

**Cheltenham Borough Local Plan  
Second Review 1991-2011**

**Inspector's Report**

**David Asher BA DipTP MRTPI**

# CONTENTS

Chapter 1	Introduction	2
Chapter 2	Cheltenham Borough	5
Chapter 3	Strategy Context	6
Chapter 4	Land use and Development Strategy	12
Chapter 5	Transport Strategy	23
Chapter 6	Core Policies and Proposals	32
Chapter 7	General Policies	54
Chapter 8	Built Environment	60
Chapter 9	Urban Green Environment	69
Chapter 10	Countryside	75
Chapter 11	Natural Environment	96
Chapter 12	Economy	100
Chapter 13	Housing	116
Chapter 14	Retailing	136
Chapter 15	Culture and Recreation	146
Chapter 16	Tourism	158
Chapter 17	Utilities Infrastructure	159
Chapter 18	Transport	165
Chapter 19	Proposals Map	183
Chapter 20	Miscellaneous	184
Appendix A	Table 11 revised by the Borough Council: Dwelling Requirement and Provision	185
Appendix B	Table 7 revised by the Borough Council: Sites allocated for development	186

# 1 INTRODUCTION

## **Paragraph 1.9 Relationship to the Structure Plan**

Objection: FD 124.3 - Government Office for the South West

Objection: SD 124.102 - Government Office for the South West

### **Issue**

- 1.1 Whether the paragraph fully reflects the implications of the County Council's Certificate of Non-conformity.

### **Inspector's Reasons**

- 1.2 The Certificate was issued by the County Council because it was argued that the Plan does not allocate 12ha of employment land as required by the adopted Structure Plan. I deal with that issue in Chapter 12 and clearly the introduction must relate to the adopted form of the Plan. I see little purpose, however, in a detailed reporting of events during the process of the adoption.

### **RECOMMENDATION**

- 1.3 Note my recommendations in Chapter 12 and ensure that the introduction reflects the adopted form of the Plan, without a detailed report of the process of adoption.
- 

## **Paragraph 1.21 Supplementary Planning Guidance**

Objection: SD 90.23 - House Builders Federation (HBF)

Objection: SD 46.19 - Prestbury Parish Council

### **PIC1**

### **Issue**

- 1.4 The wording of the paragraph.

### **Inspector's Reasons**

- 1.5 The Parish Council seeks to strengthen this paragraph by replacing "can" in the first sentence with "will". To my mind, however, PIC1 makes the position quite clear when it says that "supplementary planning guidance plays a useful role in the planning system." This is a statement of fact and needs no strengthening.
- 1.6 I agree with the HBF that supplementary planning guidance (SPG) must conform to an adopted plan before full weight can be attached to it. However, I see no need to change this paragraph since it stands to be read after this Plan had been adopted.

### **RECOMMENDATION**

- 1.7 Modify the Plan in accordance with PIC1.
- 1.8 Make no other modifications in response to these objections.
- 

## **Paragraph 1.22 Supplementary Planning Guidance**

Objection: SD 64.40 - Mr Pollock

**Issue**

- 1.9 Whether this paragraph accurately reflects the published conservation area character statements.

**Inspector's Reasons**

- 1.10 As Mr Pollock argues, there is no published character statement for Cheltenham (Central) Conservation Area. Whilst greater detail of all conservation areas is set out in Table 9 of the Plan, to my mind this position should be reflected in any list of published SPG as a simple matter of accuracy.

**RECOMMENDATION**

- 1.11 Add to the penultimate bullet point in paragraph 1.22:  
“... statements, apart from the Cheltenham (Central) Conservation Area.”
- 

**Paragraph 1.23 Supplementary Planning Guidance**

Objection: SD 64.41 - Mr Pollock

**Issue**

- 1.12 Whether the *Urban Design Framework* (UDF) should be listed as SPG.

**Inspector's Reasons**

- 1.13 I have dealt with the wider issue of the role of the UDF in Chapter 3 when considering Mr Pollock's objection FD 64.2. Since, as a matter of fact, it has not been published as SPG it should not be listed in this paragraph. I therefore support its deletion from the Plan.

**RECOMMENDATION**

- 1.14 Do not modify the Plan in response to this objection.
- 

**Paragraph 1.23 Supplementary Planning Guidance**

Objection: SD 64.42 - Mr Pollock

**Issue**

- 1.15 Whether the reference to the index of buildings of local importance should be retained in this paragraph.

**Inspector's Reasons**

- 1.16 I heard at the inquiry that there is at present no complete index of buildings of local importance in the Borough. For the sake of accuracy, therefore, reference to it in this paragraph has been properly deleted. However, policy BE 30A deals with such buildings as though the index exists. I note the changes made in the Plan to Note 1 of the policy which refers to publication in the future, but this is contradicted by the first sentence of paragraph 8.63. I have therefore recommended that this situation should be clarified.

**RECOMMENDATION**

- 1.17 Delete the first sentence of paragraph 8.63 and replace it with Note 1 of policy BE 30A.  
1.18 Make no other modifications in response to this objection.
-

**Paragraph 1.29 Historical Development** (Initial Deposit)**Paragraph 2.11 The present town** (Revised Deposit)

Objection: FD 58.1 - University of Gloucestershire

**Issue**

1.19 Whether this paragraph reflects the importance of the University to the functioning of the town.

**Inspector's Reasons**

1.20 To my mind paragraph 2.11 adequately reflects the importance of the University in a short chapter introducing the Borough. The further detail suggested on behalf of the University is unnecessary in this context. In later chapters I set out my concern about the extent of descriptive material in the Plan and my recommendation here reflects that concern, and the Council's aim of preparing a concise plan.

