

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
DEVELOPMENT CONTROL COMMITTEE
Held in the Council Chamber, Woodgreen, Witney, Oxon at 1.00pm
on Monday 14 December 2015

PRESENT

Councillors: J Haine (Chairman); W D Robinson (Vice-Chairman); M A Barrett, R J M Bishop, Mrs M J Crossland, H B Eaglestone, D S T Enright, Mrs E H N Fenton, S J Good, P J Handley, H J Howard, R A Langridge, B J Norton, T N Owen, Dr E M E Poskitt, G Saul and T B Simcox

10. MINUTES

RESOLVED: That, the Minutes of the meeting of the Committee held on 21 September 2015 be approved as a correct record and signed by the Chairman.

11. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

12. DECLARATIONS OF INTEREST

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

13. CONVERSION OF OFFICE PREMISES TO RESIDENTIAL: ARTICLE 4 DIRECTION

The Committee received and considered the report of the Head of Planning and Strategic Housing regarding the Council's approach to changes introduced by the Town and Country (General Permitted Development) (England) Order 2015 which allowed for change of use from B1(a) (Offices) to Class C3 (Dwelling houses) without the need for planning permission.

In introducing the report the Head of Planning and Strategic Housing advised that the Government had recently announced that it intended to make the changes introduced on a temporary basis allowing the change of use from offices to residential accommodation without the need for planning permission permanent. He explained that this decision had engendered a greater degree of interest amongst the business community leading to a concern over the potential loss of office stock within the District through permitted development and the threat of incompatible uses being created in close proximity to each other.

The Head of Planning and Strategic Housing advised Members that, since publication of the report, a revised list of key sites had been prepared by Officers, copies of which were circulated at the meeting. In response to a question from Members he confirmed that the removal of permitted development rights did not preclude conversion but required planning permission to be obtained for the change of use.

In conclusion, the Head of Planning and Strategic Housing advised that there was some uncertainty as to whether representations received in response to the consultation were to be considered by the Development Control Committee or the Cabinet and suggested that the recommendation at (b) be amended accordingly.

In proposing the revised Officer recommendation, Mr Robinson indicated that the Government's decision to extend permitted development rights in this way made a nonsense of the Council's objective of protecting employment sites within the Local Plan. He noted that West Oxfordshire did not have a surfeit of brownfield sites as the incentive arising from the relative land use values would encourage landowners to pursue a change of use.

The recommendation was seconded by Mr Howard who drew particular attention to one of the notifications set out in Appendix I, indicating that this would create the type of incompatible use predicted. In response, the Head of Planning and Strategic Housing advised that individual sites where there was an imminent risk of the loss of important office buildings could be addressed through the use of delegated powers.

Mr Handley concurred and Mr Enright was pleased to note that this would not create a total prohibition as individual sites could be considered through submission of a planning application. Mr Enright went on to enquire whether the list of key sites could be revised in future, making reference to two specific locations in the District. The Head of Planning and Strategic Housing confirmed that further sites could be considered but it was noted that the specific developments referred to were primarily in retail or industrial rather than office use.

In response to a question from Mr Langridge, the Head of Planning and Strategic Housing advised that there was a statutory 28 day consultation period before any direction could be brought into force. He indicated that it was the intention to consult as widely as possible with the business community so as to ensure that the Council's intentions were made clear at the outset. The Head of Planning and Strategic Housing went on to explain that there was a potential financial risk to the Council in that compensation could fall due in the event that applicants were faced with abortive expenditure should it decide to refuse subsequent applications for change of use. This would have to be assessed by the Area Planning Sub-Committees in each case and efforts would be made to mitigate the risk through effective communication.

Dr Poskitt made reference to two further sites and the Head of Planning and Strategic Housing confirmed that these could be considered for inclusion at a later date. He also confirmed that permitted development rights could be removed at the outset when determining applications for new office buildings.

Sir Barry expressed some concern that the Council's decision could result in a rash of notifications. In response, the Head of Planning and Strategic Housing confirmed that Officers would be able to respond through the use of delegated powers. Sir Barry questioned the extent of the permitted development rights and it was explained that, whilst these only applied to B1 office use, not office space within developments with a B2 General Industrial Use, the proposed list had been compiled with the intention of providing maximum levels of protection for key sites.

Mr Good noted that the Government's decision had merit for those areas with a surfeit of unused or underutilised office space; West Oxfordshire was not in such a position. Accordingly, it was helpful that the Council had the ability to put in place arrangements to retain a degree of local control.

In response to questions from Mrs Crossland and Dr Poskitt it was confirmed that the permitted development rights did not extend to hotels or Doctor's surgeries.

In conclusion, Mr Howard suggested that it was important to seek to ensure that any press coverage was accurate.

RESOLVED:

- (a) That authority be granted for the necessary consultation and procedural arrangements for a proposal for Article 4 Directions withdrawing the permitted development right allowing offices to change to residential use on key sites in the district, as specified in Appendix I hereto;
- (b) That any representations received be reported back for consideration when it makes the decision on whether to confirm the Article 4 Directions; and
- (c) That it be noted that the Head of Planning and Strategic Housing will consider using his delegated powers to bring in Article 4 Directions with immediate effect on sites where there is an imminent risk of the loss of important office buildings to residential use.

The meeting closed at 1.30pm.

CHAIRMAN

Post Committee Note; following the meeting, legal advice was received indicating that this matter should be referred to the Executive for determination.