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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 2 November 2015 at 5.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council

Councillor Ken Atack, Lead Member for Financial Management
Councillor Norman Bolster, Lead Member for Estates and the Economy

Councillor John Donaldson, Lead Member for Housing
Councillor Michael Gibbard, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Public Protection
Councillor Kieron Mallon, Lead Member for Banbury Futures
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Nicholas Turner, Lead Member for Change Management, Joint Working an IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Martin Henry, Director of Resources / Section 151 Officer
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda items 7 and 8
Kevin Lane, Head of Law and Governance / Monitoring Officer
Jo Pitman, Head of Transformation, for agenda items 10 and 12
Alex Keen, Team Leader (Minors), for agenda item 7
Natasha Clark, Team Leader, Democratic and Elections

60 **Declarations of Interest**

Interests were declared in the following agenda items:

7. Graven Hill: MOD Bicester Sites D & E Ambrosden Road Upper Arcott.

Sue Smith, Declaration, as a Director of Graven Hill Village Holdings Limited and Graven Hill Village Development Company Limited.

61 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

62 **Urgent Business**

There were no items of urgent business.

63 **Minutes**

The minutes of the meeting held on 5 October 2015 were agreed as a correct record and signed by the Chairman.

64 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

65 **Graven Hill: MOD Bicester Sites D & E Ambrosden Road Upper Arcott**

The Head of Development Management submitted a report which informed Executive of the outcome of the consultation process in respect of the draft Local Development Order (LDO) previously agreed by Executive for Phase 0 and part of Phase 1 of the redevelopment of Graven Hill. The report also sought a decision on whether to adopt the LDO, subject to the minor modifications outlined in the report.

In introducing the report, the Lead Member Planning advised Executive that since the publication of the agenda one further comment had been received. If agreed, the Order could be in force from 15 December 2015.

Resolved

- (1) That the outcome of the consultation process undertaken in respect of the draft Local Development Order (LDO) be noted.
- (2) That the proposed modifications to the draft LDO be agreed.
- (3) That the modified LDO (annex to the Minutes as set out in the Minute Book) be adopted.
- (4) That the requirement to notify the Secretary of State of a decision to adopt a LDO as soon as practicable, and no later than 28 days after the Local Planning Authority has adopted the Order be noted.

Reasons

The draft Local Development Order would facilitate and encourage self build and custom build housing at Graven Hill by simplifying the planning process whilst providing certainty that individuality and variety in design would be

supported within the parameters set by the Masterplan and Design Code to be approved under the outline planning permission.

The consultation response has not raised any significant issues or objections to the draft LDO, and only minor modifications are proposed in response to the comments received, to clarify the requirements of the LDO and to ensure that it is effective in facilitating the delivery of custom build and self-build development.

It is therefore recommended that Executive agree to adopt the modified LDO and that the Secretary of State is notified of the decision to adopt the LDO in accordance with Article 38(11) of the Town and Country Planning (Development Management Procedure) Order 2015.

Alternative options

- (a) Not to agree the draft LDO. Delivering the development through the traditional reserved matters route would not facilitate the desired level of individuality and variety in design.
- (b) To adopt the LDO without modifications. This would not address the issues raised in the consultation response and would fail to take the opportunity to clarify the requirements of the LDO and safeguard the delivery of custom and self-build development.

66

Neighbourhood Planning: Application for Designation as Neighbourhood Area - Weston on the Green Parish

The Head of Strategic Planning and the Economy submitted a report to consider an application to designate Weston-on-the-Green Parish as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan.

Resolved

- (1) That the application to designate the Parish of Weston-on-the-Green as a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 (as amended) be approved.
- (2) That the Head of Strategic Planning and the Economy be authorised to issue a Notification of Decision pursuant to resolution (1).

Reasons

The Parish Council of Weston-on-the Green has made an application for the designation of its administrative areas as a neighbourhood area for the purpose of preparing a Neighbourhood Development Plan. The application is valid, has been publicised and a number of representations have been received. None of the comments raised are considered to warrant the refusal of the application and it is considered that the proposed neighbourhood area would be coherent and appropriate.

Alternative options

Option 1: To refuse and amend the designation of the neighbourhood area providing reasons why

Option 2: To defer consideration

67 **Notification of Urgent Action - Free Christmas Parking After 3.00pm**

The Director of Community and Environment submitted a report to notify Members of urgent action taken by the Director of Community and Environment for a Free after Three Christmas parking pilot to run from Saturday 28 November 2015 to Sunday 10 January 2016 inclusive.

Resolved

- (1) That the urgent action taken by the Director of Community and Environment be noted.

Reasons

The Director of Community and Environment took urgent action in consultation with the Leader of the Council to approve the proposed Free after Three Christmas parking pilot due to the need to meet the timeframe for the legal process, which can be effected by publishing a Notice of Variation at least once in a newspaper circulating in the area at least 21 days before it is due to come into force. A copy of the notice must also be displayed in each off-street car park from the date of publication until the date on which it comes into force.

