



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Council

**Thursday, 25 February 2016**  
**6.00 pm**  
**Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Duncan Smith (Chairman), Chris Ryder (Vice-Chair), Matt Babbage, Flo Clucas, Adam Lillywhite, Chris Mason, Dan Murch, Chris Nelson, John Payne, Max Wilkinson, Wendy Flynn, Andrew Chard, Paul Baker, Garth Barnes, Nigel Britter, Chris Coleman, Bernard Fisher, Jacky Fletcher, Colin Hay, Tim Harman, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Helena McCloskey, Andrew McKinlay, David Prince, John Rawson, Anne Regan, Rob Reid, Louis Savage, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn and Suzanne Williams

### Agenda

<b>6.</b>	<b>PUBLIC QUESTIONS</b> The deadline for public questions has now passed.	(Pages 3 - 8)
<b>7.</b>	<b>MEMBER QUESTIONS</b>	(Pages 9 - 12)

**Contact Officer:** Rosalind Reeves, Democratic Services Manager, 01242 774937  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

**Andrew North**  
**Chief Executive**

This page is intentionally left blank

### Council

25 February 2016

**Public Questions (8) – Responses will be available before the Council meeting on Thursday**

<b>1.</b>	<b>Question from Carl Friessner-Day to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>Under Agenda Item 9 - Section Property/Asset Implications - the Council states :</p> <p>“The implementation of the Cheltenham Transport Plan will have an impact on the marketability, delivery of the subsequent disposal and redevelopment of the Municipal Offices.”</p> <p>There is therefore no longer any denying the link between the CTP and development for sale of the Municipal building. As this Council has sought external professional advice, could this Council now share with the public the estimated value of sale of the Municipal building with the current footprint and the estimated value of sale of the Municipal Building with the enlarged footprint should the CTP enable the closure of Boots Corner to occur, thus restricting the traffic at the back of the Municipal building and thereby facilitating the purchase of land at the back and rear external development.</p> <p><i>(For purposes of clarity we only need the two figures and no other information. I believe the residents of Cheltenham and in particular those in St Pauls, St Lukes, Pittville, All Saints and those around Prince Elizabeth’s Way are able to calculate the difference and therefore the PRICE the Council accepts for the degradation of their health, wellbeing and communities with the added traffic, noise, pollution and safety risks heading their way).</i></p>
	<b>Response from Cabinet Member Development and Safety</b>
	<p>The aim of the CTP is to improve traffic flow around the town. As a result of these programmed transport works there are many opportunities to improve public realm and wider place making objectives.</p> <p>A development brief for the future of the Municipal offices and Royal Well identifies the ability to utilise space should it become available. This development brief has been approved by council. The utilisation of the space is a potential opportunity that would contribute to the wider place making and economic development agenda for Cheltenham.</p> <p>The Council has yet to determine the extent of any redevelopment of the Municipal Offices but the working assumption is that it is likely to just extend to the back of the pavement behind the Municipal Offices rather than across the road in Royal Well.</p> <p>The Council is not proposing to sell the Municipal Offices but is considering redeveloping it with a joint venture partner and has therefore not sought a valuation. The financial assumptions include a projection of additional business</p>

	<p>rates from any redevelopment of £175,000 per annum w.e.f. 2020/21 which will be factored into the Council's future budgets to protect current services in the context of reducing government funding.</p>
<p><b>2.</b></p>	<p><b>Question from Carl Friessner-Day to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p>
	<p>In 2016 as part of the Cheltenham Transport Plan process, a TRO was held and recommendation made to the GCC Cabinet. Both sides of the argument for and against the Cheltenham Transport Plan respected the democratic process and presented their cases, yet the notes for the CDT taken on 9th October 2015 clearly highlight a last minute bid to influence opinion by the Task Force, namely Jeremy Williamson – and the effect this had in changing the Cabinet's recommendation.</p> <p>“SE suggested that ST/FR give regular updates at future meetings. He also noted the Task Force's ability to influence decisions as had happened in relation to the TRO issue when a letter of representation”. This referring to the letter signed by the cartel of a hand full of large businesses with self-interest.</p> <p>This Council now seeks to extend the power of the Cheltenham Development Task Force. How can this Council and its elected Councillors, a Council elected under the rule of democracy, allow the principles of democracy to be undermined by non-elected groups like the Cheltenham Development Task Force that show little respect for formal process and rule. Surely this interference makes a mockery of everything every Councillor stands for? Will Councillors investigate this interference and the democratic process around it before supporting further empowerment of the CDTF?</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>As one of several Councillors (including Cabinet Members) from both CBC and GCC who sit on the Cheltenham Development Task Force, I can confirm that the Task Force has no decision-making powers. Decisions rest entirely with Councillors and the Task Force is completely advisory.</p> <p>The point in question referred to a letter from the Chair of the Task Force, asking why the initial GCC cabinet recommendation for the meeting of 22/07/15 seemed contrary to the outcome of the Traffic Regulation Order (TRO) committee.</p> <p>The Task Force can raise questions and seek to influence in the same way as any bother individual or body – indeed, in much the same way as this question is doing.</p> <p>The Task Force has proven to be an effective vehicle which has helped deliver a host of positives for the Cheltenham economy, including Brewery II, Beechwood Arcade redevelopment, Regency Place, funding for the railway station and a number of public realm improvements.</p>

