

Cheltenham Borough Council

Council – 10 October 2011

A petition regarding the proposed development of Starvehall Farm and playing fields

Accountable member	Leader
Accountable officer	Director Commissioning
Accountable scrutiny committee	Environment
Ward(s) affected	Prestbury Ward
Significant Decision	No
Executive summary	<p>A petition was received by Council on 10 August 2011 requesting the following:</p> <p>“We the undersigned petition Cheltenham Borough Council as follows: We wish the protection you have afforded Starvehall Farm and the recreation land adjacent to Prestbury Parish Council playing field in the local plan that ends in 2011 be included in the new Local Development Framework currently being developed”.</p> <p>As the petition had in excess of 750 signatures it is entitled to a debate at Council.</p>
Recommendations	To recommend that officers consider the issues raised by the petition as part of the Local Development Framework or the new Cheltenham Local Plan
Financial implications	<p>None arising from this report.</p> <p>Contact officer: Head of Financial Services, paul.jones@cheltenham.gov.uk, 01242 775154</p>

<p>Legal implications</p>	<p>The petition must be considered in accordance with the Council’s Petition Scheme made pursuant to the Local Democracy, Economic Development and Construction Act 2009. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process.</p> <p>Within the adopted local plan, the land at Starvehall Farm is neither designated for development nor designated as an area for protection.</p> <p>The procedure for the preparation and approval of local plans is being reformed under the Localism Bill. Under these proposals a new Cheltenham Local Plan would need to be prepared. If these proposals do not receive royal assent then the existing Local Development Framework will remain. Therefore, the future planning status and policies for this land will be decided either as part of the Local Development Framework or in the new Cheltenham Local Plan.</p> <p>Contact officer: jonathan.noel@tewkesbury.gov.uk, 01684 272690</p>
<p>HR implications (including learning and organisational development)</p>	<p>None arising from this report.</p> <p>Contact officer: HR Operations Manager, julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
<p>Key risks</p>	<p>None arising from this report.</p>
<p>Corporate and community plan Implications</p>	<p>The local plan and emerging Joint Core Strategy provide the spatial interpretation of the community strategy and corporate plan outcomes.</p>
<p>Environmental and climate change implications</p>	<p>The protection of this site could have positive environmental and climate change implications.</p>

1. Background to the Petition Scheme

- 1.1** The petition provisions in the Local Democracy, Economic Development and Construction Act 2009 aim to address the perception nationally, as revealed in the results of the Place survey, that the community is unable to influence local decisions.
- 1.2** The Council’s Petition Scheme (based on the national model scheme) is designed to ensure that the public has easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a certain number of signatures be achieved. Cheltenham Borough Council have set that threshold lower than that recommended by the legislation at 750 signatures.
- 1.3** **The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another committee where the matter is not one reserved for full Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the petition issue is made at that Council**

meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2. The petition

- 2.1** The petition was received on 10 August from Councillor Hibbert on behalf of the Prestbury Green Working Group. It had in excess of the 750 signatures required to trigger a debate at Council. The wording of the petition is set out the Executive Summary of this report.
- 2.2** Councillor Diane Hibbert was nominated as the petition organiser.
- 2.3** The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on the 13 May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows
- taking the action requested in the petition (provided the matter is reserved to full Council for decision)
 - referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
 - holding an inquiry into the matter
 - undertaking research into the matter
 - holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners
 - calling a referendum
 - writing to the petition organiser setting out our views about the request in the petition
 - taking no further action on the matter

3. Background information to the subject of the petition

Cheltenham Borough Local Plan (2006)

- 3.1** On 29 June 2006 Cheltenham Borough Council formally adopted Cheltenham Borough Local Plan Second Review. This plan is the statutory development plan for the Borough and provides the primary basis for the consideration of land use and development.
- 3.2** The local plan has a plan end date of 2011, however all local plan policies are 'saved' until such a time as replaced under the current Local Development Framework arrangements or its prospective successor; a proposed return to Local Plans currently being proposed by the Government. In respect of Cheltenham, all policies will be retained until replaced by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and future review of wider development management policies, site allocations and designations which will ultimately sit beneath the Joint Core Strategy either as a separate Development Plan Document or as a series of chapters and policies within a new local plan.
- 3.3** In preparing Cheltenham Borough Local Plan; assessment of urban capacity indicated that

housing requirements to 2011 were likely to be met on previously developed sites. As such only a small number of sites were allocated for development, set out in policies PR1 and PR2 of the local plan. Outside these allocations remaining development needs over the plan period was identified as being made up of existing commitments i.e. sites which already had planning permission and windfalls i.e. sites which are unallocated. The result of this was that no greenfield sites were allocated for development.

- 3.4** In respect of land at Starvehall Farm, no designation of this area was made by the local plan. The area is neither designated for development, nor designated as an area for protection as seems to be suggested in the petition wording. In terms of classifying the site the area falls within the principal urban area as defined on the local plan proposals map. The Tatchley Lane link located to the east of Starvehall Farm is safeguarded under local plan policy PR3 to deliver a transport scheme. It should be noted that table 7 associated with local plan policy PR3 states *'the Tatchley Lane link is currently under reconsideration and may be superseded by alternative proposals, although no decision to this effect has been made by the County Council.'* The proposed development at Starvehall Farm intends to relocate the link road in accordance with the details set out in table 7.

Current situation

- 3.5** The petition asks Cheltenham Borough to make decisions in respect of Starvehall Farm within the context of the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. The emerging JCS will be considered by Council on 10th November 2011. The JCS will establish the strategic requirements for development over the plan period to 2031, in doing so it will identify locations for any strategic requirements which cannot be met within existing built up areas. As such, sites such as Starvehall Farm will not be considered specifically within the JCS given it falls within the existing built up area of Cheltenham.
- 3.6** Until the new 'local plan' for Cheltenham, which will include the Joint Core Strategy plus development management policies, site allocations and designations, is finalised, sites falling within the built up area will be considered within the context of saved local plan policies and relevant national planning guidance. This is supported within the Inspectors Report of the Adopted Local Plan Second Review (2006), where reference is made directly to Starvehall Farm: *'...whilst it is undeveloped land, it is wholly within the urban area and its development should be accorded appropriate priority in the sequential test set out in PPG3.'* The inspector's decision is clear that the site is considered as being sequentially preferable to sites outside of the Principal Urban Area.
- 3.7** In respect, of the petition, the means by which the site could be considered and allocated for protection would be within a development plan document (DPD) or as a policy contained within a new Local Plan. However, councillors should be aware that a timetable has yet to be agreed for the production of any DPDs or a new local plan beyond the Joint Core Strategy but it is currently unlikely to be before 2014. It is therefore, not possible to bring this forward in advance of the current planning application for housing development at Starvehall Farm which is due to be determined at Planning Committee on 27th October 2011. In considering this application regard must be had to the saved policies of Cheltenham Borough Local Plan together with any other material considerations.

4. Reasons for recommendations

- 4.1** To recommend that officers consider the issues raised by the petition as part of the Local Development Framework or the new Cheltenham Local Plan.

Report author	Contact officer: Strategic Land Use Officer; james.hartley@cheltenham.gov.uk tel:01242 264379
Appendices	1. Process for dealing with a petition at council
Background information	1. Council's petition scheme – report to Council 13 May 2010