



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Thursday, 30 June 2016

6.00 pm

Council Chamber, Municipal Offices

Membership	
Councillors:	Chris Ryder (Chairman), Klara Sudbury (Vice-Chair), Matt Babbage, Paul Baker, Garth Barnes, Ian Bickerton, Nigel Britter, Flo Clucas, Chris Coleman, Mike Collins, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Colin Hay, Rowena Hay, Karl Hobley, Sandra Holliday, Peter Jeffries, Steve Jordan, Adam Lillywhite, Chris Mason, Helena McCloskey, Paul McCloskey, Andrew McKinlay, Dan Murch, Chris Nelson, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn, Max Wilkinson, Suzanne Williams and David Willingham

Agenda

6.	PUBLIC QUESTIONS These must be received no later than 12 noon on Friday 24 June	(Pages 3 - 10)
7.	MEMBER QUESTIONS These must be received no later than 12 noon on Friday 24 June	(Pages 11 - 14)

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Pat Pratley
Head of Paid Service

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Council

30 June 2016

Public Questions (12)

1.	Question from Gary Egger to the Leader, Councillor Steve Jordan(intends to be present)
	Can you provide a summary of the process which you will go through to consider and approve or decline Elizabeth Ord's recommendations?"
	Response from the Leader
	<p>The JCS councils have made no decisions in regards to modifications to the plan and this will be informed by the stage 4 JCS examination hearings scheduled 6 July, informed by the debate arising from council meetings scheduled 28th and 30th June. All the findings in the interim report are without prejudice to the Inspectors ultimate conclusions and will be reviewed in context of:</p> <ul style="list-style-type: none"> • upcoming stage 4 hearings where the JCS authorities will set out the consequences of the recommendations as agreed at Council meetings, and • public consultation responses should the JCS authorities make main modifications to the plan in September <p>Further Council meetings are scheduled in September to agree any main modifications to the plan. Communities and other stakeholders will have an opportunity to provide comments on the modifications through the consultation process that follows. Responses will then be collated by the JCS Authorities and passed to the Inspector for her consideration. At that stage the Inspector will consider objections to the modifications and make a decision whether any further information, hearings or revisions are required before concluding her Examination and submitting her Final Report to the JCS Authorities.</p> <p>Finally, the JCS Authorities will have a further decision to take as to whether they are happy to proceed on the basis of the Inspector's Final Report and adopt the JCS as their plan. If they choose not to then the JCS would not be adopted and wouldn't represent planning policy.</p>
2.	Question from Alex Randall to the Leader, Councillor Steve Jordan (won't be present)
	<p>First of all, I appreciate the effort that has gone into the Joint Core Strategy and the need to progress to a conclusion. I was though surprised to read in the Preliminary report that a number of Prestbury green belt areas have been proposed to lose their status in favour of development. In particular, the inspector commentary in paras 127 onwards suggests this was primarily based on a site visit, rather than based on balanced evidence or fair assessment. Will the council promise that a fair hearing, with supporting evidence, will take place over the Summer to review the green belt status of the proposed areas prior to any final decisions?</p> <p>Background to Question <i>Having looked at the government website, and having lived in Prestbury for the</i></p>