<b>3.</b>	<b>Question from Councillor Peter Sayers to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	The Gloucestershire Cabinet meeting of 22 July 2015 determined that the Cheltenham Transport Plan would be phased and that each phase would be trialled. I am not clear as to Cheltenham Council's role in determining the success or otherwise of these trials: Where may a resident, affected by these trials, examine the criteria and the data to be utilised to determine the success or failure of these trials?
	<b>Response from Cabinet Member Development and Safety</b>
	Final determination of success or failure will rest with GCC as the highways authority.
<b>4.</b>	<b>Question from Councillor Peter Sayers to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	The traffic modelling that was constructed to support the Cheltenham Transport Plan was not only utilising out of date data but was not informed by all of the recent housing developments which are proposed around the Cheltenham area. Given the size and impact of these developments, are Traffic Officers confident they understand the effects on residential areas, both now and in the future, of the Cheltenham Transport Plan?
	<b>Response from Cabinet Member Development and Safety</b>
	CBC is not the traffic authority and I am unable to speak on behalf of GCC.
<b>5.</b>	<b>Question from Andrew Riley to Leader, Councillor Steve Jordan</b>
	As a restaurant owner I applaud the intention to inject vibrancy into the local economy by reducing evening parking costs in the town. This will obviously help sustain the retail jobs on the high street. However, other than this continued drive to promote the retail high street, what is the Council doing in the broader economy to encourage business to Cheltenham as it appears in the last 2 years this Council has allowed the conversion of three significant office blocks into retirement homes, forcing residents to get in their cars to drive to jobs outside of Cheltenham, which then has the knock on effect of contradicting the intentions of the CTP i.e. getting people out of their cars!!! . Is Cheltenham to become the new Bournemouth or are there plans afoot to create jobs outside of the retail environment, jobs that pay more than the minimum wage and ones that will sustain the prosperity of the town longer term?
	<b>Response from Leader</b>
	The Council is very much focussed on delivering economic growth. The Cheltenham Development Taskforce has already been successful in bringing about redevelopment of a number of key sites. The Council recognises the important role tourism plays in the local economy and has commissioned a consultant's report on how the town can use and enhance its many assets to encourage further tourism. The Council has set up a Cheltenham Tourism Partnership to take this work forward and recommendations resulting from this will be considered by Cabinet next month. In addition, the Council has been funding a successful small business advice service to assist anyone setting up a new business.  In 2014 the Council commissioned consultants Athey Consulting to provide an updated position on the economy of Cheltenham and provide recommendations

