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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 July 2015 at 6.30 pm

- Present: Councillor Barry Wood (Chairman), Leader
Councillor G A Reynolds (Vice-Chairman). Deputy Leader
- 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 D M Pickford, Lead Member for Clean and Green
Councillor Nicholas Turner, Lead Member for Change Management, Joint Working and IT
- Also Present: Councillor Sean Woodcock, Leader of the Labour Group
- Apologies for absence: Councillor Kieron Mallon, Lead Member for Banbury Futures
- Officers: Sue Smith, Chief Executive
Karen Curtin, Commercial Director (Bicester)
Kevin Lane, Head of Law and Governance / Monitoring Officer
Jo Pitman, Head of Transformation (for agenda item 7)
Andy Preston, Head of Development Management (for agenda item 9)
Philip Rolls, Recreation & Health Improvement Manager (for agenda item 8)
Jon Westerman, Development Services Manager (for agenda item 9)
Natasha Clark, Team Leader, Democratic and Elections

13

Declarations of Interest

Interests were declared in the following agenda items:

9. Graven Hill Local Development Order.

Karen Curtin, Declaration, as a Director of Graven Hill Village Holdings Limited.

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

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

There were no petitions or requests to address the meeting.

15 **Urgent Business**

There were no items of urgent business.

16 **Minutes**

The minutes of the meeting held on 1 June 2015 were agreed as a correct record and signed by the Chairman.

17 **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.

18 **Annual Equalities Report for 2014/2015**

The Head of Transformation submitted a report to review the performance of the Equalities Annual Work Programme and to agree the planned work programme following the Achieving Standard under the Equality Framework for Local Government.

Resolved

- (1) That the evidence and information be noted.
- (2) That the equalities action plan for 2015/16 be agreed and the areas of good practice upon which it builds and the areas for development that it addresses be noted.
- (3) That the 3 year rolling plan of Equality Impact Assessments be agreed.

Reasons

Cherwell District Council has made significant progress delivering against the equalities agenda in recent years and has continued during 2014/2015 and continues to adopt a proportionate approach to equality performance with meaningful and relevant Corporate Action Plans to support this work.

The updated action plan demonstrates how the Council will continue to deliver its equalities objectives over the coming year. Progress will be reported via the performance management framework on a quarterly basis.

The three year impact assessment rolling plan also provides assurance that the Council is mindful of policy change and seeks to understand and address the impacts of service and policy change where appropriate.

Alternative options

Option 1: To note the report

Option 2: To request additional information on items within this report

19 **South West Bicester Sports Village Update**

The Director of Community and Environment submitted a report which updated Executive on the latest project position in delivering the pavilion, car park, access requirements, floodlighting and 3G synthetic sports pitch.

Resolved

- (1) That the progress in delivering phase 2 of the Bicester Sports Village project be noted.

Reasons

The Bicester Sports Village project continues to progress with a slightly adjusted programme which moves the anticipated project completion date to summer 2016.

Alternative Options

The project has been approved and is progressing in accordance with these approvals. There are no other options being considered at this time other than proposals to remain within the approved funding envelope.

20 **Graven Hill Local Development Order**

The Head of Development Management submitted a report to seek the agreement of Executive to consult on the draft Local Development Order (LDO) prepared by officers in respect of Phase 0 and part of Phase 1 of the redevelopment of Graven Hill.

Resolved

- (1) That the draft Local Development Order (LDO) (annex to the Minutes as set out in the Minute Book) be agreed for the purpose of public consultation.

- (2) That the statement of reasons for preparing the LDO (annex to the Minutes as set out in the Minute Book) be agreed.
- (3) That it be agreed to carry out consultation on the draft LDO as required by Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015.
- (4) That it be noted that the Head of Development Management would adopt a screening opinion in respect of the LDO as required by Regulation 29 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
- (5) That officers be requested to submit a report on the outcome of the consultation process to a future meeting.

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.

It is therefore recommended that Executive agree the draft LDO and the statement of reasons for making the LDO. Officers can then proceed to preparing and adopting a screening opinion in respect of the LDO, before carrying out consultation on the draft LDO as required by legislation.

Alternative Options

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.