	<p><i>last few years, my personal assessment is that the greenbelt areas serve two of the five purposes outlined in the policy on the gov.uk website. These are:</i></p> <ul style="list-style-type: none"> - <i>To assist in safeguarding the countryside from encroachment;</i> - <i>To preserve the setting and special character of historic towns.</i> <p><i>In particular, I would like to focus on the Prestbury conservation area which includes many listed buildings. Development of these areas which are adjacent to the Prestbury conservation area will spoil the setting and the infrastructure within the conservation area will not cope. Evidence of this:</i></p> <ul style="list-style-type: none"> - <i>Listed buildings form part of or border the greenbelt areas;</i> - <i>A frequently used path links Prestbury church to Southam through the countryside as an extension to the conservation area;</i> - <i>The roads through the conservation area already carry restrictions on usage by cars;</i> - <i>The area struggles to cope with flooding - noting a major flood alleviation scheme goes through one of these greenbelt areas.</i> <p><i>Part of one of the greenbelt areas, along with the grade II listed "Hayes", form part of the setting underneath Cleeve Common (AONB). Together, they form a distinct beautiful gateway to Prestbury and Cheltenham via the Southam Road. The corner of Mill Street and Southam Road form the entrance to the conservation area.</i></p>
	<p>Response from the Leader</p> <p>Please see also the above answer to question one regarding the JCS' ongoing process.</p> <p>Inspector Ord has evaluated detailed Green Belt evidence submitted by the Councils and through independent studies, but has reached different conclusions from those of the JCS authorities regarding the sensitivity of the Green Belt in this location. It is within the Inspector's remit to suggest modifications to a plan which in her view would make it sound. Should the Councils choose to proceed with amendments to the Green Belt in accordance with the recommendations, then this would be through full statutory consultation as part of the Main Modifications consultation. Communities and other stakeholders will have an opportunity to make responses at that time, which would then be collated by the JCS Authorities and passed to the Inspector for her consideration. At that stage the Inspector will consider objections to the modifications and make a decision whether any further information, hearings or revisions are required before concluding her Examination and submitting her Final Report to the JCS Authorities.</p> <p>I understand the concerns about the Inspector's decision to propose new sites to be removed from the Green Belt late in the JCS process. So I will be proposing in the later debate that the Council assists in progressing a Local Green Space review for these areas.</p>
<p>3.</p>	<p>Question from Harriet Ward to the Leader, Councillor Steve Jordan (intends to be present)</p>
	<p>Can you please provide details of the expected population increase, including the percentage increase from the current position, that you anticipate will result from accepting Elizabeth Ord's recommendations to build an additional 450 to 500</p>

	houses on Green Belt land in Prestbury village.
	<p>Response from the Leader The Inspector’s report identifies an increased Objectively Assessed Need figure for the JCS authorities, based on population and household projections and economic uplift. The inspector finds that the housing requirement for Cheltenham Borough as a whole is therefore increased to 10,851 dwellings (which represent an increase of +1,751 from the 9,100 dwellings set out in the Pre Submission Joint Core Strategy). This proposed increase will be the subject of further challenge before the JCS in finalised.</p> <p>While this is a rise in the OAN for the Borough as a whole, the Inspector’s report also recommends that housing numbers should be redistributed. In the Interim Report the Inspector has deemed that there is additional potential housing capacity in the north of Cheltenham. This includes areas around Prestbury. Whilst the Inspector recommends the removal of particular areas from the Green Belt to be undertaken through the JCS, any allocation would be for the Cheltenham Plan to consider.</p> <p>Because these areas are not to be allocated through the JCS, only a very rough estimate can be given regarding how much the population of the area would increase if development were to take place. Based on an average household size of 2.3 persons per dwelling, an increase of 500 houses would equate to around 1,150 people. However, these numbers do not take into account factors such as house type or the density, design or layout of any potential scheme, which would be likely to affect the number of residents.</p>
4.	Question from Terry Dicks to the Leader, Councillor Steve Jordan (intends to be present)
	<p>The Joint Core Strategy normally concerns itself only with development of 450 houses plus. All the sites recommended by Elizabeth Ord for release from Green Belt and subsequent development are owned by different people, making this a proposal for multi-site locations with none reaching the 450 criteria. Is it therefore within her remit to group together sites in this way to be included in the Joint Core Strategy?</p>
	<p>Response from the Leader The JCS is a strategic plan which has determined strategic scale to be of 450/500 houses or greater. The Inspector’s interim report agrees that the JCS should not allocate sites for less than 450 dwellings. However, the inspector has also reviewed the Green Belt in the JCS area and recommends alterations. Although the JCS authorities have presented evidence regarding the sensitivity of the Green Belt to the north of the Borough, the Inspector has examined this evidence and taken a contrary view.</p> <p>In her view, the exceptional circumstances test is met for releasing Green Belt in some of these areas, and by doing so would create capacity for development, especially that which could come forward early in the plan period. Whilst the Inspector recommends the removal of particular areas from the Green Belt to be undertaken through the JCS, any allocation would be for the Cheltenham Plan to consider. To help inform this process, I will be proposing in the later debate that the Council assists in progressing a Local Green Space review for these areas.</p>