	<p>to support growth. Work is ongoing through the review of the local plan (Cheltenham Plan) to assist this together with additional resource via the recent appointment of Managing Director of Place and Economic Development.</p> <p>However, in relation to the loss of existing office space, the Council must work within the parameters of national planning policy, this includes;</p> <p>Enabling development for other uses where it can be demonstrated the existing use is unviable/site unsuitable for existing use – this is very relevant in respect of recent permissions which has seen the changes of use of dated office space. Consents were granted following the submission of evidence detailing marketing of the sites for employment uses</p> <p>Government planning policy has left towns vulnerable to loss of offices by extending “permitted development rights” to allow the conversion of offices to residential use. This policy is a major concern for the Borough Council, not only because of the direct impact, but because indirectly it weakens the Councils negotiating position in relation to the loss of offices to a whole range of uses. Work is ongoing in respect of this point through work on the Cheltenham Plan, including early investigations of an Article 4 direction.</p> <p>The Council does not wish Cheltenham to become a dormitory town and is working to deliver more employment land through the Joint Core Strategy (JCS) process – much discussion has taken place through the JCS examination on the role and function of employment land, the need for new sites and a working age population to support the economy. The need for high value jobs growth has been recognised by the LEP strategic economic plan and Cheltenham’s own economic analysis. I am keen to encourage the growth of the cyber security sector and in 2015 support for this was tested in early consultation on the Cheltenham Plan This aligns to the potential for a cyber or innovation hub as announced by the Chancellor in the autumn, and support from GCHQ to the JCS examination in public, which provides the opportunity to bring forward much needed land for employment. Employment that is designed to either attract or help grow high value GVA (gross value added) jobs to the town and which would be welcomed by this authority.</p>
<p><b>6.</b></p>	<p><b>Question from Andrew Riley to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p>
	<p>The County Council is responsible from LSTF funding for the installation of the Albion Street changes. No 'public realm' expenditure should attempt to concrete those junction changes irreversibly in place until they have been demonstrated to be compatible with essential town centre traffic circulation, and therefore been deemed worthy of becoming permanent. Until Phase 1 is installed and trialled and approved as viable, is it not irresponsible to be disbursing from the £100k fund on "public realm improvement" for Albion Street</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>This funding is designed to assist in the phasing process. Initially it was envisaged that all phases of the Transport Plan would be delivered in relatively quick succession and the funding was intended to help soften the impact of temporary works during trial works. However, following the GCC cabinet decision to phase implementation, it would seem prudent to have funding available throughout the whole of the projects implementation for both temporary and (if deemed</p>

	appropriate by the highways authority) more permanent public realm changes.
<b>7.</b>	<b>Question from Geoffrey Bloxsom to Cabinet Member Development and Safety</b>
	<p><b>North Place Car Park</b>  On the 10th October 2011 the Council considered and approved a proposal to award the contract to develop the site to Augur Buchler. The scheme included a minimum of 300 space public car park, the freehold of which would be retained by CBC and a 250 year lease granted for the area containing the car park. CBC would receive an annual rent equal to the net revenue from 300 spaces that were currently on the site. Augur Buchler were required to complete the construction work within an agreed time scale. Failure to do so would require them to pay a daily sum equal to the car park revenue for each extra day. As it is now 4 years and 4 months since the council approved the proposal will the Cabinet confirm that the above quoted daily sum is being received, when the payments commenced and the total sum collected to date?</p>
	<b>Response from Cabinet Member</b>
	<p>Mr Bloxsom refers to the meeting of the Council on October 10th 2011, at which Augur Buchler was appointed preferred developer of the North Place site. However, he will be aware that Augur Buchler did not take possession of the site until December 2014. Up to that time, the Borough Council continued to run a car park on the site and to take the income from that car park.</p> <p>Under the terms of the agreement, Augur Buchler were allowed a reasonable time from the time they took possession of the site, to carry out redevelopment and provide us with a new car park as part of that deal. That period comes to an end in June 2016, after which time the agreed financial compensation that Mr Bloxsom refers to will become due.</p> <p>Morrisons withdrew from their contractual relationship with Augur Buchler early in 2015, which means that no development will be completed on the site in 2016, or for some time to come. The Council is therefore in discussions with Augur Buchler about bringing the site back into use as a car park in the near future. The aim of such an arrangement would be to enable Augur Buchler to deliver on its financial obligations to the Council, as well as increasing parking capacity in the town.</p> <p>In the meantime the Council retains the freehold of the part of the site on which the multi-tier car park was intended to stand. It remains our objective to work with Augur Buchler to ensure that the car park is built a part of a new development of the site.</p> <p>It is worth adding that the impact on the Council's income of losing the North Place car park has not been as great as was feared, as some of the North Place usage has been displaced to other council car parks. In 2014, the Council set up a parking income reserve of £350,000 to cushion the loss of income during the development of the North Place site. However, this has not been needed and has remained intact up to the present time.</p>
<b>8.</b>	<b>Question from Geoffrey Bloxsom to Cabinet Member Development and Safety</b>

