

Cheltenham Borough Council

Cabinet – 6th December 2016

Cheltenham Plan Part 1: Preferred Options

Accountable member	Councillor McKinlay – Lead Member for Local Development Plan
Accountable officer	Tracey Crews – Director of Planning Philip Stephenson – Planning Policy Team Leader
Ward(s) affected	All
Executive summary	<p>All local authorities are under a statutory obligation to prepare a development plan. Cheltenham Borough Council has chosen to do this through the preparation of two main development plan documents; the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the Cheltenham Plan. Together the two plans will provide the planning framework for the Borough until 2031, along with Gloucestershire minerals and waste plans and any neighbourhood plans made.</p> <p>Work to progress the development of the Cheltenham Plan has been underway since 2012. In summer 2013 consultation took place on the scope of the plan, the Council published the plan's draft vision and objectives in February 2014 and consultation on Issues and Options took place in summer of 2015.</p> <p>The Cheltenham Plan project initiation document was agreed by Planning and Liaison Member Working Group on the 15th of October 2014 and updated on 26th of July 2016. This sets the direction and timetable for development for the subsequent phases of the plan which will be delivered in sections called 'parts'.</p> <p>The first part of the Cheltenham Plan to be developed will deal primarily with policy relating to the development and protection of land for residential and employment use; the designation 'Local Green Space' for some green areas in Cheltenham; and the setting out of an economic strategy for the Borough.</p> <p>This consultation document forms the 'Preferred Options' stage of part one. The results of the previous Issues and Options consultation have helped the Council to narrow down the alternatives available in meeting the Plan's strategy. Having considered the relevant evidence, including sustainability appraisal and the findings of the ongoing JCS process, the Plan has become more focussed than before and clear spatial priorities have emerged.</p> <p>This Preferred Options consultation is 'non-statutory' in that it is an additional stage that is being undertaken and could have been omitted prior to producing and undertaking statutory (regulation 19) consultation on the version to be submitted to examination (that is the Pre-Submission version). The Council, however, believe that community engagement is an essential</p>

Recommendations	<p>part of plan preparation. This consultation will allow respondents to have their say on specific options whilst also allowing the Council enough time to take feedback into account before the plan reaches its Pre-Submission version.</p> <ol style="list-style-type: none"> 1. That the Cheltenham Plan Part 1, Preferred Options document set out in Appendix 2, be approved for public consultation 2. That Cabinet delegates authority to the Director of Planning, in consultation with the Cabinet Member Development and Safety, to make any minor amendments to the document prior to consultation.
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Financial implications	<p>The Council approved a one-off budget in 2015/16 of £100,000 to cover the costs of implementing the Cheltenham Plan. This has been transferred to an earmarked reserve held to support the costs of implementing the Cheltenham Plan. The balance on the earmarked reserve at 31st March 2016 was £107,230.</p> <p>Contact: Accountant Nina Philippidis, nina.philippidis@cheltenham.gov.uk 01242 264121</p>
Legal implications	<p>The Council is required to have an up to date development plan for its area and must prepare it in accordance with legislative requirements, including ensuring the compliance with the Statement of Community Involvement.</p> <p>The development plan for Cheltenham Borough being the development plan documents which have been adopted or approved in relation to its area and the neighbourhood development plans which have been made in relation to that area.</p> <p>If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or made (as the case may be).</p> <p>Contact: Solicitor Cheryl Lester cheryl.lester@tewkesbury.gov.uk 01684 272013.</p>
Corporate and community plan Implications	<p>The Cheltenham Plan supports and is referenced by the Corporate Strategy and wider community planning.</p>

Property/Asset Implications	<p>The removal of the Green Belt between the West and North West Cheltenham Strategic Allocations in JCS comprises land which is owned by the Borough including the site known as 'Arle Nurseries' (which straddles the administrative boundaries of Cheltenham Borough and Tewkesbury Borough). This area is being put forward as a housing allocation in the Cheltenham Plan Part 1 – Preferred Options. The Borough also own land at Priors Farm and Royal Well. These sites are being allocated for mixed use in the Cheltenham Plan Part 1 – Preferred Options. Any proposals would need to be sustainable and in accordance with the development plan as a whole.</p> <p>Contact: Head of Property David Roberts, david.roberts@cheltenham.gov.uk 01242 264151</p>
HR implications (including learning and organisational development)	<p>There are no staffing or Trade Union implications.</p> <p>Contact: HR Manager Julie McCarthy, julie.mccarthy@cheltenham.gov.uk 01242 777249</p>
Key risks	<p>Corporate risk CR81: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.</p>
Environmental/Social/Equality Implications	<p>Corporate Action ENV 6: We will commence preparation of a Cheltenham Plan.</p> <p>Progressing with this stage of consultation will allow the Cheltenham Plan to progress in accordance with its timescales as set out in the project initiation document. The Cheltenham Plan will be subject to Sustainability Appraisal, which will inform subsequent selection of options and sites alongside the consultation responses received.</p>