	See also the above answers to questions 2 and 3.
5.	Question from Terry Dicks to the Leader, Councillor Steve Jordan (intends to be present)
	The Governments National Planning Policy Framework says the Green Belt's number one purpose is 'to check unrestricted sprawl of large built up areas'. How does the recommendation support this?
	<p>Response from the Leader</p> <p>National Planning Policy Framework identifies the 'fundamental aim' of Green Belt policy is to prevent urban sprawl by keeping land permanently open.</p> <p>The NPPF cites that the Green Belt serves five purposes:</p> <ul style="list-style-type: none"> ● to check the unrestricted sprawl of large built-up areas; ● to prevent neighbouring towns merging into one another; ● to assist in safeguarding the countryside from encroachment; ● to preserve the setting and special character of historic towns; and ● to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. <p>Through the Joint Core Strategy the authorities have sought to alter green belt boundaries at urban extensions to allow for the sustainable development of Cheltenham and Gloucester (Tewkesbury's strategic allocations around Tewkesbury town are not within the Green Belt). In doing so the Green Belt has to be comprehensively reviewed, and the authorities have presented two detailed studies on the Green Belt in the Cheltenham area.</p> <p>The NPPF requires that when reviewing the Green Belt:</p> <p>'...local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.'</p> <p>The JCS Inspector has considered the studies and evidence presented to her over the course of the examination, but has come to an alternative interpretation of this evidence to that of the JCS authorities. She has examined whether exceptional circumstances are met to release each of the areas of the Green Belt in her report; based on the sensitivity of the Green Belt in that location, the ability to create a defensible green belt boundary and the value of releasing the site in relation to housing need.</p>
6.	Question from Patrick Durkan to the Leader, Councillor Steve Jordan (intends to be present)
	Elizabeth Ord's report makes reference to the proposed Green Belt sites in Prestbury to be released as being "sustainable", what does sustainable mean in this context?
	<p>Response from the Leader</p> <p>The Inspector's role is to examine whether the JCS is "sound", based on four</p>

	<p>tests. These tests set out that the plan should seek to meet requirements for delivery of housing and infrastructure in line with national policy. If the Inspector has identified that needs are not being met, then she has the power to examine and recommend alternative sites and locations where the need could be delivered; taking into account the evidence she has heard on the social, environmental and economic principles of sustainability. After having evaluated evidence on these principles and requirements the inspector writes:</p> <p>'The removal of Leckhampton as a strategic allocation and the reduction of housing numbers at North West Cheltenham leaves Cheltenham with a need to find alternative housing capacity. The newly proposed strategic allocation of West Cheltenham will go part way to doing this, although a deficit still remains. In my judgement there is additional potential capacity in non-strategic Green Belt sites, which could significantly increase Cheltenham's district capacity and which could be allocated in the emerging Cheltenham Local Plan. Releasing these areas of Green Belt now within the JCS would facilitate these sites coming forward and contributing to Cheltenham's five year housing land supply. Following this approach should also enable Cheltenham's housing requirements for the Plan period to be met in full'</p> <p>Beyond quoting the Inspector's report I am not in a position to further explain her thinking.</p>
<p>7.</p>	<p>Question from Question from Robert Douglas to the Leader, Councillor Steve Jordan (intends to be present)</p>
	<p>The entire JCS team has spent over 5 years developing the planning strategy for the region. How is it possible for the inspector to come forward with a very different allocation of sites in such a comparatively short time frame, involving sites that had not previously been scrutinised at all?</p>
	<p>Response from the Leader Please see also the above response to questions 1, 4 and 6.</p> <p>The discussion on the Green Belt around Cheltenham within the examination have been detailed and over a number of months. The Inspector has heard evidence on the sensitivity of the Green Belt through the Councils' submissions as part of matters 7 and 9 (Green Belt and Omission Sites) and through detailed analysis in Exam documents 142 (the Councils' Green Belt Paper) and 196 (Green Belt Update Paper). The councils have also given evidence over a number of days of hearings on the topic, alongside legal counsel. Whilst this evidence has been presented to the Inspector and she has heard evidence from both the Council and objectors to the plan; her reading of this evidence has led her to her findings in her Interim Report, which differ from those reached by the JCS authorities during the development of the Plan and our view expressed in detail at examination. However, this is the Inspector's judgement to make through her consideration of the Plan, after having heard all the evidence presented to her on this matter. The interim findings set out in at this stage are not her Final Report, and therefore responses on the Main Modifications will be an important opportunity for further evidence and views to be presented by the community. I am keen to ensure there is a proper chance for views to be expressed although the JCS process is largely in the hands of the Inspector.</p>