**RECOMMENDATION**

1.21 Do not modify the Plan in response to this objection.

---

**Paragraph 1.5B Background** (Initial Deposit)**Paragraph 1.6 Background** (Deleted from the Revised Deposit Draft)

Objection: FD 124.2 - Government Office for the South West

**Issue**

1.22 The need to refer in more detail to the non-conformity of the Plan with the adopted Structure Plan.

**Inspector's Reasons**

1.23 I have dealt with this issue in paragraphs 1.2 and 1.3.

**RECOMMENDATION**

1.24 Note my recommendation in paragraph 1.3.

## 2 CHELTENHAM BOROUGH

### **Paragraph 2.9 The Present Town**

Objection: SD 59.3 - Government Communications Head Quarters (GCHQ)

#### **PIC3**

#### **Issue**

2.1 The accuracy of the description of GCHQ.

#### **Inspector's Reasons**

2.2 I support this PIC as a more accurate description of GCHQ. I see no need for the further reference to its role as the largest employer in the town in this short introductory chapter.

#### **RECOMMENDATION**

2.3 Modify the Plan in accordance with PIC3.

2.4 Make no other modifications in response to this objection.

## 3 STRATEGY CONTEXT

### General

Objection: FD 64.2 - Mr Pollock

### Issues

- 3.1 (a) The status of the *Urban Design Framework* (UDF) and the consequential references which should be made in the Plan.
- (b) Whether the Council's acceptance of the UDF has led to a policy of increasing residential density for developments in the Cheltenham (Central) Conservation Area.

### Inspector's Reasons

Issue (a)

- 3.2 It is clear that, whatever its history, the UDF has not been adopted as supplementary planning guidance (SPG). As a simple matter of fact, therefore, I support the deletion of the reference to it in paragraph 1.23 of the Plan. I was told at the inquiry that further work had arisen from the present version of the UDF which would lead to its revision and publication for consultation at some time in the future. As a result, I have no doubt that the weight which could be given to the existing document when considering planning applications is limited, as guidance on SPG in PPG12 makes clear. I therefore support the deletion of the reference to it in paragraph 6.19 of the Plan which refers to the design principles to be taken into account when determining planning applications.
- 3.3 These deletions, however, are contradicted by references to the UDF in paragraphs 3.75 and 4.32 of the Plan where, despite a change to the text to refer to updating, it is suggested that the UDF will be used in dealing with planning applications or promoting good design. Moreover, there are references to the UDF in paragraphs 4.58 and 4.59 of the Plan which indicate the Council's acceptance of two of its suggestions: maintaining the distinction between the urban and rural landscapes, and the importance of "gateways" to Cheltenham. I deal with objections to these paragraphs in Chapter 4 of this report when considering objections SD 28.34 and FD 64.43.
- 3.4 In the light of my reservations, and of recommendation to recast Chapter 4, it may be that the Council would no longer wish to rely on the UDF, preferring to await the publication of up-to-date SPG. If so, all references should be deleted, and the future SPG referred to. If not, I have recommended the way in which the UDF should be retained in the Plan.

Issue (b),

- 3.5 Mr Pollock's concern on this issue arises from paragraphs under the heading 3.2.5 of the UDF which refer to the limited scope for outward growth; the need for high density mixed use development on the few brownfield sites close to the town centre; and a process of intensification through the gradual renewal of housing stock in areas where it is coming to the end of its useful life.
- 3.6 I deal with Mr Pollock's objections to density policies in Chapter 4 when considering objections FD 64.14 and 16. Whilst I note his concerns about the Council's approach, as I explained at the inquiry specific planning applications are not before me. At a strategic level, if the Council has adopted a wide-ranging policy of intensification as Mr Pollock argues, I would expect to find evidence of it in the projections of housing numbers set out in the Urban Capacity Study (core document CBC 019a). In these circumstances the trend projections would be increased to allow for higher density development than has taken place in the past.
- 3.7 I set out my concerns about the Council's reliance on trend projections in Chapter 13 when I deal with the Urban Capacity Study. However, for this issue I can find no evidence of higher projected densities in Part 3 of that Study. As a result I do not support this objection.

**RECOMMENDATION**

Issue (a)

3.8 Either:

delete all references to the UDF, and refer only to the publication in future of SPG.

3.9 Or:

if the Council wishes to rely on the UDF, set out in one place:

- i. a clear and simple explanation of the position in relation to the existing document;
- ii. the proposals and suggestions in it which the Council has accepted;
- iii. justify those proposals, and explain the way in which the Plan will take them forward;
- iv. the Council's proposals for updating the UDF; and
- v. the relative weight which can be attached to the existing UDF and any related SPG which is published in future.

Issue (b)

3.10 Do not modify the Plan in response to this objection.

3.11 Make no other modifications in response to these objections.

---

**Paragraphs 3.10-3.12 Green Belts**

Objection: SD 28.26 - Swindon Parish Council

**Issue**

3.12 The need to include in the Plan a map of Green Belts throughout the UK.

**Inspector's Reasons**

3.13 I do not consider that this information is necessary nor would it, as the Parish Council argues, underline the importance of the Green Belt in the Plan area. That importance is recognized through the policies in the Plan, which reflect national guidance on development in green belts.

**RECOMMENDATION**3.14 Do not modify the Plan in response to this objection.

---

**Paragraph 3.12 Green Belts**

Objection: SD 124.103 - Government Office for the South West

**PIC5****Issue**

3.15 The need to correct a cross-reference: "paragraph 3.34" to read "paragraph 3.35".

**Inspector's Reasons**

3.16 This correction has been made in PIC5.

**RECOMMENDATION**3.17 Modify the Plan in accordance with PIC5.

---



---

**Paragraphs 3.13-3.16 Housing**

Objection: FD 99.12 - South West RSL Planning Consortium

**Issue**

3.18 The need for a policy to encourage a mix of housing.

**Inspector's Reasons**

3.19 In Chapter 13 I recommend modifications to policy HS 73(B) when dealing with objection FD 118.4 to ensure that any policy on housing mix should be separate from the policy on affordable housing and should be fully explained and justified. It may also be that, in re-casting Chapter 4 as I recommend in the next chapter of this report, there will be a clearer strategic approach to housing mix. It is essential, however, for all policies meet the guidance in paragraph 3.14 of PPG12, and are not simply statements of general encouragement.

