, and for Members, be phased out in light of the flaws in this process, after communication with recipients and with support for use of the reliable electronic 'self-serve' systems;
- (d) That the Council notifies Town and Parish Councils, and erects site notices for selected tree works applications, where proposals are judged by the Council's Forestry & Landscape Officer to potentially have a significant adverse impact on the public amenity of the area and/or would be of wider public interest;
- (e) That all tree works applications be included as part of the Council's online planning information, with the implementation of this change to be after the implementation of the trees module for the Council's planning system; and

- (f) That the Head of Planning and Strategic Housing be requested to assess whether it may be necessary to amend the Council's Statement of Community Involvement as a consequence of these decisions, and if so to report to the Cabinet on any proposed amendments for consideration.

19. AMENDMENT TO SCHEME OF DELEGATION

The Committee received and considered the report of the Head of Planning and Strategic Housing inviting Members to consider amending the scheme of delegation such that applications for floodlight columns were no longer potentially determined under delegated powers.

The Development Manager presented the report and, in response to a question from Mr Haine, explained that a height of 8m had been specified as the trigger for referral of applications for floodlight masts to Members to draw a distinction between those visible in a wider area from those serving local facilities. Mr Langridge proposed that a height of 6m would be more appropriate and in seconding the recommendations, Mr Robinson concurred

RESOLVED:

- (a) That proposals for floodlight columns over 6m in height be removed from the list of potentially delegated applications, the relevant section to read '*applications for floodlight masts that exceed 6m in height when operational or for all telecommunications masts (with the exception that additional antennae may be allowed provided that the Government's safety guidelines are met)*'
- (b) That as a consequence of recommendation (a) above, Council be requested to incorporate the amendment into the officer delegation rules contained in Part 4 of the Constitution.

20. AMENDMENTS TO THE PLANNING GOOD PRACTICE GUIDANCE

The Committee received and considered the report of the Head of Planning and Strategic Housing regarding key issues that would need to be included in any refreshed protocol/guidance and whether there were any further areas where additional guidance was required.

Mrs Crossland indicated that she had found the training provided to be useful and enquired whether this could be extended to Town and Parish councils. In response, the Development Manager advised that this could possibly be incorporated into Parish Forum meetings.

Mr Handley suggested that it could appear premature to members of the public for a motion to be put before any discussion had taken place. Mr Cooper disagreed, indicating that a motion was always open to amendment and, once proposed, offered a position to debate.

In relation to the role of the Chairman when dealing with applications in their own ward, Mr Cooper indicated that the provisions of the Localism Act enabled them to put forward their point of view. In response, the Development Manager concurred, indicating that the matters listed had not been included as matters to be precluded but as issues in need of clarification in Good Practice Guidance. The same applied to Members voting on applications in their own ward.

In conclusion, Mr Cooper indicated that he had found the training offered by OALC to be of particular value.

Mr Robinson questioned whether, to avoid undue repetition, there was merit in introducing a limit on the time a Member could speak and on the number of times they could speak on an application.

(Mr R A Langridge left the meeting at this juncture)

Sir Barry indicated that, if Members were restricted in speaking, the same would have to be applied to Officers and suggested that such restrictions would be inappropriate. In terms of Officers responding to Members' questions, he considered that answers should be given on a question by question basis and not grouped.

In relation to questions on public participation, Mr Kelland suggested that it would be helpful to extend questioning beyond matters of clarification. In response, the Chairman advised that technical questions and questions of fact were more appropriately directed to Officers.

Mr Cotterill noted that there had been occasions when it would have been useful to have been helpful to be able to get clarification of technical issues from applicants. Dr Poskitt concurred and also indicated that she was opposed to the introduction of time restrictions.

Mr Simcox raised a question in relation to bias and pre-determination, indicating that a Member may have already formed a view before arriving at a meeting. It was explained that there was nothing to preclude a Member from forming an initial view provided that they remained open minded and prepared to consider all information provided when determining an application at a meeting. Sir Barry added that there was nothing to preclude Members from expressing an opinion prior to determining an application provided that they made it clear that they retained an open mind.

Mr Haine noted that it was important for Members making propositions contrary to Officers' recommendations to provide clear reasons. Accordingly, it was necessary for Members to have considered and prepared these in advance.

Mr Robinson suggested that matters of detail should be considered at the time the revised draft protocol was brought forward.

Mr Kelland suggested that, in representing the views of the local council and residents, it was inevitable that Members would have an established position when attending a meeting. It was explained that the role of Members at a meeting exceeded the purely representative and was to consider and determine applications on planning grounds alone.

Mr Colston noted that, by presenting late representations at the meeting, undue prominence was being given to those views. He questioned whether an earlier deadline for submission of representations should be employed. The Development Manager advised that Officers sought to summarise late representations as far as possible but were required to present Members with all relevant facts.

RESOLVED: That the key heads of terms set out at paragraph 4.1 of the report be endorsed as being areas in relation to which guidance is required.

21. DESIGN GUIDE - BRIEFING

The Committee received a presentation, a copy of which is appended to the original copy of these minutes, providing an update on the recently approved West Oxfordshire Design Guide.

The Development Manager explained that, rather than being a prescriptive manual of design, the guide sought to place emphasis on development in context; highlighting both high level issues and those of design and delivery. As a web based document it would be possible for the guide to link through to a separate section of the Council's website which could be updated to show examples of designs that had proved successful as they came forward. The guide would also provide links to a wide range of additional information.

He noted that the guide contained a new section on shop front design and on works to the historic fabric of old buildings.

Sir Barry welcomed the new guide as a valuable addition to the information available. He welcomed the advice on shop fronts and on-plot parking. Mr Cooper also welcomed the advice relating to shop fronts.

Mr Handley expressed his concern over certain elements of design such as the use of false chimneys, arrangements for bin storage and restrictions on paint colours. In response, the Conservation and Design Officer advised that it was for Officers to press applicants on matters of detail and expressed the hope that the on-line study would help by highlighting good design. The Development Manager acknowledged that poor detailing could have a significant adverse impact upon development.

Mr Cotterill indicated that the guide would be invaluable from a heritage point of view and noted that, whilst the general use of paint colours was advisory, the Council retained leverage over those to be used on listed buildings.

RESOLVED: That the Design Guide be welcomed and the information provided noted.

In closing the meeting, the Chairman wished those standing for re-election well.

The meeting closed at 1:00pm.

CHAIRMAN