21 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, Paragraph 3 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

22 Eco Business Centre Procurement

The Commercial Director (Bicester) submitted an exempt report relating to the Eco Business Centre procurement.

Resolved

- (1) That the exempt report and staged approach being considered to deliver the project be noted.
- (2) As set out in the exempt minutes.
- (3) That it be noted that external funding would continue to be sought to deliver this project.

Reasons

The exempt report sets out the current position on the proposed Eco Business Centre for North West Bicester. Funding for the building has been secured through the Eco-town programme and the report seeks the approval of the Executive to use the funding to deliver the project through the Council's procurement of a design, build and operate services.

Alternative options

Option 1: A full competitive procurement for the development and management of the building, with CDC providing the site and funding for the design and build. This may lead to delay and additional costs to the project

Option 2: Use the Scape Framework or a similar procurement framework to accelerate the procurement process and minimise some of the risk. However, this may not provide best value and may not allow for flexibility in terms of design and operation

Option 3: CDC to procure the development and management through a staged internal project management approach and competitive tender process. This is the preferred option at this stage.

The meeting ended at 6.50 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, 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.....
 - (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) Nothing in this Order removes, cancels, or otherwise makes void the national permissions granted by 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

“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” means development carried out for and on behalf of, or in partnership with, an individual or group of individuals who upon completion intend to occupy the development and who will become a freehold owner, or

owner of a long lease of not less than 99 years duration, of the development and “custom built” and “custom builder” shall be construed accordingly

“developer” someone constructing a dwelling either through self build or custom build

“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 required to be approved under condition 26 of the outline planning permission

“original dwellinghouse” means the dwellinghouse as so built at the time of first occupation as a dwellinghouse

“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

“self-build” means development carried out by an individual or group of individuals who upon completion intend to occupy the development and who will become a freehold owner, or owner of a long lease of not less than 99 years duration, of the development and “self built” and “self builder” shall be construed accordingly

Permitted development

3. (1) 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 any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

(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 dwelling that is either occupied or is being erected or constructed must be —
 - (i) obscure-glazed, 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 dwelling that is either occupied or is being erected or constructed

must not extend beyond the rear wall of the neighbouring dwelling 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 dwelling that has received either confirmation of compliance or planning permission; and
 - (ii) would extend beyond the rear wall of the neighbouring dwelling 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 dwelling that has received either confirmation of compliance or planning permission must be –
 - (i) obscure-glazed, 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 dwelling 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, which must include any building or other operations;
- (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.

Appendix B Statement of Reasons

In accordance with paragraphs (1) and (2) of Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015, the Council is required to prepare a statement of reasons for making the Order containing a description of the development which the Order would permit, and a plan or statement identifying the land to which the Order would relate.

Description of Development

The development which the Order would permit is:

- A) The erection or construction of a dwellinghouse that is either a custom build or self build dwellinghouse, pursuant to the outline planning permission for the redevelopment of the site (ref: 11/01494/OUT).
- B) The enlargement, extension or alteration of a dwellinghouse that has been erected or constructed under the Order
- C) The provision of buildings etc. incidental to the enjoyment of a dwellinghouse that is being erected or constructed under the Order

The development which would be permitted by the Order would be subject to limitations and conditions as detailed under Schedule 2 of the draft Order, including a requirement to apply for confirmation as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission.

Land to which the Order would relate

The land to which the Order would relate is the land at Graven Hill Bicester outlined in red on the plan included as Schedule 1 to the draft Order.

Reasons for Making the Order

The Order would relate to land that is allocated for residential and mixed use development under Policy Bicester 2 of the Cherwell Submission Local Plan (2014). Policy Bicester 2 states that a key place-shaping principle that should inform the development of Graven Hill is the opportunity for self build housing.

The Planning Practice Guidance states that Local Development Orders: *streamline the planning process by removing the need for developers to make a planning application to a local planning authority. They create certainty and save time and money for those involved in the planning process.*

The Council's Executive resolved at its meeting on 2 March 2015 to agree in principle the preparation of a Local Development Order in respect of the first phase of residential development at Graven Hill. The Council's reasons for making the Order are to 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.