**RECOMMENDATION**

3.20 Do not modify the Plan in response to this objection, but note my recommendations in Chapters 4 and 13.

---

**Paragraph 3.21 Transport**

Objection: FD 101.1 - Network Rail

Objection: SD 28.27 - Swindon Parish Council

**Issue**

3.21 Whether the list in this paragraph fully reflects Government policy.

**Inspector's Reasons**

3.22 I support the additional references to rail proposed in the first objection, since they are clearly part of Government policy, in paragraphs 45 and 74 of PPG13, and this paragraph of the Plan purports to sets out what PPGs require. I have recommended accordingly.

3.23 The Parish Council proposes two additional points: "integrated sustainable transport" is, to my mind, already covered in different words in the bullet points; "safe pedestrian routes to schools" is a detailed outcome of following the general approach set out in the paragraph. I therefore do not support this objection.

**RECOMMENDATION**

3.24 Add to paragraph 3.21:

- i. "exploring the potential, and identifying any proposals, for improving rail travel;"
- ii. "moving freight by rail and water where feasible"

3.25 Make no other modifications on response to these objections.

---

**Paragraphs 3.24-3.25 The Natural Environment**

Objection: SD 28.1 - Swindon Parish Council

**PIC6****Issue**

3.26 The need to refer to the importance of protecting the environment throughout the Borough.

**Inspector's Reasons**

3.27 This objection has been overcome in my view by PIC6 which I support.

**RECOMMENDATION**

3.28 Modify the Plan in accordance with PIC6.

---

**Paragraphs 3.28-3.35 Regional Planning Guidance**

Objection: FD 92.11 - Haulfryn Group Ltd

**Issue**

3.29 Whether there should be reference to superseded Regional Planning Guidance.

**Inspector's Reasons**

3.30 I deal with the objectors' wider argument that the Plan does not conform to current regional planning guidance (RPG 10) elsewhere, and here I consider only the way in which it should be set out in this introductory chapter.

3.31 I have no doubt that this section of the Plan should set out only the current RPG 10, since that is the regional guidance, and the purpose of this chapter is to summarise the Plan's strategic context. Whilst I acknowledge the complexities of timescale in preparing RPG and the structure and local plans, that is not a matter for this chapter.

**RECOMMENDATION**

3.32 Delete paragraph 3.28 and the first sentence of paragraph 3.30.

3.33 Start the section at paragraph 3.30 with a new sentence:

"Regional guidance is provided by RPG 10."

---

**Paragraph 3.29 Regional Planning Guidance**

Objection: SD 28.2 - Swindon Parish Council

**Issue**

3.34 The need to retain this paragraph.

**Inspector's Reasons**

3.35 To my mind this paragraph was rightly deleted from the Initial Deposit Plan (where it was paragraph 3.26) since it described superseded regional guidance. Whilst it may be "correct" as a quote from an historical document, it therefore no longer applies. My recommendation here also reflects my recommendation on the previous objection.

**RECOMMENDATION**

3.36 Do not modify the Plan in response to this objection.

---

**Paragraph 3.45 Local Transport Plan**

Objection: SD 59.4 - GCHQ

**Issue**

3.37 The need for more detailed references to the partnerships necessary to ensure the provision of successful travel plans.

**Inspector's Reasons**

3.38 The purpose of this section of the Plan is to set out strategic context. Whilst travel plans will undoubtedly be very important in delivering sustainable transport, they are not part of the strategic context and there is no need for a reference here.

3.39 I am satisfied that other parts of the Plan, and the Travel Plan SPG, reflect the importance of travel plans and will ensure that they are provided. From the Council's response to this objection, I also note the existence of the Cheltenham Travel Plan Group to ensure the necessary partnership working.

**RECOMMENDATION**

3.40 Do not modify the Plan in response to this objection.

---

**Paragraph 3.53 Community Plan**

Objection: SD 124.104 - Government Office for the South West

**PIC7****Issue**

3.41 The need for greater clarity to distinguish between this Plan and the Community Plan.

**Inspector's Reasons**

3.42 To my mind this objection is overcome by PIC7 which I support.

**RECOMMENDATION**

3.43 Modify the Plan in accordance with PIC7.

---

**Paragraph 3.59 Strategy for Regeneration (Initial Deposit)****Paragraph 3.67 Economic development and regeneration (Revised Deposit Draft)**

Objection: FD 68.4 - Green Park Land Co. Ltd.

**Issue**

3.44 The need for additional employment land.

**Inspector's Reasons**

3.45 I deal with this issue in Chapter 12.

**RECOMMENDATION**

3.46 Note my recommendations in Chapter 12.

---

**Paragraph 3.68 Cultural Strategy (Initial Deposit)****Paragraph 3.72 Crime and disorder (Revised Deposit Draft)**

Objection: FD 66.2 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issue**

3.47 Whether the wording reflects the advice in Circular 5/94 *Planning Out Crime*.

**Inspector's Reasons**

3.48 It seems to me that this paragraph reflects the advice in the Circular that planning is only one of the factors in a crime prevention strategy where it says that the local plan "will contribute" to reduction. I therefore do not support this objection. In any case, with the recent publication of PPS1 this Circular has been cancelled.

**RECOMMENDATION**

3.49 Do not modify the Plan in response to this objection.

---

**Paragraphs 3.71 & 3.72 Crime and disorder**

Objection: SD 86.17 - Gloucestershire Constabulary

**Issue**

3.50 The need to refer to the reorganisation of Force Headquarters.

**Inspector's Reasons**

3.51 I agree with the Council that there is no need for this purely factual information in the Plan.

**RECOMMENDATION**

3.52 Do not modify the Plan in response to this objection.

## 4 LAND USE AND DEVELOPMENT STRATEGY

### **Paragraphs 4.2 - 4.4 Scope of the Strategy**

Objection: SD 28.28 - Swindon Parish Council

#### **Issue**

4.1 The need for co-ordination in implementing the Plan's objectives.

#### **Inspector's Reasons**

- 4.2 Although the Parish Council refers to the need for co-ordination, the suggested addition to the Plan continues "... in achieving one objective it does not undermine the effectiveness or ability to achieve the other objectives." To my mind this relates more to making the balance between often competing objectives, rather than co-ordination alone: between meeting, for example, the Borough's economic or housing requirements, which may require additional land, and protecting its setting, the Green Belt and the AONB.
- 4.3 In paragraphs 4.24-4.31 I discuss and recommend a re-casting of this chapter to identify the elements of the strategy more clearly, and to give it greater focus on the links between the strategy, objectives and policies. It seems to me that in doing so, the Plan should recognise the need for co-ordination. As important, the Plan should also recognise that some elements of the strategy are potentially in conflict with each other, and that many planning decisions will have to be made by balancing competing objectives.

