

**Cheltenham Borough Council
Cabinet – 25^h September 2012**

**Amendments to Cheltenham Civic Pride Urban Design Framework
Technical Appendix Royal Well Development Brief**

Accountable member	Cabinet Member, Built Environment, Councillor Andrew McKinley
Accountable officer	Wilf Tomaney – Townscape Manager
Ward(s) affected	Lansdown
Key Decision	No
Executive summary	<p>Cabinet is being asked to initiate a review of the Royal Well Development Brief. That document is a technical appendix to the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document (SPD); it will not be necessary to amend the main or parent part of the SPD. The proposed revisions are set out in a schedule at Appendix 2 to this report.</p> <p>The revisions arise from the need to correct inconsistencies between the Brief and the parent SPD in order to clarify the planning position prior to the site progressing to market.</p>
Recommendations	<p>That Cabinet</p> <p>(i) approves the schedule of revisions to the Royal Well Development Brief part of the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document as set out at Appendix 2 to this report for public consultation; and</p> <p>(ii) delegates arrangements for public consultation to the Director Built Environment in consultation with the Cabinet Member - Built Environment.</p>

Financial implications	<p>No direct financial implications in terms of the schedule of revisions to the Royal Well Development Brief as set at Appendix 2 as the basis for public consultation.</p> <p>Contact officer: Paul Jones, paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>The Royal Well Development Brief is part of a Supplementary Planning Document (SPD) and there is a legal requirement to follow a consultation process set out in the Town and Country Planning (Local Planning)(England)Regulations whenever a SPD is revised. Only full Council can adopt the changes to the SPD.</p> <p>Contact officer: Jonathan Noel, jonathan.noel@tewkesbury.gov.uk, 01684 272690</p>

HR implications (including learning and organisational development)	No direct HR implications arising as a result of the content of this report Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355
Key risks	The Royal Well Brief is unaltered, resulting in lack of clarity in the planning policy environment and uncertainty on the part of the market affecting key objectives around the delivery of Civic Pride and management of the Council's assets.
Corporate and community plan implications	The Royal Well Development Brief is part of the suite of Technical Appendices attached to the Civic Pride SPD. The Council's Corporate Plan commits the Council to "making progress" on Civic Pride sites as part of its Environmental objective outcomes. It is considered that the proposed revisions clarify the a contradiction between the SPD and the Brief and make clear the Council's planning objectives as it's asset management arm begins to seek alternative uses for the Municipal Offices.
Environmental and climate change implications	No direct implications. However, the indications are that the traffic management elements of the Civic Pride project will have carbon emission savings. Any new building resulting from development as part of the Brief will be expected to meet high standards of sustainable design and development.

1. Background

1.1 On 28th July 2008 the Royal Well Development Brief (the Brief) was adopted by the Council as a technical appendix to the Civic Pride Urban Design Framework Supplementary Planning Document (SPD) within the Local Development Plan (LDF).

1.2 This report recommends alterations to the Brief in three main areas

- a the type of uses deemed to be acceptable;
- b the role of the Municipal Offices Heritage Assessment September 2010 in the design and decision-making process; and
- c the nature of bus interchange provision.

1.3 The changes are necessary for a number of reasons:

- a There is an inconsistency between the Brief and the SPD in the description of acceptable uses.

The SPD states at Para 3.45 that the Royal Well area as a whole would be suited to "*Mixed use development with potential for leisure, retail and residential uses*". This phrasing is not exclusive, in that it does not exclude other suitable uses and the listing is offered as an example of suitable uses.

However, the Brief (at its Para 3.2) lists the range of uses which "will be provided". The phrasing here is exclusive i.e. it appears not to allow any uses other than those listed. The uses are described as follows:

"The following uses will be provided.

- *Relocation site for Municipal Offices; reuse of and extension at the rear of the existing*

building in a variety of potential uses.

- *Hotel.*
- *“Passive” leisure uses such as café/restaurants.*
- *A range of residential units residential units –both types and tenure with affordable housing to be provided to the level required by the Local Plan requirements*
- *Commercial development (Use Class B1)*
- *Small pavilion buildings could accommodate a variety of uses – gallery, café, tourist information, bus administration etc.*
- *Bus stop and taxi facilities on a bespoke bus route. “*

Clearly the Brief's list does not include “retail” which is suggested as an option in the SPD's non-exclusive list.

