

Cherwell District Council

Executive

6 November 2017

<p>Amendments to Graven Hill Phase 1 Local Development Order (Revision) 2017</p>

Report of Head of Development Management

This report is public

Purpose of report

To inform Executive of the proposed revisions to the adopted Graven Hill Phase 1 Local Development Order (Revision) 2017 and;

To seek authority from Executive to adopt the draft Graven Hill Phase 1 Local Development Order (Second Revision) 2017 as set out in this report, in agreement with the Lead Member, following the expiry of the required consultation period and subject to no new material objections being received after the date of Executive and up to the end of the consultation period.

1.0 Recommendations

The Executive is recommended:

- 1.1 To note the proposed revisions to the Graven Hill Phase 1 Local Development Order (Revision) 2017.
- 1.2 To note the draft Graven Hill Phase 1 Local Development Order (Second Revision) 2017 (Appendix A).
- 1.3 To note the consultation process currently being undertaken in respect of the draft LDO (Second Revision) 2017 and comments raised to date.
- 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.
- 1.5 To agree to adopt the draft Graven Hill Phase 1 Local Development Order (Second Revision) 2017 following the expiry of the consultation period and subject to no new material objections being received.

2.0 Introduction

- 2.1 The Graven Hill Phase 1 Local Development Order 2015 was originally adopted on 15 December 2015. Following the LDOs initial adoption, and following a report from the Lead Member in December 2016, the LDO was formally revised in 2017 and The Graven Hill Phase 1 Local Development Order (Revision) 2017 adopted on 18 January 2017. The 2017 revision covers 198 plots and provided further clarity and addressed some minor design and neighbour amenity changes identified as a result of applying the LDO to the first 10 plots.
- 2.2 The main reason for preparing a LDO in respect of Graven Hill was to facilitate the delivery of self-build dwellings on the site. It was envisaged that a LDO would achieve this 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, which has subsequently been approved under the outline planning permission (ref: 11/01494/OUT). The Masterplan and Design Code have since been amended with the approval under a revised outline planning permission (ref: 16/01802/OUT).
- 2.3 A revised draft LDO has now been prepared and incorporates an amended plan at Schedule 2 to extend the land to which the Order applies to cover 276 plots. A number of changes are included regarding the Confirmation of Compliance process set out within Schedule 3 of the LDO. The changes that have been made are detailed below in the report in the order in which they appear in the draft LDO, are detailed within the attached Statement of Reasons at Appendix C and the draft LDO 2017 is attached at Appendix A.
- 2.4 Under Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015, 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. The draft LDO 2017 is currently being consulted on and the consultation period expires on the 21st November 2017.
- 2.5 The draft LDO 2017 has been publicised in the Bicester Advertiser and by way of a site notice displayed at the site. Notification letters have been sent to Ambrosden Parish Council and Bicester Town Council, all relevant consultees, and to those with an interest in the land that would be affected by the LDO. The 28 day consultation period will end on 21 November 2017
- 2.6 When considering the proposed amendments set out in 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.

3.0 Report Details

Consultation Responses

- 3.1 The following consultation responses have been received during the course of the consultation period:
- 3.2 NETWORK RAIL – **No objections.** Comments raised regarding the railway line which runs to the north west of the site and any development within 20 metres of the line. The area covered by the revised LDO does not lie within 20 metres of the railway line and therefore the requirements by Network Rail do not apply in this case.
- 3.3 CDC PLANNING POLICY – **No objections.**

Proposed Revisions

Interpretation 2. (1) – definitions in the Order

- 3.4 A New definition has been included to explain the Confirmation of Compliance Guidance Note, which is a document prepared, and if required, updated by the Local Planning Authority providing advice on the procedure for Confirmation of Compliance and information needed to support a Confirmation of Compliance application.

Schedule 2 – Land to which the Order applies. Amended plan

- 3.5 Schedule 2 has been amended by the introduction of a new plan (drawing number 1982-A-L-575 Rev. O) which identifies a total of 276 plots across the whole of phase 1 of the development to be covered by the draft LDO 2017.
- 3.6 The latest outline planning permission (Ref: 16/01802/OUT) has established an approved Masterplan, Design Code and Parameter Plan for the whole of phase 1 and for all the plots proposed to be cover by the draft LDO 2017. The approved Masterplan, Design Code and Parameter Plan have approved the design parameters required to ensure flexibility and certainty is secured within the plots coming forward within phase 1. These documents and design parameters have been in use over the last 18 months in assessing the first Confirmation of Compliance applications (29 so far) and have demonstrated suitable design control within phase 1. Therefore, a LDO which covers the whole of phase 1 is considered appropriate at this stage as all the relevant documents needed to consider an application for confirmation of compliance are approved and have been in use successfully delivering flexibility and certainty within the first designs to come forward.
- 3.7 The proposed amended plan includes changes to the mix of plots proposed within phase 1. See below for a break-down of plots covered by the adopted LDO 2017 and plots covered by the draft LDO 2017.