#### **RECOMMENDATION**

- 4.4 Note my comments and recommendations in paragraphs 4.24-4.31 and, in re-casting this chapter, add text which recognises the need for co-ordination, and to balance competing elements of the strategy and objectives when decisions are made.
- 

### **Paragraph 4.7 Sustainable development**

Objection: FD 124.12 - Government Office for the South West

#### **Issue**

- 4.5 The need to explain the requirement to prepare sustainability appraisals throughout the plan preparation process.

#### **Inspector's Reasons**

- 4.6 To my mind this objection has been overcome by text added to this paragraph in the Revised Deposit Draft.

#### **RECOMMENDATION**

- 4.7 Do not modify the Plan in response to this objection.
- 

### **Paragraph 4.8 An attractive and safe town**

Objection: SD 28.29 - Swindon Parish Council

#### **Issue**

- 4.8 The need to refer to the Borough as a whole, not simply Cheltenham.
-

**Inspector's Reasons**

- 4.9 I see no reason why the Plan should not have a "strategic theme" for Cheltenham alone given its size and historic importance, although it seems to me that the bullet points set out in paragraph 4.8 apply throughout the Borough. In these circumstances, given the existence of other settlements, I have recommended some modifications in support of this objection.
- 4.10 However, I have not recommended modifying the reference to urban design since, as the Council argues, the approach to be taken throughout the Borough is made clear in policy CP 7.

**RECOMMENDATION**

- 4.11 Delete the heading:  
"An attractive and safe town" and replace it with:  
"An attractive and safe Borough"
- 4.12 Delete from paragraph 4.8:  
"The local plan helps ... qualities by:" and replace it with:  
"The local plan helps to maintain and enhance the environmental qualities of Cheltenham and the other communities in the Borough by:"
- 4.13 Make no other modifications in response to this objection.
- 

**Paragraph 4.8 An attractive and safe town****Paragraph 4.42 The town centre** (Initial Deposit)**Paragraph 4.50 The town centre** (Revised Deposit Draft)

Objection: FD 51.2 - Tidy Cheltenham Group

**Issue**

- 4.14 The need to add to the paragraph "promote a litter and graffiti free town".

**Inspector's Reasons**

- 4.15 Paragraph 4.8 sets out ways in which the local plan helps to maintain and enhance the town. As the Council argues, litter and graffiti are not matters which are dealt with through the local plan, but through other Council policies and initiatives. I therefore do not support this part of the objection.
- 4.16 Paragraph 4.50, however, sets out the Council's corporate approach to the town centre, and here it seems to me logical that it should include a reference to street cleaning. However, any modification should only be made in the context of my recommendation in paragraphs 4.28-4.31 on the form of this Chapter.

**RECOMMENDATION**

- 4.17 Add a reference to the Council's corporate policies for street cleaning and graffiti to paragraph 4.50, but only in the context of my recommendation in paragraphs 4.28-4.31 on the form of this Chapter.
- 4.18 Make no other modifications in response to this objection.
- 

**Paragraph 4.9 A thriving economy**

Objection: FD 124.13 - Government Office for the South West

Objection: FD 55.5 - South West Regional Development Agency

**Issue**

4.19 The need to restore the reference to the allocation of additional employment land.

**Inspector's Reasons**

4.20 I have dealt with the issue of employment land in Chapter 12, and my recommendation here reflects those findings.

**RECOMMENDATION**

4.21 Note my recommendation in paragraphs 4.28-4.31 on the form of this Chapter and if appropriate add to paragraph 4.09:

- “allocating land for employment use”

**Table 1 Long Term Vision**

Objection: SD 28.4 - Swindon Parish Council

Objection: FD 119.19 - Cheltenham Cycle Campaign

Objection: SD 28.31 - Swindon Parish Council

Objection: SD 28.30 - Swindon Parish Council

Objection: FD 119.1 - Cheltenham Cycle Campaign

Objection: SD 28.32 - Swindon Parish Council

Objection: SD 28.33 - Swindon Parish Council

Objection: SD 124.105 - Government Office for the South West

**PIC10****Issue**

4.22 The need for the Table.

**Inspector's Reasons**

4.23 Some of these objections have been overcome by changes to the Initial Deposit and by PIC10. However, concerns remain about the definition of congestion; the aspirational nature of the text; and the need to consider the amount of employment land necessary to meet the vision. In its response to SD 28.32 the Council acknowledges the “ideal world” nature of the text. For this reason, in my view it has no place in this Plan: there is simply no link between what can be achieved by the policies and proposals in this Plan and the statements which the Table contains. I have therefore recommended that Table 1 should be deleted, and in view of this I have not considered the detail of the objections here.

4.24 If the Council wishes to make a link between this Plan and the Community Plan's long-term vision it should do so through the Plan's own strategy by: setting out that strategy and explaining how it relates to the Community Plan; stating this Plan's objectives which flow from the strategy and identifying clear links between them; and then setting out the policies and proposals which will implement those objectives. It should, therefore, be possible to see how any element of the strategy will be implemented through the policies and proposals of this Plan.

4.25 At present, the Plan makes clear the link between objective and policy by noting the relevant objectives within the text of the policy. However, there is no equivalent, clearly stated link between objective and strategy, despite the emphasis on strategy in the earlier chapters. I have recommended that such a link should be made. In this way the Plan's objectives will relate to the Plan's own strategy, which in turn can be briefly linked to the more idealised long-term vision in the Community Plan.