Alternative options

As this report is for the information of Members there are no alternative options to consider.

68 **A Business Case to Create a Joint Communications and Marketing Service with South Northamptonshire Council**

The Head of Transformation submitted a report which presented the final business case for a Joint Communications and Marketing Service across Cherwell District and South Northamptonshire Councils following consultation with staff and Unison and sought approval of the non-staffing elements of the business case.

69 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that

exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 1, 2, 3 and 4 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

70 **A Business Case to Create a Joint Communications and Marketing Service with South Northamptonshire Council - Exempt Appendix**

Executive considered the exempt appendix to the report.

Resolved

- (1) That the exempt appendices be noted.

71 **Readmittance of the Press and Public**

Resolved

That the press and public be readmitted to the meeting.

72 **A Business Case to Create a Joint Communications and Marketing Service with South Northamptonshire Council**

Having readmitted the press and public, Executive voted on the recommendations.

Resolved

- (1) That the final business case and the consultation responses in relation to non-staffing matters be considered and noted.
- (2) That the decision of the Joint Commissioning Committee on 29 October 2015 to approve the staffing aspects of the business case be noted.
- (3) That the proposed final business case to share a joint Communications and Marketing Service between Cherwell District Council (CDC) and South Northamptonshire Council (SNC) be approved, subject to similar consideration and approval by SNC Cabinet.
- (4) That authority be delegated to the Head of Transformation, in consultation with the Leader of the Council whose portfolio includes Communications, to make any non-significant amendment/s that may be required to the business case following the decision of this meeting or SNC Cabinet.
- (5) That authority be delegated to the Director of Resources and Head of Transformation, to be responsible for implementation of the business case, including the costs of any potential redundancies, subject to the business case being agreed by both Councils.

Reasons

The business case represents a significant step in the transformation programme across CDC and SNC. The proposed joint team would provide an improved and strengthened service to support both Councils in how they communicate internally and externally given the increasingly complex communications environment in which they operate.

Alternative options

Not to agree the recommendations.

The meeting ended at 6.05 pm

Chairman:

Date:



Graven Hill Phase 1

Local Development Order 2015

Cherwell District Council, in exercise of the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A of The Town and Country Planning Act 1990 (as amended), and pursuant to Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015 (the Procedure Order), makes the following Order:

Citation, commencement and application

1. (1) This Order may be cited as the Graven Hill Phase 1 Local Development Order 2015 and comes into force on 15 December 2015.

(2) This Order applies to the land at Graven Hill Bicester outlined in red on the plan included as Schedule 1 to the Order.

(3) Subject to the Council's power to revoke this Order under section 61A(6) of the Act, this Order will remain in force for a period of 5 years from the date the Order comes into force.

(4) If the Order is revoked or revised such that it ceases to grant planning permission in respect of a development that has commenced and has received confirmation of compliance under this Order, that development may be completed.

(5) Nothing in this Order removes, cancels, or otherwise makes void the national permissions granted by The Town and Country Planning (General Permitted Development) Order 2015 (the General Order).

Interpretation

2. (1) In this Order –

“access” has the same meaning as in the Procedure Order

“the Act” means The Town and Country Planning Act 1990 (as amended)

“appearance” has the same meaning as in the Procedure Order

“construction” means the carrying out of building or engineering operations in, on, over or under land and “construct” and “constructed” shall be construed accordingly

“completion” means that to all intents and purposes the dwellinghouse has been completed and is either occupied or capable of being occupied as a dwellinghouse, and “complete” and “completed” shall be construed accordingly

“the Council” means Cherwell District Council

Appendix B

“confirmation of compliance” means a formal written notification of the local planning authority confirming that a proposed development complies with the Masterplan and Design Code approved under the outline planning permission

“custom build” and “self build” means the erection or construction by (a) individuals, (b) associations of individuals, or (c) persons or companies working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals, and “custom built” and “custom builder” and “self built” and “self builder” shall be construed accordingly

“developer” means a custom builder or self builder

“development” has the same meaning as in section 55 of the Act

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

“erection” means the carrying out of operations to erect a structure or building on or over land

“General Order” means The Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendment to that Order

“highway” has the same meaning as in the Highways Act 1980 (as amended)

“landscaping” has the same meaning as in the Procedure Order

“layout” has the same meaning as in the Procedure Order

“Masterplan and Design Code” means the master plan and design code approved under condition 26 of the outline planning permission

“occupation” means the first actual occupation of a dwellinghouse such as to render the occupier of the dwellinghouse liable to pay Council Tax, and “occupied” shall be construed accordingly

