

Cheltenham Borough Council

Cabinet – 15th January 2013

Adoption of Amendments to Cheltenham Civic Pride Urban Design Framework

Technical Appendix Royal Well Development Brief

Accountable member	Councillor Andrew McKinley, Cabinet Member Built Environment
Accountable officer	Wilf Tomaney – Townscape Manager
Ward(s) affected	Lansdown
Key Decision	No
Executive summary	<p>Cabinet is being asked to recommend to Council that it adopts a set of revisions to the Royal Well Development Brief (the Brief).</p> <p>The Brief is a technical appendix to the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document (the SPD). The Revisions are listed at Appendix 2. They arise from a need to correct inconsistencies between the Brief and the parent SPD in order to clarify the planning position should the site progressing to market.</p> <p>The draft Revisions were approved for consultation at Cabinet on 25th September 2012 and have since been through a statutory consultation process. There were six responses received by the deadline, making eight different comments, not all of which related to the draft changes. Of 4 objections only 1 related to a change; the remaining 4 were no comment/no objection. They are listed at Appendix 3, with suggested responses.</p>
Recommendations	That Cabinet recommends to Council the adoption for planning purposes of 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.
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 Council is acting in its capacity of Local Planning Authority and only planning considerations must be taken into account. The SPD will provide the advice to potential developers as to how the Local Planning Authority would generally see the site being developed</p> <p>Contact officer: Gary Spencer, gary.spencer@tewkesbury.gov.uk, 01684 272699</p>
HR implications (including learning and organisational development)	<p>No direct HR implications arising as a result of the content of this report</p> <p>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>If the Royal Well Brief remains unaltered, it will result 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.</p>
Corporate and community plan Implications	<p>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 potential contradiction between the SPD and the Brief and make clear the Council's planning objectives as its asset management arm begins to seek alternative uses for the Municipal Offices.</p>
Environmental and climate change implications	<p>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.</p>

1. Background

1.1 On 28th July 2008 the Royal Well Development Brief (the Brief) – which includes the Municipal Offices - 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 In September, Cabinet approved consultation on nine specific wording changes covering 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 and the work emerging from the Local Sustainable Transport Fund.

1.3 As discussed in September, 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 in listing suitable uses on the site uses phrasing which is not exclusive, in that it offers an example list of suitable uses but does not exclude other suitable uses. The example

list mentions retail as an option.

By contrast, the Brief lists a 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. Contrary to the SPD, the Brief’s list does not include “retail”.

- b** The introduction of the National Planning Policy Framework (NPPF) in March 2012, introduced a “non-exclusive” approach to town centre uses – its range of suitable town centre uses includes 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. The Cheltenham Development Task Force has particular concerns at 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 Brief sets out a specific requirement for 6 bus stops on the Royal Well site. The SPD is more circumspect, indicating that further analysis needs to be undertaken to establish exactly what is needed. In fact, the emergence of revised North Place brief identified Warwick Place as an alternative for some of this provision and work on the Local Sustainable Transport Fund and its Cheltenham transport plan means consideration of 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 Thus the aim of the draft revisions was very specifically to focus on nine wording changes to the Brief only (there are no changes to the SPD) the main aims of which are:

- a** To make the wording around use less exclusive - enabling consideration of options which include retail, or indeed other appropriate town centre uses not listed. This reflects the altered policy environment of the NPPF, recognises the altered state of the market and establishes 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 and traffic management issue to emerge in a more pragmatic manner, reflecting the shifting circumstances.

1.5 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.

1.6 Since September Cabinet, the Draft Revisions have been through a public consultation process – detailed in section 5, below. The process conforms to the requirements of the Cheltenham Borough Council Statement of Community Involvement (adopted October 2006) and the *Town and Country Planning (Local Planning) (England) Regulations*, which between them set out the consultation requirements of the Borough and the Government in respect of SPD adoption.

2. Reasons for recommendations

- 2.1 The recommendation is necessary because only full Council can formally adopt or alter an SPD.
- 2.2 The recommendation refers to Appendix 2 which lists the proposed revisions. Officers are suggesting one alteration to the revisions set out in draft in September – a requirement that the quality and quantum of bus stop/interchange provision is agreed with appropriate stakeholders and that facilities are commensurate with the nature of that provision.