<p>8.</p>	<p>Question from Question from Robert Douglas to the Leader, Councillor Steve Jordan (intends to be present)</p>
	<p>Green Belt land in Prestbury has suddenly appeared, without consultation, in the possible JCS sites due to recommendations from the inspector. However, the elected representative of Prestbury has been forbidden to speak at the JCS examination in public meetings on 6th and 7th July. How can this be justified?</p>
	<p>Response from the Leader Please see also the answer given above to question 1.</p> <p>I share the concerns expressed and although the Councils have discussed this matter with the inspectorate, the exam hearings on the 6th and 7th of July cover specific matters with only a limited number of participants. Currently the modifications to the Green Belt around Prestbury are not part of the Plan, and will only become so if they are integrated into the Main Modifications Draft. Council meetings are scheduled in September to agree any main modifications to the plan. Communities and other stakeholders will have an opportunity to provide comments on the modifications through the consultation process that follows. Responses will then be collated by the JCS Authorities and passed to the Inspector for her consideration.</p> <p>At that stage the Inspector will consider objections to the modifications and make a decision whether any further information, hearings or revisions are required before concluding her Examination and submitting her Final Report to the JCS Authorities.</p>
<p>9.</p>	<p>Question from Margaret Randall to the Leader, Councillor Steve Jordan (intends to be present)</p>
	<p>There is housing demand in excess of supply for over a decade and there will be for many years to come. I consider this to be the "norm" unless central government makes significant changes to policies. Therefore, I don't consider the current situation as exceptional circumstances. In addition, in the preliminary report, I cannot find any references to brownfield sites as well, such as Premiere Products which is up for sale. While I accept the JCS must proceed, could I please ask the council to challenge the preliminary report by questioning if circumstances are truly exceptional and why brownfield sites are not considered. Will the council and JCS do this?</p>
	<p>Response from the Leader Please see also the answer given above to question 6 regarding exceptional circumstances.</p> <p>The JCS authorities have taken into account the 'urban capacity' of both Cheltenham and Gloucester when calculating the remaining need for development and before considering the need for urban extensions and strategic allocations. This includes all brownfield and greenfield land which is considered able to come forward within the Borough boundaries. The Inspector factors this into her calculations of need as part of her Report, and has offset this against the overall requirement.</p>