- 4.26 It is for the Council to decide precisely how this might be achieved in practice. However, I have no doubt that if the elements of the strategy were distinguished from the general text in some way the purpose of Chapters 4 and 5 would be clearer, and the text would be punchier and more focused. Moreover, if these elements were also given numbers, it would be easy to link them to the objectives in the way the Plan links objectives and policies.
- 4.27 I understand from what the Council said at the inquiry that the Plan has been written in this way, with strategic chapters and core policies, to reflect the need to change to Local Development Frameworks. At present I am not convinced – as I said at the inquiry of Chapter 5 – that chapters which contain no policies serve a purpose. There is, rather, the danger of duplication between Chapters 4 and 5 and later chapters in the Plan, and I comment on this in paragraph 4.66 in relation to retail policy. Unless these chapters can be re-written in the way I recommend, and I recognise that this may require the Council to re-consider the wording of some of the objectives to accommodate the formalised strategic statements which I envisage, I have recommended that they should be deleted.

### RECOMMENDATION

- 4.28 Delete Table 1.
- 4.29 Adopt the approach set out in paragraphs 4.24 and 4.25 to ensure clear links between the Plan's own strategy and objectives, and the relationship of that strategy to the Community Plan.
- 4.30 If this approach is not adopted delete Chapters 4 and 5 and rely on the statement of objectives and the text of chapters dealing with development control policies.
- 4.31 Note my comments in paragraph 4.26.
- 4.32 Make no other modifications in response to these objections.

---

### Table 2 Local Plan Objectives

Objection: SD 28.5 - Swindon Parish Council

#### Issue

- 4.33 The need for an objective relating to the processing of planning applications and consultation.

#### Inspector's Reasons

- 4.34 I agree with the Council that the Plan is not the place to set out operational or procedural matters: that is a matter for corporate policy and management which should not be included in a plan which sets out the Council's policy for the development and use of land.

### RECOMMENDATION

- 4.35 Do not modify the Plan in response to this objection.

---

### Table 2 Local Plan Objectives

Objection: SD 28.6 - Swindon Parish Council

#### Issue

- 4.36 The need for objectives relating to pedestrian traffic and pedestrianisation.

#### Inspector's Reasons

- 4.37 It is clear from the approach which I set out in paragraphs 4.24-4.26 that this Plan's objectives should be broad statements of intent which can be implemented through its own policies and proposals. Arising from this objection "pedestrian safety" could be such a broad statement, but I agree with the Council that it is already included in other objectives. The other additions



suggested by the Parish Council are either too detailed to be considered objectives in the way I have defined them, or they deal with matters which do not fall within the scope of the Plan, for example safety at crossing points, bins for dog waste, and route marking.

### **RECOMMENDATION**

4.38 Do not modify the Plan in response to this objection.

---

### **Table 2 Local Plan Objectives**

Objection: FD 55.6 - South West Regional Development Agency

#### **Issue**

4.39 The need for an objective referring to the allocation of land for employment.

#### **Inspector's Reasons**

4.40 I have dealt with the need for employment land in Chapter 12. Whilst I have recommended the allocation of additional land I see no need to modify the objectives: to my mind allocations are made in support of Objective O19, maintaining and enhancing the economic vitality of the Borough.

### **RECOMMENDATION**

4.41 Do not modify the Plan in response to this objection.

---

### **Table 2 Local Plan Objectives**

Objection: FD 58.2 - University of Gloucestershire

#### **Issue**

4.42 The inclusion of references to the needs of students in objectives for housing and community services.

#### **Inspector's Reasons**

4.43 I agree with the Council that these objectives are fully inclusive and that, as a result, it is not necessary to refer to the needs of any one particular group. I do not accept the objectors' argument that the objective for community services, by dealing with services which are accessible to all members of the community, in some way discriminates against specialist services. I therefore do not support this objection.

4.44 I deal with the question of student housing in Chapter 13 when considering the University's objection FD 58.4.

### **RECOMMENDATION**

4.45 Do not modify the Plan in response to this objection.

---

### **Table 2 Local Plan Objectives**

Objection: FD 119.17 - Cheltenham Cycle Campaign

#### **Issue**

4.46 The need for a wider definition of "congestion".

**Inspector's Reasons**

- 4.47 The Cycle Campaign also makes this argument in objection FD 119.19. There is concern that a narrow definition of congestion will allow any reduction in traffic, and a consequent reduction in congestion, to be replaced by other traffic, increasing congestion again. This may be thought to be an academic point of definition, and certainly I note the Council's response that policy TRAN 3 of RPG 10 refers to the reduction in traffic congestion, presumably using the phrase in its popular meaning.
- 4.48 I note, however, that the Local Transport Plan (LTP) County Headline Targets refer to "Road traffic reduction" and "increasing modal share by other modes" (Core Document GCC 02, page 33). Nor does reducing traffic congestion occur in the LTP's objectives. Since it is traffic volume and modal share which are to be monitored by the LTP it seems to me that they are the points which should feature in the Plan's strategy and objectives, since LTP monitoring will enable the Council to assess the effectiveness of the relevant policies in this Plan.

**RECOMMENDATION**

- 4.49 Delete references to "congestion" in the Plan's strategy and objectives and replace it with "road traffic reduction".
- 

**Paragraph 4.10 Safe and accessible travel and transport**

Objection: SD 28.3 - Swindon Parish Council

**PIC9****Issue**

- 4.50 The need for the Plan to promote integrated transport beyond the Borough boundary.

**Inspector's Reasons**

- 4.51 This objection has been partly overcome by the reference to integrated transport added to paragraph 4.10 by PIC9. I support the proposed change, although it must be dealt within in the context of my recommendation for the chapter as a whole.
- 4.52 I do not support the Parish Council's further argument that the Plan should refer to matters outside the Borough boundary. The Council may well be involved in transport matters beyond the boundary in other ways, but the Plan can deal only with matters within the Borough.

**RECOMMENDATION**

- 4.53 Note my recommendation in paragraphs 4.28-4.31 about the form this Chapter should take.
- 4.54 Within that context modify the Plan in accordance with PIC9.
- 4.55 Make no other modifications in response to this objection.
- 

**Paragraphs 4.10 - 4.59 Safe and accessible travel and transport**

Objection: SD 124.122 - Government Office for the South West

**Issue**

- 4.56 The need for the text of the Plan to justify and explain its policies and proposals.