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 Consultation lasted from 22nd October to 3rd December. It included:
- a A press release
 - b Consultation documents available on-line and at the Municipal Offices, all libraries and neighbourhood resource centres
 - c A public notice in the Echo
 - d Letters to all on the LDF consultation list (in excess of 1,000 people) and to statutory undertakers
 - e An invite to meet officers and discuss the draft revisions in the Municipal Offices. This was attended by 8 members of the public, Councillor Thornton and three officers. A reporter from the Echo was present throughout – though there was no subsequent story directly related to the Brief.
- 4.2 A total of six responses were received by the deadline, these made eight different comments in total. There were four comments seeking alterations (i.e. objecting) to the Brief's approach to the Royal Well/Municipal Offices. However only one of these related to proposed changes which were available for comment; the remaining 3 addressed issues outside the changes and as such are not valid. The remaining 4 responses were effectively "no comment". Additionally, English Heritage (EH) submitted a "no comment" outside the consultation timeframe; this has been included in the analysis for information only because EH is a statutory body with an important brief in this area.
- 4.3 Whilst this is a small number of responses, the consultation was on technical matters of detail; many of the broader issues were established in the 2008 SPD and Brief and were not open for comment.
- 4.4 A schedule of written comments and officers' suggested response to each is at Appendix 3. The one valid objection has given rise to a suggested further revision – which officers consider adds more clarity a requirement that the quality and quantum of bus stop/interchange provision is agreed with appropriate stakeholders and that facilities are commensurate with the nature of that provision. It ties in with comments made by others.

4.5 The public meeting was small but there was a lively debate. The main questions relevant to the consultation were around the suitability of retail uses in the Municipal Offices. Other issues raised were not part of the consultation, including the suitability of hotel use in the Municipal Offices and a discussion of appropriate architectural style.

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 Assessment2. Schedule of Proposed Revisions3. Schedule of comments received and suggested response
Background information	<ol style="list-style-type: none">1.

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
	Any risks associated with equality impact										
	Any environmental 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.	WT/JW	June 2012	5	2	10	Reduce	Monitor progress on adoption of the Brief	Spring 2013	WT/JW	
Explanatory notes											
<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>											

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;

- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

Either: Reduce / Accept / Transfer to 3rd party / Close

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on

Civic Pride Urban Design Framework – technical appendix – Royal Well Development Brief, Revisions January 2013

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 will activate...</u> ”	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: “f. Bus bays for bus/coach interchange must be sited on this part of the bus spine. <u>Bus bays will be provided of sufficient number and type to meet the emerging requirements</u> ”	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. 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><u>of the Cheltenham Transport Plan and those of the bus and coach operators; the quality and range of associated facilities will be consistent with the nature of the facility provided. Details will be agreed with the Highway Authority and appropriate stakeholders. “</u></p>	<p>During Consultation on draft revisions comments were made regarding the quality of both the bus-waiting to be provided and any associated facilities. Further changes reflect these concerns.</p>
<p>iv</p>	<p>Pg. 12, 3.2, (Land Use) “The following uses will be provided”</p>	<p>Deleted: “will be provided” Replaced with: <u>“could be considered”</u></p>	<p>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</p>

			alternative sustainable proposals.
v	<p>Pg. 12, 3.2, (Land Use)</p> <p>“e. Commercial Development (Use Class B1)”</p>	<p>Deleted:</p> <p>“e. Commercial Development (Use Class B1)”</p> <p>Replaced with:</p> <p><u>“Commercial development including retail and/or office space”</u></p>	<p>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.</p> <p>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 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	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 bays...”	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>	This text was changed so as to be consistent with changes (ii) and (iii) on page 1 of this document.
vii	Pg 16, 3.3 (Design Principle C – Design Quality) “g.i. it respects	Underlined text inserted: “...it respects and enhances the historic character of the main building <u>in a manner</u> ”	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

	<p>and enhances the historic character of the main building and enables its historic form to be understood...”</p>	<p><u>consistent with the Municipal Offices Heritage Assessment September 2010</u> and enables its historic form to be understood...”</p>	<p>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>Bus bays will be provided of sufficient number and type to meet the emerging requirements of the Cheltenham Transport Plan.</u></p>	<p>This text was changed so as to be consistent with changes (ii) and (iii) on page 1 of this document.</p>

		<p><u>and those of the bus and coach operators; the quality and range of associated facilities will be consistent with the nature of the facility provided. Details will be agreed with the Highway Authority and appropriate stakeholders. “</u></p>	
ix	<p>Pg 19 (Planning and Related Applications) “...planning applications must be ...accompanied by...”</p>	<p>Add the following to the list of accompanying documents: <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>