- b** Since the introduction of the National Planning Policy Framework (NPPF) in March 2012, the Cheltenham Borough Council Local Plan Saved Policies and therefore the Royal Well Development Brief must be accorded weight based on their consistency with the NPPF. In terms of the Royal Well site, this means decisions making should be consistent with the NPPF's “non-exclusive” approach to town centre uses (the NPPF (Para 23) sets out a range of suitable town centre uses including retail, leisure, commercial, office, tourism, cultural, community and residential). The SPD is broadly consistent with the NPPF; the Brief's approach is less consistent.
- c** The economic slump and other factors have led to questions as to whether the Brief, as adopted, can effectively be delivered. This is a conclusion which has been reached by the Cheltenham Development Task Force which was set up by the Council and its partners to drive forward the Civic Pride programme and bring key regeneration sites forward for Cheltenham. It has particular concerns that the lack of clarity around the inclusion of retail or otherwise as a suitable use for the Royal Well site – and specifically for the Municipal Offices; it considers it important that retail is not excluded as an option.
- d** Since the adoption of the SPD and Brief, a Heritage Assessment has been completed for the Municipal Offices (September 2010). This will be an important consideration both in preparing and assessing proposals for the site. It is referred to in the SPD as “currently being commissioned” but is absent from the Brief. The Brief is the document which establishes the detail on which proposals will be assessed and the lack of any mention of the Heritage Assessment is considered a serious omission.
- e** The requirement on bus stop provision established in the Brief's Para 3.2 (see above) is given more detail elsewhere in the Brief e.g. Para 3.3 D which sets out a specific requirement for 6 bus stops. The SPD is more circumspect, indicating (Para 3.47) that further analysis needs to be undertaken to establish exactly what is needed. In fact, the emergence of revised North Place brief and the related (imminent) planning application has identified Warwick Place as an alternative for some of this provision. Additionally the developing work around the Local Sustainable Transport Fund and its Cheltenham transport strategy means that work on the precise residual bus requirement in the Royal Well area is on-going. As such, the Brief can now be less specific; the SPD can remain as it is.

1.4 Accordingly the schedule at Appendix 2 proposes a total of nine alterations to the Brief only which deal either with the retail issue, the Municipal Offices Heritage Assessment September 2010 or the bus stop issue. The wording of the SPD does not need to be altered. The aims of the changes are:

- a To make the wording around use less exclusive - enabling options which include retail, or indeed other appropriate town centre uses not listed, to be considered, reflecting the altered policy environment of the NPPF, recognising the altered state of the market and establishing a consistency between the SPD and the Brief;
- b To clarify the existence and role of the Municipal Offices Heritage Assessment September 2010;
- c To allow solutions to the bus interchange issue to emerge in a more pragmatic manner, reflecting the shifting circumstances.

- 1.5** The Brief has not been fully revised and only these nine alterations will be published for consultation in order to maintain its usefulness and keep it up to date with recent events. As such the Council is remaining committed to the vision and safeguards of the original Brief and indeed the Civic Pride suite of documents. These clearly establish the Council's commitment to deliver high quality places and buildings within the site's historic context. Any of uses ultimately proposed throughout the area covered by the Brief will be assessed against these commitments.
- 1.6** As part of the adoption of the altered Brief it would be wise to update matters of fact (e.g. the status of the planning policy framework etc.). Any such changes are minor alterations and do not need to be consulted on.

2. Reasons for recommendations

- 2.1** Changing wording in the Brief to more explicitly include the potential for a range of commercial uses on site including retail and/ or office development brings clarity to differences between the SPD and the Brief; recognises the altered national planning policy environment; and recognises the altered market environment.
- 2.2** Changing the wording of the Brief to include reference to the Municipal Offices Heritage Assessment September 2010 recognises that this document, which has been prepared since the original adoption, will be an important factor in preparing proposals for the Municipal Offices and in assessing them.
- 2.3** Changing the wording related to bus interchange provision allows designers and decision makers to address the still changing transport issues emerging from work on the Local Sustainable Transport Fund project and its transport plans for the town centre and proposals emerging at North Place.