“outline planning permission” means the planning permission dated 08 August 2014 granted by the Council pursuant to the application for outline planning permission dated 29 September 2011 and allocated reference number 11/01494/OUT, and any subsequent planning permission granted pursuant to an application under section 73 of the Act relating to that outline planning permission

“the Procedure Order” means The Town and Country Planning (Development Management Procedure) Order 2015 and any subsequent amendment to that Order

“scale” has the same meaning as in the Procedure Order

Permitted development

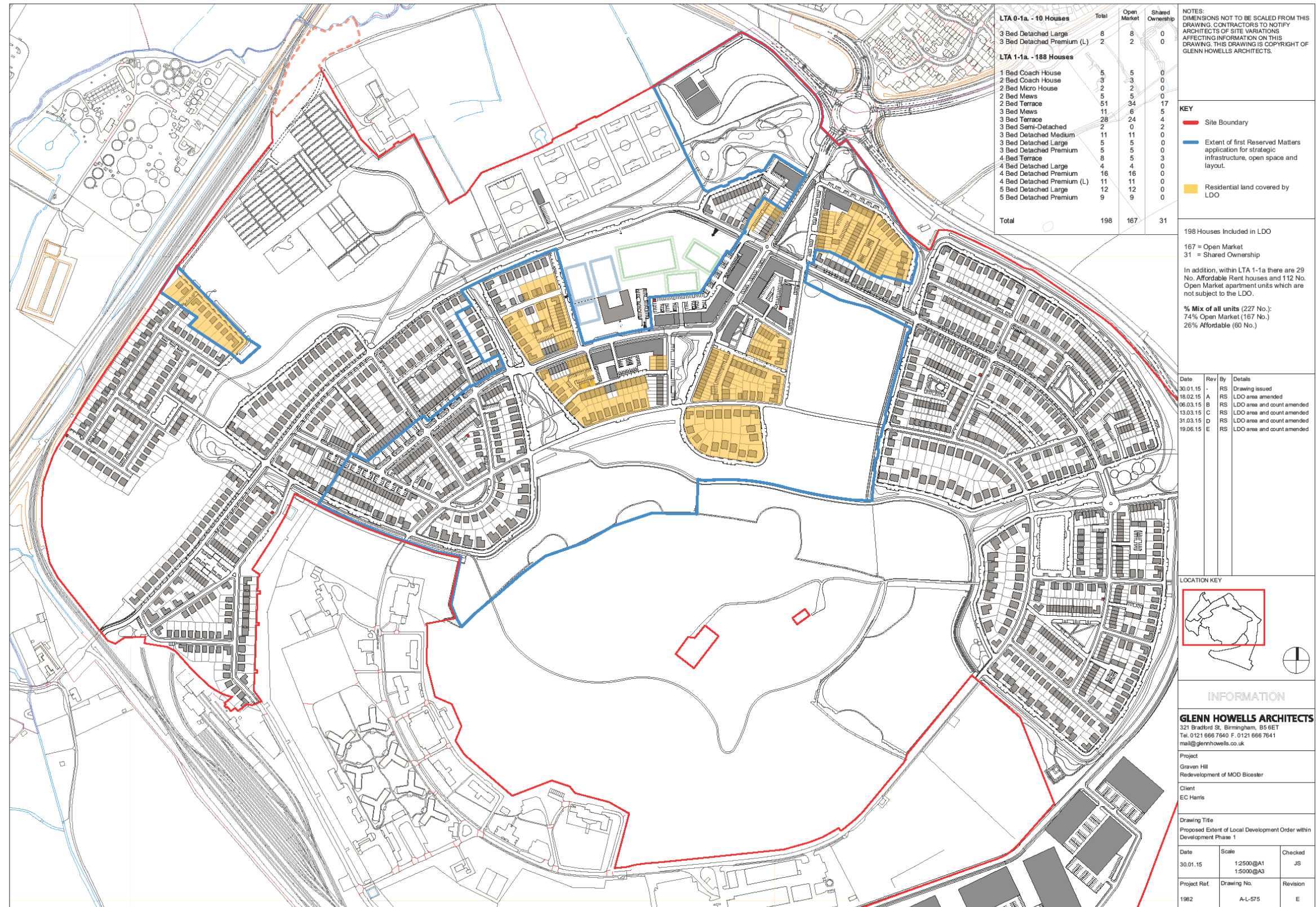
3. (1) Reserved matters approval pursuant to the outline planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.
- (2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.
- (3) Nothing in this Order permits development contrary to or without compliance with any condition imposed by the outline planning permission.
- (4) The permission granted by Schedule 2 does not apply if—
 - (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
 - (b) in the case of permission granted in connection with an existing use, that use is unlawful.
- (5) The permission granted by Schedule 2 does not authorise any development which creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.
- (6) Where a person uses electronic communications for making any application required to be made under any Class of Schedule 2, that person is taken to have agreed—
 - (a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;
 - (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and
 - (c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

Adopted by Cherwell District Council on...