	<p><b>Portland Street Car Park</b>          At the council meeting on the 10th October 2011 when Angur Buchlur were awarded the contract to develop the site for residential housing a clause in the development brief stated;          It is a requirement of the development brief approved by the council that architectural style should be "of its time" and not a Regency copy or pastiche. This is also the view of the Council's officers and the development team. Augur Buchler subsequently sold the site to Skanska who shortly afterwards withdrew from housebuilding in the U.K. Since 2013 no other builder had been prepared to take on the project. In view of this situation would the Cabinet consider reversing the restrictions on architectural style and approve Regency replica homes on the Portland Street frontage. This approval would complete the last vacant space linking the town centre conservation area to Regency Pittville and fulfil the considerable demand for this style of home. It would also acknowledge the Development Task Force commitment to recognise the town's history in shaping current layout and from and pursuing high quality design that responds positively to historic context.</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>The development brief establishes the basis for planning negotiations and decisions in relation to Portland Street and North Place. It is a statutorily adopted document which is a part of the Council's development plan and a material consideration in the determination of relevant planning applications. Amending a statutory Development Brief is a lengthy process (usually about 8 months if it runs smoothly) and to commence it at the moment runs the risk of becoming entangled in the emerging Cheltenham Plan adoption process.</p> <p>There is in any event, no evidence that the clause referring to architectural style is a reason for the site's current predicament and seems to me that the lengthy period of uncertainty and delay resulting from a review of the brief will not help in a swift resolution of the problem here.</p> <p>The approved scheme did attract much market interest, as did a similar scheme built by Homes by Skanska in Cambridge, which was why the market was surprised by the withdrawal of Homes by Skanska from the UK market. I am advised that the site is still being actively marketed and until a sale is concluded and a new owner advises their intention, it is premature to determine exactly what approach should be adopted, other than that the development brief should be followed and remains a material consideration in planning terms.</p>



### Council

25 February 2016

#### Member Questions

<b>1.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	The Cheltenham Transport Plan report which the Council will consider this evening envisages a different phasing than originally outlined. Can the Cabinet Member specify what safeguards he has put in place to protect the council and Council Tax Payers should any phase of the scheme up to and including the Boots Corner be deemed to have failed?
	<b>Response from Cabinet Member Development and Safety</b>
	<p>The phasing approved by GCC cabinet was predicated upon the initial phase at Albion Street being implemented between October 2015 and February 2016, with the final phase, a trial at Boots Corner, to take place in Spring 2017.</p> <p>Given events associated with the Beechwood shopping centre and the complexities associated with its conversion to a John Lewis store, the start date has slipped to March 2016, although we understand that the target date for the final phase remains the same.</p> <p>The primary safeguard for Council tax payers, was to ensure that the majority of this scheme was funded through a Department for Transport grant (£4.95 million), which was successfully secured by GCC. However, CBC did offer £50k funding for mitigation (in November 2013) and is proposing the release of £100k of uncommitted funds to assist GCC with implementation.</p> <p>By making available this £100k and £50k funding CBC is demonstrating support for the success of the County Council's by seeking to ensure the lengthened implementation stage can be successfully accommodated.</p> <p>Clearly, if GCC determines that any phase is deemed to have failed, then the sums might be required to assist with the County Council's mitigation costs.</p>
<b>2.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Can the Cabinet Member inform Council of the financial reporting arrangements that the Task Force will be required to undertake to Council and how this will be reported to Members?
	<b>Response from Cabinet Member Development and Safety</b>
	The Task Force has no direct budgetary control. This is because the body is purely advisory. Whilst there is a Task Force budget, it is overseen by officers of CBC and subject to the usual scrutiny and audit controls. The majority of any spend associated with Task Force activity is linked to capital expenditure and this is bid for, allocated and accounted for in line with other budgets managed by CBC officers.