**Inspector's Reasons**

- 4.57 I support the concerns behind this objection. However, to my mind they will be overcome by my recommendations in paragraphs 4.28-4.31, since the text will become the justification for clearly distinguished elements of the strategy.

**RECOMMENDATION**

4.58 Do not modify the Plan in response to this objection, but note my recommendations in paragraphs 4.28-4.31.

---

**Paragraphs 4.14 - 4.18 Housing**

Objection: SD 106.8 - Bovis Homes (South West) Ltd

Objection: FD 127.4 - Corporate Property Services Gloucestershire County Council

Objection: FD 65.4 - J A Pye (Oxford)

Objection: FD 41.2 - Robert Hitchins Ltd

Objection: SD 90.24 - House Builders Federation

**Issue**

4.59 The Plan's approach to meeting housing requirements.

**Inspector's Reasons**

4.60 These objections all relate to different aspects of the Plan's approach to housing requirements. I have dealt with all these matters in Chapter 13, and my recommendation here reflects those findings.

**RECOMMENDATION**

4.61 Note my recommendations in paragraphs 4.28-4.31 on the form of this Chapter and, in that context, modify the Plan to reflect my recommendations in Chapter 13 on meeting housing requirements.

---

**Paragraphs 4.22 - 4.24 Employment**

Objection: FD 92.13 - Haulfryn Group Ltd

Objection: FD 55.7 - South West Regional Development Agency

Objection: FD 68.5 - Green Park Land Co. Ltd.

Objection: FD 123.2 - George Bence & Sons

Objection: FD 124.20 - Government Office for the South West

**Issue**

4.62 The need to allocate additional employment land.

**Inspector's Reasons**

4.63 I deal with this issue in principle Chapter 12, and proposals for the allocation of specific sites elsewhere. My recommendation here reflects those findings.

**RECOMMENDATION**

4.64 Note my recommendations in paragraphs 4.28-4.31 on the form of this Chapter and, in that context, modify the Plan to reflect my recommendations in Chapter 12 and elsewhere on allocating additional employment land.

**Paragraph 4.25 Retailing**

Objection: FD 124.21 - Government Office for the South West

Objection: FD 80.1 - B & Q Plc.

**Issue**

4.65 The Plan's retail strategy.

**Inspector's Reasons**

4.66 This paragraph is a very brief summary of paragraphs 14.10-14.12 of the Revised Deposit Draft (paragraphs 11.11E & F of the Initial Deposit to which objection FD 80.1 also refers). The justification for the Plan's approach which the Government Office seeks is set out there. I deal with the Plan's approach to retail development in Chapter 14 when considering objections FD 80.2 & 3. This duplication between chapters, however, reinforces my concern about the form which Chapter 4 – as a statement of strategy – should take.

4.67 If my earlier recommendations are followed, paragraph 4.25 should contain a statement of retail strategy distinguished from the rest of the text. Clearly it must be fully justified, if not here then elsewhere in the Plan with a cross-reference. I must leave precisely how this is done to the Council, in the light of my earlier recommendations and comments.

**RECOMMENDATION**

4.68 Note my recommendations in paragraphs 4.28-4.31 and modify paragraph 4.25 of the Plan accordingly.

4.69 Note my recommendations in Chapter 14 on the Plan's approach to retailing.

---

**Paragraph 4.36 Redevelopment**

Objection: FD 64.14 - Mr Pollock

Objection: FD 64.16 - Mr Pollock

**Issue**

4.70 Whether the density policies in the Plan provide appropriate guidance for development in the Cheltenham (Central) Conservation Area.

**Inspector's Reasons**

4.71 In Chapter 3, when dealing with objection FD 64.2, I found no evidence of a strategy in the Plan to increase density on the Conservation Area. I acknowledge Mr Pollock's concerns about specific sites but, as I made clear at the inquiry, they are not matters for me. Here I consider the policies which relate to density.

4.72 Government advice on density is set out in paragraph 58 of PPG3: local authorities should encourage more efficient use of land with densities of between 30 and 50 dwellings per hectare. Paragraph 54 of the PPG also says that good design and layout can help to achieve the Government's objectives of making the best use of previously developed land. I deal with the detail of policies later in this report but, apart from the reservation on Note 4 which I deal with in Chapter 13, I consider that the Plan responds well to this guidance: there is a core policy on design; there are policies in the Built Environment chapter for conservation areas; and policy HS 73(A) sets out the density requirements. My concern, which was discussed at the inquiry, is that this material is in a footnote not a policy.

4.73 I acknowledge the Council's argument that density is only one factor in determining the acceptability of a scheme in the Conservation Area. I do not agree with Mr Pollock that the core policies somehow "skew" the application of built environment policies, which I do not consider have been weakened. Nevertheless, I have no doubt that Note 4 to policy HS 73(A)

should be set out as policy, since it is clearly a statement of policy, not simply the reasoned justification for the final sub paragraph of the policy.

- 4.74 In Chapter 13, when dealing with objection FD 95.38, I consider whether the wording of Note 4 follows the advice in PPG3, and recommend that it should reflect the advice on the use of good design to achieve best use of previously developed land, rather than Note 4's emphasis on the circumstances when lower density could be appropriate.

#### **RECOMMENDATION**

- 4.75 Delete Note 4 to policy HS 73(A). Note my recommendation in Chapter 13, and rewrite it as a new policy, setting out the density to be achieved and, as criteria, the exceptions which will be considered to the application of these general requirements.
- 4.76 Make no other modifications in response to these objections.

---

#### **Paragraph 4.39 Regeneration**

Objection: SD 172.1 - Cheltenham and Tewkesbury Primary Care Trust

#### **PIC12**

#### **Issue**

- 4.77 The need to include Springbank, Arle Farm, Cavendish Park and Springfields.

