

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
DEVELOPMENT CONTROL COMMITTEE
held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon on
Monday 11 June 2018 at 1:00 pm.

PRESENT

Councillors: J Haine (Chairman); E J Fenton (Vice-Chairman); R J M Bishop, J C Cooper, D A Cotterill, Mrs M J Crossland, H B Eaglestone, D S T Enright, Mrs E H N Fenton, P J Handley, D N Jackson, P D Kelland, R A Langridge, N P Leverton, Dr E M E Poskitt, C M Rylett and G Saul

5. MINUTES

RESOLVED: That the Minutes of the meetings of the Committee held on 25 April and 18 May 2016, 26 April 2017 and 16 May 2018 be approved as correct records and signed by the Chairman.

6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs E H N Fenton and S J Good

7. DECLARATIONS OF INTEREST

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

8. AMENDMENT TO THE SCHEME OF DELEGATION

The Committee received and considered the report of the Head of Planning and Strategic Housing regarding amendments to the scheme of delegation to account for recent legislative changes and to clarify some anomalies which had arisen since it was last reviewed.

The Development Manager introduced the report and outlined the proposed changes to the scheme of delegation.

In response to questions from Mr Kelland, the Development Manager acknowledged that the timescale within which applications for Permission in Principle and Technical Details Consent had to be determined would not offer Members the opportunity to refer such applications to the Development Control Sub-Committees but emphasised that the timescale had been set by Central Government. He also advised that the three day moratorium on a decision subject to a delegation consultation with Members related to the current scheme of delegation.

Mr Kelland asked whether it would be possible to seek an extension of time in the event of a large volume of objection. The Development Manager recognised the concern and advised that such applications would be approached and determined with a degree of caution. Whilst all relevant comments would be taken into account in considering such applications, the timescale for determination did not allow for Member referral or for Member consideration where the views of the local council were at variance with those of Officers.

Mr Kelland noted that applications could be made for between one and nine units. He questioned whether a fee was payable and whether this new kind of application was only applicable to brownfield sites. The Development Manager undertook to investigate further.

(Post Committee Note: The Development Manager subsequently confirmed that such applications did attract a fee but that there was nothing in the legislation to suggest that they were only applicable to brownfield sites).

Mr Handley considered that the new form of application was restrictive and questioned why a maximum of 9 units had been set. The Development Manager advised that this limit was specified by Central Government legislation. He confirmed that Members would still have the ability to refer other forms of application to the relevant Sub-Committee for determination.

Mr Handley questioned whether the new form of application would make it easier for a developer to secure consent. The Development Manager advised that the Government's intention was to make it easier to establish the principle of development. However, he questioned whether this was necessary or effective as planning authorities were likely to adopt a cautious approach.

In response to a question from Mr Fenton, the Development Manager advised that it appeared that Community Infrastructure Levy contributions could be sought on Permission in Principle applications.

The Development Manager explained that the proposed delegation at PDM 20 was intended to protect the Council's position where an applicant sought to prolong negotiations in an effort to secure a refund of the planning fee.

In response to a question from Mr Cotterill, the Development Manager advised that determination of Regulation 3 and 4 applications was only open to the County Council in relation to land within its ownership. Schools with academy status would require full planning permission.

In response to questions from Mr Langridge, the Development Manager confirmed that applications would be refused where there were known technical reasons for doing so. He also advised that applicants enjoyed a right of appeal through the Planning Inspectorate.

Mr Langridge asked whether there was any opportunity to feed-back Members' concerns to Government. The Development Manager advised that Officers had relayed their concerns during the consultation period and suggested that there would be the opportunity to do so again should the difficulties anticipated arise.

In response to a question from Dr Poskitt, the Development Manager confirmed that he would endeavour to clarify whether such applications were solely applicable to brownfield sites.

(It was subsequently confirmed that there was nothing in the legislation to suggest that this was the case).

Dr Poskitt asked if there was any way in which a developer could be prevented from adopting an incremental approach. The Development Manager advised that there was no apparent means of doing so, the new forms of application reflecting the Government's pro-development philosophy.

Mr Eaglestone questioned whether the new consents would impact upon the Council's ability to secure developer contributions through Section 106 agreements. The

Development Manager advised that current Government restrictions precluded the Council from requiring affordable housing contributions from developments of 10 units or less. However, it was not prevented from accepting an offer from a developer which would become a relevant matter for consideration in the determination of an application.

In response to a question from Mr Saul, the Development Manager advised that Environmental Impact Assessments were rarely required as the Government had continued to raise the threshold that triggered the need. Only three or four such assessments were required each year.

Mr Leverton asked whether a series of applications decreasing incrementally from the maximum of nine units could be unduly time consuming. In response, the Development Manager advised that subsequent applications would simply be refused if the initial application had been found to be unacceptable in principle. In response to a further question, he confirmed that the 21 day consultation period on planning applications was based upon calendar not working days.

In response to a question from Mr Handley, the Development Manager advised that application fees were not refundable if an application was refused. He also undertook to make enquiries regarding the form that had been devised to enable Members to report breaches of planning control.

RESOLVED: That

- (a) That the suggested alterations to the scheme of delegation explained in the report and set out as shaded text in the Appendix be approved; and
- (b) That as a consequence of recommendation (a) above, Council be requested to incorporate the amendments into the officer delegation rules contained in Part 4 of the Constitution.

The meeting closed at 1:35pm

CHAIRMAN