<b>3.</b>	<b>Question from Councillor John Payne to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	This question was withdrawn at the request of Councillor Payne.
<b>4.</b>	<b>Question from Councillor John Payne to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	This question was withdrawn at the request of Councillor Payne.
<b>5.</b>	<b>Question from Councillor John Payne to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>GCC is still unable to publish any details of precisely how the Winchcombe Street and Pittville junctions are to be implemented, e.g. the "zebra crossing". Local residents and road users should be allowed to comment in good time on the viability of these measures by studying a layout plan before expenditure is committed.</p> <p>At the same time as inserting a 'zebra crossing' (and turning off the traffic lights?) are you also intending to reverse the general traffic flow direction in Portland Street (as is marked on the TRO plan)? And will the Traffic lanes approaching the zebra-crossing from North Street be reduced to two, with a central island; and will general traffic still be allowed to turn right into Pittville Street?</p>
	<b>Response from Cabinet Member Development and Safety</b>
	<p>As far as I am aware, the proposed traffic management arrangements on Albion Street are as discussed at the Traffic Regulation Order (TRO) stage of this scheme.</p> <p>I believe that GCC has notified members of pedestrian crossing elements of detailed design, not changes to the scheme, so would suggest that these specific questions are posed to the County Council as highways authority.</p>
<b>6.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>CBC have finally admitted in the officer's report that the "marketability" and "subsequent disposal and redevelopment of the Municipal Offices" is the driver of this unworkable nonsense of closing Cheltenham's sole Ring Road.</p> <p>What are and how can you justify imposing Phase-3, Royal Well changes, which are necessarily permanent if they are the 'land grab' of Royal Well Road, before Phase-4, Boots Corner trial, has been completed and most probably been demonstrated unfit to become permanent when it has already received £2M of irreversible "public realm" capital spend?</p>
	<b>Response from Cabinet Member</b>
	<p>The aim of the CTP is to improve traffic flow around the town. As a result of these programmed transport works there are many opportunities to improve public realm and wider place making objectives.</p> <p>A development brief for the future of the Municipal offices and Royal Well identifies the ability to utilise space should it become available. This development brief has been approved by council. The utilisation of the space is a potential opportunity that would contribute to the wider place making and economic</p>

	<p>development agenda for Cheltenham.</p> <p>I don't think that the phrase "land grab" is appropriate in terms of the Council's intention to deliver a place-making agenda.</p> <p>The £2m in question for Boots Corner is CBC money, held in a CBC reserve, available for use should GCC determine that Boots Corner can reasonably be closed to most through-traffic beyond the trial period. The money has been allocated for this future purpose, but has not been spent and will not be spent on "irreversible" public realm capital expenditure, until the Boots Corner trial has been assessed by GCC as highways authority.</p>
<b>7</b>	<p><b>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>In view of Cheltenham's peculiarly unique road network for a large town for which there is no longer any road-building money to remedy and in view of the lengthy controversy over CTP, is it not irresponsible to be restricting all subsequent CTP implementation decisions to one in consultation with one Cabinet Member and in discussion with the MD of the CDTF, rather than take the decision back to all elected Councillors. Can the Cabinet Member assure me that the officer will be fully briefed and have all the relevant information to enable him to make an informed decision?</p>
	<p><b>Response from Cabinet Member</b></p> <p>The officer concerned is responsible for the Directorate which has had primary responsibility for development and delivery of CBC's input into the Cheltenham Transport Plan and consequently, I believe that he is fully briefed. The suggestion of liaison with the MD of the Task Force, is because he is the Officer of the Council responsible for the Task Force which itself has a number of groups advising on the CTP project and includes a co-ordination group which links together developers and contractors to ensure that operational issues that could impact upon the town centre are dealt with effectively e.g. the delivery of tower cranes; utility connections etc.</p> <p>It is this group that has assisted in developing the proposed timetable for the Albion Street implementation, as we potentially have 3 major projects operational in the same street simultaneously - works for the CTP and works at Regency Place and Beechwood shopping centre.</p>
<b>8</b>	<p><b>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>How can Councillors make a decision over a zebra crossing when they have no idea what is happening to the traffic on Albion Street? How long will it be between announcing the changes to the public for the rest of Albion Street and them being implemented?</p>
	<p><b>Response from Cabinet Member</b></p> <p>As far as I am aware, the traffic management on Albion Street is as discussed at the TRO stage of this scheme.</p> <p>I believe that GCC has notified Members of the pedestrian crossing element of detailed design, which I understand is a requirement of the relevant Highway</p>

	<p>legislation, it is not fundamental changes to the scheme.</p> <p>So, the timing between decision (GCC cabinet 22/07/15) and planned start of implementation (21/03/16) is 8 months.</p>
--	--