#### **Inspector's Reasons**

- 4.78 This objection has been overcome by PIC12, which I support as updating the Plan. However, this section of the Plan will need to be reconsidered in the light of my earlier recommendations on the form of this Chapter. I also note that there is no objective relating to regeneration, which raises in my mind the purpose of including this section in the Plan, bearing in mind that the role of the text is to justify the Plan's strategy, policies and proposals.

#### **RECOMMENDATION**

- 4.79 Note my recommendation in paragraphs 4.28-4.31. Retain this section only if it serves to justify a strategy, objectives and policies in the Plan.
- 4.80 Modify the Plan in accordance with PIC12 only in the context of my recommendation in paragraph 4.79.

---

#### **Paragraph 4.45 The urban area**

Objection: SD 28.7 - Swindon Parish Council

#### **Issue**

- 4.81 The need to qualify the reference to allocations in the Tewksbury Borough Local Plan.

#### **Inspector's Reasons**

- 4.82 This Plan cannot qualify the allocations made by an adjoining Borough in the way suggested by the Parish Council or in the text to be deleted from the Revised Deposit Draft. I therefore do not support this objection, but the Council will have to consider the need for this paragraph in the light of my earlier recommendations on the form of this chapter.

#### **RECOMMENDATION**

- 4.83 Do not modify the Plan in response to this objection, but note my recommendations in paragraphs 4.28-4.31 about the form of this chapter.

**Paragraph 4.52 The town centre**

Objection: FD 119.2 - Cheltenham Cycle Campaign

**Issue**

4.84 Whether the paragraph accurately reflects the effect that the new development at St James' Station has had on the cycling.

**Inspector's Reasons**

4.85 The Council acknowledges that there has been an effect on cycling following this development, and is investigating ways of overcoming it. However, the Council will have to consider whether this purely factual statement has a place in the form of chapter which I have recommended earlier. In any case, I have not accepted this objection since its solution will lie outside the scope of the Plan's policies.

**RECOMMENDATION**

4.86 Do not modify the Plan in response to this objection, but note my earlier recommendation on the form of this chapter and consider whether there is a need for descriptive text such as this to justify the Plan's strategy, policies or proposals.

**Paragraphs 4.58 and 4.59 The countryside**

Objection: SD 64.43 - Mr Pollock

Objection: SD 28.34 - Swindon Parish Council

**Issue**

4.87 The role of the *Urban Design Framework* (UDF) in determining the Plan's policy.

**Inspector's Reasons**

4.88 I have set out my concerns about the UDF in Chapter 3 when dealing with objection FD 64.2. Since it is not SPG the weight which can be attached to it in dealing with planning applications is clearly limited. Here, however, it appears that the Council has accepted two of its suggestions as part of the Plan's strategy, although it is difficult to see precisely the links between these paragraphs and the Plan's policies: certainly I can find no further reference to "gateways", although from what Mr Pollock said at the Inquiry, it seems that the Council may be considering applications in the light of this approach.

4.89 The absence of clear links, and the indeterminate status of the UDF, further reinforce my concerns about the form of this chapter, and I return to my earlier argument that the text should be the reasoned justification for clearly distinguished strategy statements, linked to objectives which are in turn linked to policies and proposals. I have also recommended in Chapter 3 that any suggestions from the UDF which are included in this Plan should be justified, which is not the case in these paragraphs which simply report the findings of the UDF. Moreover, I am not convinced that either of the suggestions has a place in a chapter setting out strategy in the form which I envisage. I have recommended accordingly.

4.90 The Parish Council seeks to delete from paragraph 4.58 the reference to Cheltenham's position as a "town within the countryside". I have not dealt with the merits of this description, but since this paragraph is reporting the findings of the UDF (heading 4.1) I do not support this objection.

**RECOMMENDATION**

4.91 Delete paragraphs 4.58 and 4.49.

4.92 Note my recommendations in paragraphs 4.28-4.31 and identify within this section the Plan's strategy for the countryside.

- 4.93 Note my recommendation in Chapter 3 about the UDF and, if the contents of either paragraph are retained in the Plan, justify the relevant policy.
- 4.94 Make no other modifications in response to these objections.

---

## 5 TRANSPORT STRATEGY

### General

Objection: SD 124.123 - Government Office for the South West

### Issue

5.1 The form of the chapter.

### Inspector's Reasons

- 5.2 I raised at the inquiry my general concern that this chapter contained no policies, and this objection makes the same point: that it is clear from PPG12 that the text of the plan should be the reasoned justification for its policies and proposals. My recommendation here reflects my approach to Chapter 4: this chapter should set out the Plan's transport strategy, clearly distinguished from the rest of the text, and clearly linked to the objectives in Table 2 – and through them to the policies and proposals which will carry that strategy out.
- 5.3 I recognise, given the Plan's land-use basis, that the Council's transport strategy may be set out elsewhere, for example in the Local Transport Plan, or the Central Severn Vale transport strategy. This chapter should deal only with those elements of these strategies which can be linked to the Plan's objectives. I see no need for the extensive summaries set out in paragraphs 5.13 and 5.14 of the Plan: rather there should be a cross-reference to those documents in the text to give the source of the Plan's own strategy.

### RECOMMENDATION

- 5.4 Delete Chapter 5 and replace it with text which:
- i. sets out the Plan's own strategy in a form distinguished from the rest of the text, and linked to the Plan's objectives in Table 2;
  - ii. supports this strategy with reasoned justification; and
  - iii. refers to the other transport documents as sources for the Plan's strategy, without summaries of their strategy and objectives.

---

### General

Objection: SD 95.74 - Gloucestershire County Council

### Issue

5.5 The need to refer to the Central Severn Vale Public Transport Project.

### Inspector's Reasons

- 5.6 In the light of my recommendation in paragraph 5.4, reference to this project should only be made if it relates to, and justifies, the Plan's own strategy.

### RECOMMENDATION

- 5.7 Do not modify the Plan in response to this objection, but note my recommendation in paragraph 5.4.