1. Background

- 1.1 All local authorities are under a statutory obligation to prepare a development plan. Cheltenham Borough Council has chosen to do this through the preparation of two development plans documents; the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the Cheltenham Plan. Together the two plans will provide the planning framework for the Borough until 2031 along with Gloucestershire minerals and waste plans and any neighbourhood plans made.
- 1.2 Since the adoption of the Cheltenham Borough Local Plan (2006), both national planning policy and guidance has been updated and condensed into a more useful and readable form. Alongside these changes the Government has abolished regional and county strategic level planning and the Council has entered collaborative working on the JCS, currently in examination. These changes have meant that many of the requirements set out in regulations concerning the contents of a local plan have already been met. For example, the JCS identifies objectively assessed development need for the area and sets out requirements for strategic sites. The JCS also contains a suite of strategic development management policies on issues as design, heritage and the provision of infrastructure. The National Planning Policy Framework (NPPF) and national Planning Practice Guidance (nPPG) provide detailed planning policy direction and the government is clear that this guidance should not be duplicated at a local level.

- 1.3** In most cases, the JCS partially rather than completely supersedes policy in the adopted local plan. Usually, the JCS picks up the strategic elements of a policy, but does not always provide local detail (although this detail may have been picked up in the JCS' evidence base). In some cases this detail does not need to be immediately replicated in the Cheltenham Plan, either because the detail was superfluous, as the policy will achieve the same result as before, or because the planning issues raised can be addressed through preparation or updating of Supplementary Planning Documents (SPDs) to the JCS or and/or informal practice or advice notes. A list of current Local Plan policies which will be superseded by the JCS on adoption has been prepared and is available as part of the JCS examination website.¹
- 1.4** Work has been undertaken since 2012 on developing the Cheltenham Plan. At times this has significantly slowed due to the need to focus resources on the JCS; but during this time we have engaged with the community and stakeholders to establish what the future contents of the Cheltenham Plan should be and how it should be progressed. The vision and objectives set out in the scope of the Cheltenham Plan were developed by Planning and Liaison Member Working Group and the scoping document was subject to an eight week public consultation, ending on the 2nd of September 2013. The Issues and Options stage followed in 2015 and provided a more focused consultation by setting out the key issues facing the Borough along with a series of possible options for ways forward.
- 1.5** The development of the Cheltenham Plan is guided by a Project Initiation Document (PID) which forms an important part of the project management of local plan preparation. The latest version of the PID was agreed by Planning and Liaison Member Working Group on the 26th of July 2016. The PID and an updated timetable will be agreed in November.
- 1.6** The drafting of the consultation document has been undertaken in collaboration with Members through the liaison group which has been an effective way to ensure that the Cheltenham Plan is democratically guided, remains on schedule and will be effective once adopted.
- 1.7** The Plan will be delivered over a series of documents which will together comprise the Cheltenham Plan. Because policies in the 2006 adopted Local Plan have been saved, we can continue to use policies not superseded by the JCS on its adoption which accord with the JCS and NPPF into the future. Therefore parts of the 2006 local plan can be replaced in stages, and as each phase of the new Cheltenham Plan is produced, part of the 2006 local plan will be superseded.
- 1.8** The first phase of the plan focusses on land allocations, designation of Local Green Space and the setting out of an economic development strategy for the Borough, including an update of policies for safeguarding existing employment sites. This consultation document identifies land which through technical studies has been found to be likely to be able to accommodate different uses. The consultation will seek views from the public and stakeholders as to whether they agree that these areas are appropriate for these uses, and whether they therefore should be further investigated for development or protection of their current use in the next phase of plan making.
- 1.9** The document also contains a section on potential options for Article 4 directions. The executive summary at the beginning of the consultation document contains brief descriptions of what each chapter contains.
- 1.10** Once this phase is complete, other areas for development, including the wider development management policies can be pursued. The approach is one of replacing and updating the policy framework as it becomes necessary in order to most efficiently use the Council's resources and ensure continuity of planning policy cover on these issues.

¹ Available at: <http://www.gct-jcs.org/Documents/Examination-Document-Library/Superseded-Development-Plan-Policies-and-Proposals.pdf>

- 1.11** This approach has the advantage of allowing flexibility in terms of revision and review in response to changing circumstances; which is an inherent feature of the Government's current planning regime, particularly in relation to the nPPG. It also means that changes in local policy will not necessarily require changes to the JCS, because the JCS will only contain the 'hooks' on which Development Plan Documents will be based.

2. Reasons for recommendations

- 2.1** This consultation document forms the 'Preferred Options' stage of part one. The consultation sets out preferred options within each of the main policy areas. These options represent what the council believe to be the most reasonable options to address issues within the Borough and to achieve the vision and objectives. Discounted, alternative options are also listed so that respondents can understand the thought processes behind each decision. The consultation provides a chance for these options to be tested and refined before the Plan moves on to the next stage.