<u>Plot type</u>	<u>Adopted LDO</u>	<u>Draft LDO</u>
1 bed coach house plots	5	7
2 bed coach house plots	3	5
2 bed micro house plots	3	6
2 bed mews house plots	6	5
2 bed terrace plots	34	42
3 bed mews plots	6	6
3 bed terrace plots	24	29
3 bed detached plots	45	71
4 bed detached plots	51	64
5 bed detached plots	20	30
5 bed bungalow plots	0	11

<u>Break down of plot type</u>	<u>Adopted LDO</u>	<u>Draft LDO</u>
Detached plots	116/198 (58%)	177/276 (63%)
Terraced Plots	58/198 (29%)	71/276 (25%)
one, two and three bed coach houses, mews and micro houses	24/198 (13%)	29/276 (12%)

- 3.8 The mix of plots within the draft LDO 2017 has therefore slightly adjusted the mix of detached and terrace plots covered by the adopted LDO (Revision) 2017. The draft LDO 2017 has slightly increased the percentage of detached plots from 58% to 63% of the overall plots and decreased the percentage of terrace plots from 29% to 25% of the overall plots, the percentage of other products, including one, two and three bed coach house, mews and micro plots has changed from 13% to 12%.
- 3.9 The overall mix of plots in terms of size and type has not changed significantly and it is considered that a good mix of size and type of plot is still maintained

and covered by the draft LDO 2017 shown on the amended drawing at Schedule 2 of the draft LDO 2017, at Appendix A.

- 3.10 The current adopted LDO covers 198 plots within phase 1 of the development, 102 of these plots are pure self-build plots, the remainder being made up by affordable housing and tailored terraces delivered by the development Company as a turnkey product. Of the 102 plots which have been marketed to self-builders currently 57 have been sold. Therefore, 45 self-build plots are currently available within the adopted LDO, but these remaining plots do not offer the full variety of plots in terms of type and size and the Development Company have advised that they have individuals interested in certain plots which are not currently available and this could impact on the speed of delivery of self-build plots on the development.
- 3.11 For example, there has been a lot of interest in the large detached plots, but there are currently no five bed detached plots available. There has also been a lot of interest in the small one, two and three bed detached units, which are in limited supply within the current LDO. The remaining supply of self-build plots currently covered by the adopted LDO do not provide a full range of plot types on phase 1.
- 3.12 The proposed draft LDO 2017 seeks to cover the whole of phase 1 incorporating a total of 276 plots, 176 of these which will be pure self-build plots. A total of 119 self-build plots would then become available for sale (compared to the current 45 remaining). This would introduce a wide range of plot types and size across the whole of phase 1. These additional plots to be covered by the draft LDO 2017 would further assist in facilitating the delivery of self-build and custom build at Graven Hill.

Schedule 3 – Confirmation of Compliance procedure

- 3.13 Schedule 3 of the LDO (which sets out the requirements associated with the submission of a Confirmation of Compliance Application) has been amended to provide more detail in the list of documents required to support an application for Confirmation of Compliance. It has been identified within the assessment of the first 30 of these applications that the information provided within the LDO does not provide sufficiently detailed guidance on what needs to accompany an Confirmation of Compliance Application. The applications received so far have needed additional information submitting before it can be determined. This is taking up time during the determination period of 28 days.
- 3.14 Therefore, a change to Schedule 3 is proposed to amend paragraph (2) which sets out the list of documents required to accompany an application for Confirmation of Compliance.
- 3.15 Schedule 3 has been amended to include a requirement to submit a Building Performance Statement (BPS). A BPS has been introduced as a requirement as many of the applications for Confirmation of Compliance have been lacking in information to demonstrate Building Performance Standards of the

proposed development in accordance with the approved Passive Design Standards.