The Common Seal of
Cherwell District Council
was affixed hereunto in
the presence of:

Authorised Signatory

Schedule 1 – Land to which this Order applies



Schedule 2 – Permitted Development

Class A – the erection or construction of a dwellinghouse

Development Permitted

A. The erection or construction of a dwellinghouse, including access and landscaping, pursuant to the outline planning permission

Development Not Permitted

A.1 Development is not permitted by Class A if –

- (a) the dwellinghouse is not a custom build or self build dwellinghouse;
- (b) the dwellinghouse is to be erected or constructed on land that is not identified for development as a dwellinghouse in the Masterplan and Design Code approved under the outline planning permission; or
- (c) the dwellinghouse does not comply with the Masterplan and Design Code approved under the outline planning permission

Conditions

A.2 Development is permitted by Class A subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) The principal elevation of the dwellinghouse must front a highway
- (c) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission must be —
 - (i) obscure-glazed unless the window is more than 1.7 metres above the floor of the room in which the window is installed; and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (d) Any part of the dwellinghouse that would –
 - (i) have more than a single storey; and

- (ii) would be within 2 metres of the boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission

must not extend beyond the rear wall of the neighbouring dwellinghouse by more than 3 metres

- (e) Any hard surface to be provided on land between a wall forming the principal elevation of the dwellinghouse and the highway must either be made of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse
- (f) Development under Class A must be completed within a period of 3 years starting with the confirmation of compliance date

Class B – the enlargement, extension or alteration of a dwellinghouse

Development Permitted

B. The enlargement, extension or alteration of a dwellinghouse erected or constructed under Class A of this Order

Development Not Permitted

B.1 Development is not permitted by Class B if –

- (a) the enlargement, extension or alteration does not comply with the Masterplan and Design Code approved under the outline planning permission; or
- (b) the enlarged part of the dwellinghouse would have more than a single storey and would be –
 - (i) within 2 metres of the boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission; and
 - (ii) would extend beyond the rear wall of the neighbouring dwellinghouse by more than 3 metres

Conditions

B.2 Development is permitted by Class B subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring

dwellinghouse that has received either confirmation of compliance or planning permission must be —

- (i) obscure-glazed unless the window is more than 1.7 metres above the floor of the room in which the window is installed; and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

Class C – buildings etc incidental to the enjoyment of a dwellinghouse

Development Permitted

C. The provision within the curtilage of a dwellinghouse that is being erected or constructed under Class A of this Order of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Development Not Permitted

C.1 Development is not permitted by Class C if –

- (a) the dwellinghouse has been completed;
- (b) the development EITHER does not comply with the Masterplan and Design Code approved under the outline planning permission OR any of the following criteria would apply:
 - (i) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the dwellinghouse that is being erected or constructed) would exceed 50% of the total area of the curtilage (excluding the ground area of the dwellinghouse that is being erected or constructed);
 - (ii) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming, or proposed to form, the principal elevation of the dwellinghouse that is being erected or constructed;
 - (iii) the building would have more than a single storey;
 - (iv) the height of the building, enclosure or container would exceed –
 - (i) 4 metres in the case of a building with a dual-pitched roof
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;

- (v) the height of the eaves of the building would exceed 2.5 metres;
- (vi) it would include the construction or provision of a verandah, balcony or raised platform;
- (vii) it relates to a dwellinghouse or a microwave antenna; or
- (viii) the capacity of the container would exceed 3, 500 litres

Conditions

C.2 Development is permitted by Class C subject to the following conditions –

- (a) Prior to development commencing and where any of the criteria at Paragraph C.1(b) of this Class would apply, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application

Interpretation of Class C

C.3 For the purposes of Class C, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for domestic needs or personal enjoyment of the occupants of the dwellinghouse

Schedule 3 – Procedure for Confirmation of Compliance under Schedule 2

(1) The following provisions apply where under this Order a developer is required to make an application to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission.

(2) The application must be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) a plan or plans showing the details of access, appearance, landscaping, layout and scale of the proposed development;
- (d) the developer's contact address, contact telephone number; and
- (e) the developer's email address if the developer is content to receive communications electronically

(3) The local planning authority may refuse an application where, in the opinion of the Authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in this Order as being applicable to the development in question.

(4) Where the Local Planning Authority refuses an application under paragraph (3), for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the Local Planning Authority of a written notice of their determination that the development complies with the Masterplan and Design Code approved under the outline planning permission;
- (b) the expiry of 28 days following the date on which the application under sub-paragraph (2) was received by the Local Planning Authority without the authority notifying the applicant as to whether confirmation of compliance is given or is refused.

(6) The development must be carried out in accordance with the details provided in the application referred to in sub-paragraph (2) unless the Local Planning Authority and the developer agree otherwise in writing.