3. Alternative options considered

- 3.1** Whilst the Town and Country Planning (Local Planning) (England) Regulations 2012 only requires that prior to submission to the Secretary of State the proposed submission document is published for representations; the addition of this preferred options stage of consultation allows a deeper dialogue with the public, statutory consultees and stakeholders to allow them to contribute to plan making, and consider their aspirations and values in regard to the directions for growth in the Borough.
- 3.2** Before reaching the current preferred options stage of the Cheltenham Plan, a range of alternative options as to how this consultation could be carried out were considered, particularly whether or not to include a preferred option for each of the sites in the earlier issues and options stage. It was felt through consultation with the member working group, that it would be better at the issues and options stage to present the information available about each of the sites in visual form, and allowed feedback before we drew up preferred options. This preferred options stage will ensure that further consultation responses can be fairly assessed before any decisions are made in drafting the Pre-Submission version.

4. Consultation and Feedback

- 4.1** Consultation (including internal consultation) has been undertaken on the Cheltenham Plan Part 1, Preferred Options, this includes:
- Planning and Liaison Member Working Group – A cross party group with a remit to consider and advise on the emerging Cheltenham Plan and provide guidance and feedback to Planning Committee, Cabinet and Council as appropriate. Through monthly meetings the working group has had a number of opportunities to comment and shape the working drafts in addition to meetings with wider members and each of the political groups who requested an individual update meeting.
 - Internal officer working group - made up of officers from across the council with a remit to work with, consider, advise and inform the emerging Cheltenham Plan and request information from, and provide feedback to, individual teams as appropriate. This group has had the opportunity to feed into the draft scope, visioning and objectives consultation, has been kept informed on progress with the plan and members have fed into information supplied as part of the Issues and Options consultation.
 - Liaison with the Strategy and Engagement team under Richard Gibson to ensure that the Cheltenham Plan aligns well with the Corporate Strategy and that consultation response

can be elicited as widely as possible within the Borough.

- The Cheltenham Taskforce – regular updates and discussions with officers leading preparation of the Cheltenham Plan.
- Keeping Cheltenham's parishes and communities up to date on the latest developments on the plan through updates to the regular 'C5' and Neighbourhood and Community Group Chairs meetings.
- Feedback from the Cheltenham Plan Scoping consultation (July –September 2013)
- Feedback from the 2015 Issues and Options Consultation (June – August 2015) - Comments have been summarised and uploaded to the website. These have been used to directly influence the content of the Preferred Options document.

Feedback from the above groups and consultations has been considered and incorporated where appropriate.

- 4.2** Consultation on the Preferred Options document is scheduled to take place in early 2017. Members of the public and organisations will be given a period of 6 weeks to comment. Comments will be invited from all contacts on our Planning database and copies of the document will be made available (in paper format) at the Council's deposit locations and electronically via the Council's website. Efforts will be made to ensure the public, local businesses, statutory consultees and stakeholders are aware of the consultation through media releases, engagement with parish and neighbourhood groups, and via council networks to alert groups to help cascade information. A small number of public consultation events will occur, likely to centre on busy times, which could include displays at the Regent Arcade and Municipal Offices and other locations.

5. Performance management – monitoring and review

- 5.1** This is not a policy document in itself; however the responses from the consultation will be used to inform the production of the Pre-Submission Cheltenham Plan (Part 1).
- 5.2** The Council will regularly monitor the effectiveness of the Cheltenham Plan in the planning process and use the results to review policies and practices. If necessary, the Council will review the Cheltenham Plan, which would be indicated through a change to the Local Development Scheme (LDS)
- 5.3** The timetable for delivery of part 1 of the Cheltenham Plan is set out below:
- Early 2017 – 6 week consultation on the Preferred Options
 - Spring/Summer 2017 – Pre Submission consultation
 - Summer/Autumn 2017 – Submission to the Secretary of State
 - Winter 2017 – Examination in Public
 - Early 2018 – Adoption
- 5.4** Performance against the LDS's milestones is monitored through the Authority Monitoring report which is prepared annually.
- 5.5** The LDS was last updated in February 2015 and will be revised prior to submission of a Development Plan Document for examination.

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Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Cheltenham Plan (Part 1) Preferred Options, appendices and Sustainability Appraisal
Background information	Background information and updates on consultation can be found at https://www.cheltenham.gov.uk/info/1004/planning_policy

**Risk Assessment
Appendix 1**

Corporate Risk	Corporate Risk Owner	Proposed Action	Original Impact	Original Likelihood	Original Score	Current Impact	Current Likelihood	Current Score	Control	Risk Control Progress	Corporate Risk Manager	Corporate Risk Last Updated	Target Impact	Target Likelihood	Target Score	Target Date
CR81 - If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.	Tracey Crews	Scrutiny Task Group set up to advise and challenge on the development of a Cheltenham Plan	3 - Marginal	4 - Moderate	12	3 - Marginal	4 - Moderate	12	Reduce	The Plan has slipped from going to cabinet in September 2016 as the Cheltenham Plan consultation cannot be made public before the Main Modification draft of the JCS has been approved by Councils. Therefore consultation on the Cheltenham Plan is likely to happen at the same time as consultation on that document. The Cheltenham Plan preferred Options document is on target for November Cabinet to approve for consultation.	Philip Stephenson	01/09/2016	3 - Marginal	4 - Moderate	12	30/06/17