10.	Question from Peter Weir to the Leader, Councillor Steve Jordan (will be attending)
	<p>As a local resident of Prestbury, I am seriously concerned about the recent news regarding the green belt areas in the village being recommended to change status and be used for building additional houses.</p> <p>Can you explain exactly what the exceptional circumstances are that Elizabeth Ord refers to in her report?</p>
	<p>Response from the Leader</p> <p>I understand the concerns and please see the answer given above to question 6.</p>
11.	Question from County Councillor Iain Dobie to the Leader, Councillor Steve Jordan (has not confirmed attendance)
	<p>Does Cheltenham intend to approve the building of 200 new houses in Leckhampton within its Town Plan?</p>
	<p>Response from the Leader</p> <p>The Inspector's interim report makes it clear that she does not find that an allocation of strategic scale (i.e. greater than 450/500 houses) is appropriate at Leckhampton in the JCS, but considers that a smaller allocation may be appropriate within the Cheltenham Plan. The Inspector finds the proposed Farm Lane development of 377 houses unsound which is in line with this Council's view however since the application has already been approved by Tewkesbury we do need to clarify the status of that site.</p> <p>The Inspector's view is that development at Leckhampton is a matter for the emerging Cheltenham Plan to consider and no decisions have been made as yet. The Preferred Option consultation for the Cheltenham Plan, which will further review the principle of allocation in this area, is scheduled for September this year. While I would broadly support the Inspector's view the Council decision on accepting corresponding modifications to the JCS will take place in September. There are also ongoing legal challenges regarding planning decisions on this site still to be decided.</p>
12	Question from County Councillor Iain Dobie to the Leader, Councillor Steve Jordan (has not confirmed attendance)
	<p>If the answer to the previous question is yes, what primary school provision would be made out of developers contributions for the children of those 200 houses (plus additional housing developments already in train) - will the plan for a new primary school in Leckhampton funded by new housing be revived?</p>
	<p>Response from the Leader</p> <p>Please see also the response to question 11 above. Whilst school provision needs to be reviewed as part of the Cheltenham Plan, and that plan needs to review the most efficient and comprehensive use of the site; it is clear that a scheme of 200 houses alone would not fund a new primary school at Leckhampton. Conversations are progressing with the County Council on this issue.</p>

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Council

30 June 2016

Member Questions (3)

1.	Question from Councillor John Payne to the Leader , Councillor Steve Jordan
	<p>On the 7th of June this year Brandon Lewis, Minister of State for Housing and Planning wrote a letter to all Members of Parliament stressing and restating the Government's position on development in the Green Belt, that "development may only be allowed where exceptional circumstances exist". Could you please detail the specific circumstances that justify the destruction of most of the Green Belt in Prestbury?</p>
	Response from Cabinet Member
	<p>Government policy and statements both reinforce that Green Belt boundaries should only be changed where exceptional circumstances exist.</p> <p>The exceptional circumstances case for release of Green Belt can be made depending on the need for release, the sensitivity of the Green Belt in that location, and the potential for a suitable new green belt boundary to be created. These principles have been demonstrated through previous examinations and through case law.</p> <p>The Inspector's role is to examine whether the JCS is "sound", based on four tests. These tests set out that the plan should seek to meet requirements for delivery of housing and infrastructure in line with national policy. If the Inspector has identified that needs are not being met, then she has the power to examine and recommend alternative sites and locations where the need could be delivered; taking into account the evidence she has heard on the social, environmental and economic principles of sustainability.</p> <p>While the Inspector cannot compel the authorities to make the modifications she recommends to make the plan sound, the authorities cannot legally adopt or implement the plan if it has not been found to be sound through examination.</p> <p>As Cllr Payne will be aware, after having evaluated evidence on these principles and requirements the inspector writes:</p> <p>'The removal of Leckhampton as a strategic allocation and the reduction of housing numbers at North West Cheltenham leaves Cheltenham with a need to find alternative housing capacity. The newly proposed strategic allocation of West Cheltenham will go part way to doing this, although a deficit still remains. In my judgement there is additional potential capacity in non-strategic Green Belt sites, which could significantly increase Cheltenham's district capacity and which could be allocated in the emerging Cheltenham Local Plan. Releasing these areas of Green Belt now within the JCS would facilitate these sites coming forward and contributing to Cheltenham's five year housing land supply. Following this approach should also enable Cheltenham's housing requirements for the Plan period to be met in full'</p>