3. Alternative options considered

- 3.1** Officers considered a more wide-ranging update of the Brief and the SPD. This was rejected because experience with the North Place/Portland Street Development Brief, where both Brief and SPD were the subjects of a substantial redraft, suggested that the process was both confusing for the public, cumbersome and long-winded. It was felt that it should be avoided if possible.
- 3.2** Officers considered making no alterations to either Brief or SPD. This was rejected because there were contradictions between the two, with the SPD more closely reflecting what is required. Officers considered that had the site not included a substantial and important Council owned building it would have been possible to deal with proposals without making changes to the Brief – using the emergence of the NPPF and other changes identified to justify the approach. However, given the importance of the Municipal Offices to the delivery of the Brief, it was felt that the changes should be made and publicised in the interests of openness.

4. Consultation and feedback

- 4.1** The SPD and the Brief were subject to considerable consultation over the period 2006 – 2008 as part of the Civic Pride process and as part of their formal adoption. There was considerable

support for the general Civic Pride principles, although the proposals for the Municipal Offices received a more mixed response at the time. Both documents were formally adopted following the Council's consideration of comments received.

- 4.2** As part of the LDF the alterations to the brief must pass through a consultation process which will conform to the Cheltenham Borough Council Statement of Community Involvement (adopted October 2006). The exact timetable is yet to be determined, but it is anticipated that a report back to Cabinet will be available early in the New Year – subject to the level and nature of responses to the consultation. The timetable will be set by the Director of Built Environment in consultation with the Cabinet Member - Built Environment. Consultation will include both web and paper-based consultation with paper copies of the revisions to the Brief to be held at deposit locations. In addition there will be individual consultation by letter to neighbouring properties and a public notice through the Gloucestershire Echo.
- 4.3** Following public consultation the revised Development Brief will be presented to Cabinet and then full Council for approval and adoption as a technical appendix to the SPD within Cheltenham's LDF.

5. Performance management –monitoring and review

- 5.1** The delivery of Civic Pride (and consequently, the SPD and Brief) is an outcome emerging from the Council's Corporate Plan objectives. As such it is a subject to regular review.

Report author	Contact officer: Wilf Tomaney, wilf.tomaney@cheltenham.gov.uk, 01242 264145
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Schedule of changes to the Royal Well Development Brief
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	The Royal Well Brief is unaltered, resulting in lack of clarity in the planning policy environment and uncertainty on the part of the market affecting key objectives around the delivery of Civic Pride and management of the Council's assets.	WT/JW	June 2012	5	2	10	Reduce	Monitor progress on adoption of the Brief	Spring 2013	WT/JW	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Civic Pride Urban Design Framework – technical appendix – Royal Well Development Brief, Changes and Updates September 2012

Change No.	Original Text	Text Change	Reasoned Justification
i	Pg. 4, 1.7, (Main Objectives) “c. Creates a lively mixed-use, residential and commercial hub which will activate...”	Underlined text inserted “C. Creates a lively mixed-use, residential and commercial hub which <u>could include retail, office and or hotel uses and</u> will activate...”	The insertion of this text is intended to increase the readability of the document by stating early on some potential uses for the site. These uses are also listed later in the development brief in section (3.2e) “Development Principles, Land Use”. And are given a more detailed reasoned justification in section (v) on page two of this document.
ii	Pg. 9, 2.9, (Constraints) “c. Vehicular Circulation needs to be	Underlined text inserted “C. Vehicular Circulation needs to be considered within a wider town centre context <u>as part of the</u>	Any potential new development of the site will need to take into account the implications of public transport network changes arising from the successful bid. This is an area of recent local change which it is important that prospective site developers be aware of.