- 3.16 Schedule 3 has also been amended to refer to the Confirmation of Compliance Guidance Note. This has been introduced to provide advice on documents required to validate an application for Confirmation of Compliance and advice on non-material amendments. This document is attached at Appendix B for information.
- 3.17 Schedule 3 has also been amended at sub- paragraph (5) to remove point (b) which states that after 28 days following the date the confirmation of compliance application was received, without the authority notifying the applicant of its approval or refusal development can begin. This point has been replaced with a new sub-paragraph at (3) which sets out that the Local Planning Authority will as far as is practicable, determine an application for Confirmation of Compliance within 28 days following the date on which the application was received by the Local Planning Authority.
- 3.18 In addition to the above, a large number of requests for advice relating to confirmation of Compliance applications are being submitted to the Local Planning Authority prior to a formal application being submitted. These requests are currently not being logged and are not charged for. Therefore, discussion has been taking place within Development Management and with the Development Company with a view to introducing a pre-application process associated with Confirmation of Compliance. The details regarding such a process are likely to be included in the near future within the Confirmation of Compliance Guidance Note referred to above.
- 3.19 At this stage it is difficult to be specific about an intended date for adoption, as this date would have to follow the expiry of the consultation period which expires 21 November 2017, subject to no new material objections being received, in consultation with the Lead Member and a six day call-in period following the Council's decision whether to adopt the LDO.

EIA Regulations

- 3.20 There is a requirement for the Council to adopt a screening opinion prior to making a LDO under Regulation 6(6) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)
- 3.21 The Council adopted a screening opinion on 17 October 2017 to the effect that the Environmental Statement submitted to support the outline planning application 11/01494/OUT remains adequate to assess the environmental effects of the development that would be permitted by the LDO, and so a new Environment Impact Assessment is not required.
- 3.22 The development that would be permitted by the LDO is not considered to be materially different in scale or use to that which is permitted by the outline planning permission, and is not considered to give rise to materially different or significant greater impacts than the approved development.

- 3.23 The proposed modifications to the draft LDO cover plots within phase 1 of the development and relate to procedural matters and points of clarification, and do not alter or amend the nature, scale or type of development that would be permitted or the likely environmental impacts that will result.
- 3.24 Therefore, and having regard to the environmental information submitted with the outline planning application, the draft LDO as modified (Appendix A) is not considered to give rise to significant environmental effects above and beyond those which have already been assessed in the outline planning application.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The draft Graven Hill Phase 1 Local Development Order (Second Revision) 2017, whilst covering an increased number of plots within phase 1 of the development, 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 already approved under the outline planning permission. The draft LDO 2017 is considered to remain effective in facilitating the delivery of custom build and self- build development at Graven Hill.
- 4.2 The consultation period is yet to expire, and Executive will be provided with an update of the consultation responses received to date at the meeting on 6 November. It is therefore recommended that providing that no new material objections are received to the revisions set out in this report and within the draft LDO 2017, attached at Appendix A, on the expiry of the consultation period, authority is sought from Executive to agree, in consultation with the Lead Member, to adopt the draft LDO 2017 attached to this report 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.

5.0 Consultation (in respect of this report)

- 5.1. Councillor Colin Clarke (Lead Member for Planning)
- 5.2. JP Planning on behalf of the Graven Hill Development Company

6.0 Alternative Options and Reasons for Rejection

- 6.1 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 covers a maximum of 198 plots within

phase 1 of the development. This restricted number of plots could lead to problems with the marketability of the development as the range of type and size of plots is reduced and this could impact on the rate of delivery of custom build and self-build units at Graven Hill.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial and resource implications identified.

Comments checked by:

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Legal Implications

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

7.3 There is a requirement under Article 38(11) of the Town and Country Planning (Development Management Procedure) Order 2015 to notify the Secretary of State of a decision to adopt a LDO no later than 28 days after the Local Planning Authority has adopted the Order.

Comments checked by:

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8.0 Decision Information

Key Decision

Financial Threshold Met No

Community Impact Threshold Met No

Wards Affected

Bicester South and Ambrosden
Launton and Otmoor
Fringford and Heyford

Links to Corporate Plan and Policy Framework

A District of Opportunity, in particular:

- Securing employment-generating development with necessary transport/other infrastructure
- Meeting local performance targets in terms of speed of determination of all forms of application

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

Appendix No	Title
A	Draft Graven Hill Phase 1 LDO (Second Revision) 2017
B	Draft Confirmation of Compliance Guidance Note
C	Statement of Reasons
Background Papers	
None	
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