Purpose of report

To seek a decision by the Lead Member on whether to adopt the amended draft Local Development Order (LDO) for phase 0 and phase 1 of the redevelopment of Graven Hill.

1.0 Recommendations

1.1 To note the proposed amendments to the LDO and the amended draft LDO 2016

1.2 To note the outcome of the consultation process undertaken in respect of the amended draft LDO

1.3 To agree to adopt the modified LDO attached at Appendix A to this report

1.4 To note 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.

2.0 Introduction

2.1 The Graven Hill Phase 1 Local Development Order 2015 was adopted on the 15th December 2015. The LDO in respect of Graven Hill was prepared to facilitate the delivery of self-build dwellings on the site. The LDO achieves this by simplifying the planning process whilst providing certainty that individuality and variety in design will be supported within the parameters set by the Masterplan and Design Code, which has been approved under the outline planning permission (ref: 15/02159/OUT).

2.2 Since the LDO’s adoption almost 12 months ago it has been applied to the first 10 plots at Graven Hill, which have submitted for Confirmation of Compliance. In applying the adopted LDO when processing applications for confirmation of compliance, some additional requirements and changes have been identified by the Local Planning Authority and Graven Hill Village Development Company to provide further clarity and address some minor design and neighbour amenity issues.
3.0 Report Details

3.1 A revised draft LDO has now been prepared and incorporates a number of additional requirements and changes to provide further clarity and address some minor design and neighbour amenity issues identified as a result of applying the adopted LDO to the first 10 plots. The changes that have been made are detailed below in the order in which they appear in the draft LDO:

3.2 Interpretation 2. (1) – definition of “Masterplan and Design Code” has been amended to ensure that any subsequent amendment of the Masterplan and Design Code approved under Section 73 of the Act to the outline planning permission is included in the definition.

3.3 Interpretation 2. (2) – Insertion of new definitions and amended definitions which appear within the Masterplan and Design Code. This includes “front boundary”, “Gross Internal Area (GIA)”, “Maximum build height” and “vehicle bay”.

3.4 A new plan to show the land to which the Order applies. The amended plan has removed the 31 shared ownership terraces (17no. 2 bed terraces, 3no. 3 bed mews, 4no. 3 bed terraces, 2no. 3 bed detached and 3no. 4 bed detached) from the LDO and replaced them with 31 standard selfbuild plots (1no. 2 bed micro house, 11no. 3 bed detached, 13no. 4 bedroom detached and 6no. 5 bedroom detached).

3.5 Schedule 2, Class A.1(a) and Schedule 2, Class A.2 (b) – These two paragraphs have been changed to refer to terrace blocks following a concern raised by GHVDC regarding the delivery of terraces within the LDO and difficulties arising if they could not find purchasers for all custom build or self build units within a block within a reasonable time frame. This addition attempts to ensure a robust marketing exercise of the terrace units for custom or self build is undertaken for a period of at least 6 months and at least one of each terrace unit must be custom build or self build to qualify for consideration under the LDO.

3.6 Schedule 2, Class A.1 (d) and Schedule 2, Class B.1 (b) – This is a new limitation within Class A and Class B, which restricts balconies and raised platforms above ground floor level which would extend beyond a wall forming a side elevation or a rear elevation of the dwellinghouse. This has been added to control the inclusion of raised balconies or platforms which could introduce unacceptable levels of overlooking and harm to the privacy of neighbouring occupants.

3.7 Schedule 2, Class a.2 (e) and Schedule 2, Class B (c) - Amended to add the following ‘or such other limit as it approved as part of the Design Code and Masterplan’. This allows for an area to be identified for each plot as part of the Masterplan, where the rear elevation has to be sited so that one self builder does not unreasonably restrict the build area of a later adjacent plot that comes forward.

3.8 Schedule 2, Class A.1 (f) and Schedule 2, Class B.2 (d) – This is a new limitation within Class A and Class B to allow for chimneys, flues, soil or
vent pipes, or other structures for renewable energy generation, providing it does not exceed 1 metre above the highest part of the roof of the dwellinghouse. This clarifies the uncertainty that has arisen about whether such structures are permitted under the current LDO.

3.9 Schedule 2, Class C.1 – Deleted the requirement for buildings permitted under Class C to comply with the Masterplan and Design Code and removed the requirement for submission of an application for Confirmation of Compliance. This is because the main purpose of Class C is to allow outbuildings that would otherwise be permitted development were the dwellinghouse completed and occupied to be constructed at the same time the dwellinghouse is being constructed. Therefore there is no need for compliance with the Masterplan and Design Code.

3.10 Schedule 3 (2) – Amendment to (b) to require a plan which shows the site location in relation to neighbouring plots. This is to assist in the efficient determination of confirmation of compliance applications.

Statement of Reasons

3.11 A statement of reasons for making the Order, as required by Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), was prepared to be part of the consultation process and is attached as Appendix B to this report.

Consultation on the draft revised LDO

3.12 Under Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), where a Local Planning Authority has prepared a draft LDO it must consult on that draft LDO giving a period of not less than 28 days for representations to be made. A 28 day consultation period has been carried out which expired on the 14th December 2016.

3.13 When considering what modifications should be made to the draft Order or whether it should be adopted, the Local Planning Authority must take into account all representations made in relation to the draft Order.

3.14 A summary of the responses that were received to this consultation are set out below:

3.15 Historic England – No comments

3.16 Environment Agency – No comments

3.17 Oxfordshire County Council – No objection

3.18 Cherwell District Council Planning Policy – No comments

3.19 Cherwell District Council Landscape Officer – No comments

3.20 No comments have been received in response to the consultation carried out on the proposed draft LDO. Therefore the proposed changes are considered to be acceptable.
EIA Regulations

3.21 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (‘the EIA Regulations’) set out the procedure for assessing the likely environmental impacts of major development. The EIA Regulations set out the types of development that are caught by the assessment procedures. If development is caught by the EIA Regulations, planning permission cannot be granted until the environmental impacts have been assessed in an environmental Statement, consulted upon and taken into account in reaching a decision.