	considered within a wider town centre context.	<u>network changes arising from the Gloucestershire County Council successful Local Sustainable Transport Fund Bid in 2012.</u>	
iii	Pg. 9, 2.9, (Constraints) “f. 6 bays for bus/coach interchange...”	Deleted: “f. 6 bays for bus/coach interchange...” Replaced with: <u>“f. Sufficient bays for bus/coach interchange...”</u>	<p>We feel that given the potential implications of the successful bid, the brief should not be so prescriptive as to the number of bays to be included. This flexibility will be useful in matching the provision to the requirements of any proposed scheme.</p> <p>Following detailed transport modelling work there has been an examination of opportunities to relocate Royal Well bus bays, currently serving the national coaches and rural services to the town. These bays, when relocated, will cater for services with a stopping time of no longer than 20 minutes. It is proposed that these bays are located at the southern end of the North Place/Portland St site, and will be in addition to the stops located along the proposed “bus spine” which will cater for the urban services.</p>

iv	Pg. 12, 3.2, (Land Use) “The following uses will be provided”	Deleted: “will be provided” Replaced with: <u>“could be considered”</u>	The removal of the words “will be provided” and replacement with the words “could be considered” is more consistent with the principles in National Planning Policy Framework paragraph 14 to adopt the golden thread of a “presumption in favour of sustainable development” and “positively seeking opportunities to meet the development needs of the area”. We felt that the language in this part of the brief was overly prescriptive and did not properly allow for alternative sustainable proposals.
v	Pg. 12, 3.2, (Land Use) “e. Commercial Development (Use Class B1)”	Deleted: “e. Commercial Development (Use Class B1)” Replaced with: <u>“Commercial development including retail and/or office space”</u>	Evidence from the North Place & Portland Street development brief (another technical appendix of the Civic Pride Urban Design Framework Supplementary Planning Document) has indicated that less tightly defined outcomes could provide the impetus to investor interest, particularly in light of the current market conditions and government austerity programme. The opportunity for speculative office build is perceived as particularly challenging in the current market; however the Borough Council does not wish to rule it out if it is deliverable. Consequently, the Brief introduces opportunities for a wider range of commercial

			<p>development on the site (e.g. office, retail etc.) along with a range of other potential uses. This approach is also consistent with National Planning Policy Framework paragraphs 21 and 23 which require planning policies to be flexible and promote competitive town centre environments.</p>
vi	<p>Pg. 12, 3.3, (Design Principles) “d. Sustainable movement choices will be maximised by the delivery of bespoke townwide bus infrastructure – the spine and 6 bus pull-in</p>	<p>Deleted: “bespoke townwide bus infrastructure – the spine and 6 bus pull-in bays...” Replaced with: <u>“the local sustainable transport bid with a bus spine and bus pull in bays”</u></p>	<p>This text was changed so as to be consistent with changes (ii) and (iii) on page 1 of this document.</p>

	bays...”		
vii	<p>Pg 16, 3.3</p> <p>(Design Principle C – Design Quality)</p> <p>“g.i. it respects and enhances the historic character of the main building and enables its historic form to be understood...”</p>	<p>Underlined text inserted:</p> <p>“...it respects and enhances the historic character of the main building <u>in a manner consistent with the Municipal Offices Heritage Assessment September 2010</u> and enables its historic form to be understood...”</p>	<p>This text is altered because the Heritage Assessment has been prepared since the original brief was adopted and will be an important part of designing and assessing proposals for the Municipal Offices building. Designers and developers need to be clear on its existence and importance in the process.</p>

viii	<p>Pg. 17 (Design Principle D Movement)</p> <p>“e... There will be provision for six pull – in bays.”</p>	<p>Deleted:</p> <p>“There will be provision for six pull – in bays.”</p> <p>Replaced with:</p> <p><u>“There will be provision for sufficient pull in bays”</u></p>	<p>This text was changed so as to be consistent with changes (ii) and (iii) on page 1 of this document.</p>
ix	<p>Pg 19 (Planning and Related Applications)</p> <p>“...planning applications must be ...accompanied by...”</p>	<p>Add the following to the list of accompanying documents:</p> <p><u>“A description of the proposals assessed against the Municipal Offices Heritage Assessment September 2010”</u></p>	<p>This text is altered because the Heritage Assessment has been prepared since the original brief was adopted and will be an important part of designing and assessing proposals for the Municipal Offices building. Designers and developers need to be able to clearly explain how they have addressed the Plan in their proposals.</p>