	<p>On pages 28 – 30 of the Inspector’s report she gives reasons why, in her view, the exceptional circumstances test is met for release of Green Belt land in each of the locations described to the North of Cheltenham – based on the principles above.</p> <p>Through the Joint Core Strategy the authorities have sought to alter green belt boundaries at urban extensions to allow for the sustainable development of Cheltenham and Gloucester. Tewkesbury’s strategic allocations around Tewkesbury town are not within the Green Belt. In doing so the Green Belt has to be comprehensively reviewed, and the authorities have presented two detailed studies on the Green Belt in the Cheltenham area.</p> <p>National Planning Policy requires that when reviewing the Green Belt: ‘...local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.’</p> <p>The JCS Inspector has considered the studies and evidence presented to her over the course of the examination, but has come to an alternative interpretation of this evidence to that of the JCS authorities.</p> <p>The Inspector has reviewed the Green Belt across the whole JCS area and recommends alterations to those set out in the Submission JCS, not only in Cheltenham Borough. For example, recommending that significant areas of land be released from the Green Belt at Twigworth, and that land not be removed from the Green Belt for Safe Guarding at West Cheltenham (phase 2) in Tewkesbury Borough; where the JCS authorities argued it should be removed but Safeguarded.</p> <p>Although the JCS authorities have presented evidence regarding these sites also, the Inspector has examined this evidence and taken a contrary view.</p> <p>In regard to North Cheltenham and the Prestbury area, whilst the Inspector recommends the removal of particular areas from the Green Belt to be undertaken through the JCS, any allocation would be for the Cheltenham Plan to consider.</p>
2.	Question from Councillor John Payne to the Leader , Councillor Steve Jordan
	All the proposed sites in the JCS have been subject to scrutiny to inform their suitability. What, if any detailed scrutiny have the sites in Prestbury been subjected to, specifically in relation to site accessibility, transport modelling, environmental impact and the ability of the infrastructure to support such extensive development?
	Response from Cabinet Member
	Please see also the answer given to Question 1.

	<p>The areas at Prestbury have been evaluated through the strategic land availability assessment, which is a basic technical appraisal of sites across the Cheltenham Borough area. Since the area was not proposed for strategic allocation detailed work has not been undertaken on accessibility, transport modelling or environmental impact, or the infrastructure requirements of development in this area.</p> <p>Any proposal for development in this area would need to demonstrate that these needs could be met. While the Inspector recommends the removal of particular areas from the Green Belt to be undertaken through the JCS, any allocation would be for the Cheltenham Plan to consider, and would need to include an infrastructure delivery plan. I am keen that any sites now being proposed by the Inspector are properly considered before final decisions are taken although the JCS process is largely in her hands.</p>
<p>3.</p>	<p>Question from Councillor Adam Lillywhite to the Leader, Councillor Steve Jordan</p>
	<p>The JCS's legal representative, Mr Jameson suggested to the inspector on the final day of the JCS hearing that as an independent outsider, rather than an officer, if she could be clear about what should happen and if she were to make a recommendation then the simpler the political process would become. He inferred that it would be politically difficult for officers to make these recommendations.</p> <p>It is clear that the inspector understood what she was being asked to and that she had enough information, and again she asked Mr Jameson if he was sure that the JCS authorities didn't want the flexibility to make those changes themselves.</p> <p>Mr Jamesons response was that it would make the political process easier if the inspector were to point us in the right direction.</p> <p>Do you think the JCS's legal representative was correct when he suggested it would be politically difficult for our officers to make these recommendations and was he correct in asking the inspector to make them?</p>
	<p>Response from Cabinet Member</p>
	<p>Mr Jameson was speaking from his professional experience of providing legal assistance to numerous local plan examinations. He was advising from the perspective that a clear direction of soundness would need to be given in relation to the Plan through the Inspector's Interim Report. Mr Jameson advised that uncertainty would lead to delay and sought certainty in her report on that basis.</p> <p>If the Inspector finds any aspect of the plan unsound in her Final Report it cannot progress so the sooner we know the better as proposals concerning strategic allocations across the JCS area are proceeding at pace. Therefore it was important that the Interim Findings when delivered were meaningful and showed a clear direction of travel that the Inspector would have the authorities take in order to achieve soundness, if she identified areas where, in her view, the plan was not sound.</p>

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