3.22 The outline planning permission for Graven Hill (ref: 15/02159/OUT) was EIA Development and the application was accompanied by an Environmental Statement.

3.23 A Screening Opinion has been adopted by the Local Planning Authority and has concluded that the proposed draft Order is not considered to give rise to significant environmental effects above and beyond those which have already been assessed in the outline planning permission.

4.0 Conclusion and Reasons for Recommendations

4.1 The revised draft LDO would address some minor design and neighbour amenity issues that have arisen following the application of the adopted LDO to the first 10 plots that have received confirmation of compliance. The revised draft LDO would still facilitate and encourage the delivery of self build and custom build housing at Graven Hill by simplifying the planning process whilst providing certainty that individuality and variety in design will be supported within the parameters set by the Masterplan and Design Code which has been approved as part of the outline planning permission.

4.2 It is therefore recommended that the draft Local Development Order (Revision) 2016 is agreed for adoption.

5.0 Alternative Options and Reasons for Rejection

5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to adopt the revised LDO. This option would mean that the existing LDO remains in place, which could lead to confusion regarding some of the existing definitions and definitions which are not currently included in the LDO. It could also lead to to features within the proposed units at Graven Hill which could introduce an unacceptable level of overlooking between plots, and this could affect the marketability and long term desirability of the development, and would not represent good planning. It is therefore suggested that Option 1 is not agreed.

7.0 Implications

Financial and Resource Implications
7.1 There are no financial and resource implications identified.

Comments checked by:
Denise Taylor, Service Accountant, 01295 221982,
denise.taylor@cherwelladnsouthnorthants.gov.uk

Legal Implications

7.2 The Council has followed the required process for amending the LDO.

Comments checked by:
Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected
Bicester South and Ambrosden
Launton and Otmoor
Fringford and Heyford

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Clarke, Lead Member for Planning

Document Information

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APPENDIX A: Graven Hill Phase 1 Local Development Order (Revision) 2016

See separate document
APPENDIX B: Statement of Reasons
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: 15/02159/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 permission.

Land to which the Order would relate

The land at Graven Hill, Bicester, shaded yellow and identified as “residential land covered by LDO” on the plan included as Schedule 1 to the draft Order.

Reasons for Making the Order

Graven Hill Phase 1 Local Development Order (LDO) was adopted on the 15 December 2015 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. Since the LDO’s adoption almost 12 months ago it has been applied to the first 10 plots at Graven Hill, submitted for Confirmation of Compliance. In applying the document when processing applications for confirmation of compliance, some additional requirements and changes have been identified by the Local Planning Authority and Graven Hill Village Development Corporation to provide further clarity and address some minor issues. The proposed amendments are set out in detail below.

- Interpretation 2. (1) – definition of “Masterplan and Design Code” has been amended to ensure that any subsequent amendment of the Materplan and Design Code approved under section 73 of the Act to the outline permission is included within the definition
- Interpretation 2. (2) – Insertion of new definitions and amended definitions which appear within the Masterplan and Design Code. This includes “front boundary, “Gross Internal Area GIA”, “maximum building height” and “vehicle bay”
A new plan to show the land to which this Order applies. The amended plan has removed the 31 shared ownership terraces (17no. 2 bed terraces, 3no. 3 bed mews, 4no. 3 bed terraces, 2no. 3 bed detached and 3no. 4 bed detached) from the LDO and replaced them with 31 standard self build plots (1no. 2 bed micro house, 11no. 3 bed detached, 13no. 4 bed detached and 6 no. 5 bed detached)

Schedule 2, Class A.1(a) and Schedule 2, Class A.2 (b) – These two paragraphs have been changed to refer to terrace blocks following a concern raised by GHVDC regarding the delivery of terraces within the LDO and difficulty arising if they could not find purchasers for all custom build or self build within a block within a reasonable time frame. This addition attempts to ensure a robust marketing exercise of the terrace units for custom or self build is undertaken for a period of 6 months and at least one of each terrace unit must be custom build or self build

Schedule 2, Class A.1(d) and Schedule 2, Class B.1(b) – This is a new limitation within Class A and Class B, which restricts balconies and raised platforms above ground floor level which would extend beyond a wall forming any side elevation or any rear elevation of the dwellinghouse. This has been added to control the inclusion of raised balconies or platforms which could introduce harm to the privacy of neighbour occupiers

Schedule 2, Class A.2 (e) and Schedule 2, Class B.2(c) – Amended to add the following ‘or such other limit as is approved as part of the Design Code and Masterplan. This allows for an area to be identified for each plot as part of the Masterplan, where the rear elevation has to be sited so that one self builder does not restrict the build area of a later plot that comes forward

Schedule 2, Class A.1 (f) and Schedule 2, Class B.2(d) – This is a new limitation within Class A to allow for chimneys, flues, soil or vent pipes, or other structure for renewable energy generation providing it does not exceed 1 metre above the highest part of the roof of the dwellinghouse

Schedule 2, Class C.1 – Deleted the requirement for buildings permitted under Class C to comply with the Masterplan and Design Code and removed the requirement for submission of an application for Confirmation of Compliance

Schedule 3 (2) – amendment to (b) require a plan which shows the sites location in relation to neighbouring plots. Inserted an additional requirement at (c) to require a plan showing the layout of the proposed development