**Paragraph 5.4 The present position**

Objection: SD 28.8 - Swindon Parish Council

**Issue**

5.8 The need to include additional car ownership figures.

**Inspector's Reasons**

5.9 The need to include this information at all should be reconsidered in the light of my recommendation in paragraph 5.4: the question to ask is whether it is needed as the reasoned justification for the Plan's strategy. If it is retained, I see no reason why it should not be in the form of the range across the Borough and, to that extent, I do not support this objection.

**RECOMMENDATION**

5.10 Do not modify the Plan in response to this objection, but note my recommendation in paragraph 5.4.

---

**Paragraph 5.7 Future patterns of travel**

Objection: FD 119.4 - Cheltenham Cycle Campaign

**Issue**

5.11 The need to use more precise language.

**Inspector's Reasons**

5.12 In the light of my recommendation in paragraph 5.4 this paragraph of the Plan should only be retained as the reasoned justification for the Plan's strategy. In its present, very generalised form it adds nothing to the Plan. To that extent I support the objection, but the more precise language which is sought will only be necessary if the text is retained as reasoned justification.

**RECOMMENDATION**

5.13 Delete paragraph 5.7 of the Plan, and only replace it with more precise language if it is needed as reasoned justification for the Plan's strategy in accordance with my recommendation in paragraph 5.4 of this report.

---

**Paragraph 5.11 Gloucestershire Local Transport Plan**

Objection: SD 124.106 - Government Office for the South West

**PIC15****Issue**

5.14 The need for greater clarity.

**Inspector's Reasons**

5.15 This objection is overcome by PIC15, which I support. However, the need for this text must be considered in the light of my recommendation in paragraph 5.4.

**RECOMMENDATION**

5.16 Modify the Plan in accordance with PIC15, but note my recommendation in paragraph 5.4.

**Paragraph 5.16 Cheltenham Transport Plan**

Objection: SD 28.9 - Swindon Parish Council

**Issue**

5.17 The need to retain the reference to access for disabled people.

**Inspector's Reasons**

5.18 In the light of my recommendation on the form of this chapter I support the deletion of paragraph 5.16 of the Initial Deposit since it does not set out this Plan's strategy. Any reference to access for disabled people should be made in the context of the form of strategy, objective and policy which I have recommended here and in Chapter 4. I note the objectives which relate to design and meeting the needs of people with disabilities, and the references in paragraphs 18.112-18.115 of the transport chapter. However, there are no policies in this Plan to implement these objectives.

**RECOMMENDATION**

- 5.19 Consider the need for a policy or policies relating to access needs of disabled people which reflect the land-use basis of this Plan.
- 5.20 If such policies are found to be necessary, ensure that they relate to the form of this chapter which I recommend in paragraph 5.4.
- 5.21 Make no other modifications in response to this objection.
- 

**Paragraph 5.11 Cheltenham Transport Plan (Initial Deposit)****Paragraph 5.18 Cheltenham Transport Plan (Revised Deposit Draft)**

Objection: FD 119.6 - Cheltenham Cycle Campaign

**Issue**

5.22 The need for a wider definition of congestion.

**Inspector's Reasons**

5.23 In the light of my recommendation in paragraph 5.4 this paragraph should only be retained if it forms the reasoned justification for the Plan's strategy, not a summary of the Cheltenham Transport Plan.

**RECOMMENDATION**

- 5.24 Make no modifications in response to this objection, but note my recommendation in paragraph 5.4.
- 

**Paragraph 5.22 Cheltenham Transport Plan**

Objection: SD 28.35 - Swindon Parish Council

**Issue**

5.25 The need for clarity.

**Inspector's Reasons**

5.26 In the light of my recommendation in paragraph 5.4 this paragraph should only be retained if it forms the reasoned justification of the Plan's strategy, not a summary of the Cheltenham Transport Plan. However, within that context, I support this objection since "their impact" cannot reasonably be said to relate to the words "road freight" in paragraph 5.21.

**RECOMMENDATION**

- 5.27 Note my recommendation in paragraph 5.4, but if this text is retained as reasoned justification for the Plan's strategy, make it clearer that paragraph 5.22 refers to the impact of heavy goods vehicles.
- 

**Paragraph 5.32 Cheltenham Transport Plan**

Objection: SD 46.20 - Prestbury Parish Council

**PIC16****Issue**

- 5.28 The need for a reference to the improvement of taxi services.

**Inspector's Reasons**

- 5.29 This objection would be overcome by PIC16. However, in the light of my recommendation in paragraph 5.4 this paragraph should only be retained if it forms the reasoned justification for the Plan's strategy, not a summary of the Cheltenham Transport Plan.

**RECOMMENDATION**

- 5.30 Note my recommendation in paragraph 5.4, and only retain this paragraph modified in accordance with PIC16 if it is the reasoned justification for the Plan's own strategy.
- 

**Paragraph 5.32 Cheltenham Transport Plan**

Objection: FD 101.11 - Network Rail

**Issue**

- 5.31 The way in which the Plan deals with rail services.

**Inspector's Reasons**

- 5.32 In the light of my recommendation in paragraph 5.4 this paragraph should only be retained if it forms the reasoned justification for the Plan's strategy, not a summary of the Cheltenham Transport Plan. My concern about the form of this chapter is reinforced by the duplication of references to rail services in paragraph 18.103-18.104 (paragraph 16.128 in the Initial Deposit to which this objection refers.)
- 5.33 I have no doubt that the text fully reflects the Council's corporate approach, but if it is not the reasoned justification for strategy, objective or policies it should not be in this Plan. I therefore do not support this objection.

**RECOMMENDATION**

- 5.34 Note my recommendation in paragraph 5.4, and only replace this paragraph if it forms the reasoned justification for this Plan's strategy.
- 

**Paragraph 5.34 Cheltenham Transport Plan**

Objection: SD 28.10 - Swindon Parish Council

---

**Issue**

5.35 The need to assess the impact on Cheltenham of the policy to reduce long-term parking in the town centre.

**Inspector's Reasons**

5.36 In the light of my recommendation in paragraph 5.4 this paragraph should only be retained if it forms the reasoned justification for the Plan's strategy, not a summary of the Cheltenham Transport Plan. Whatever the merits of the Council's approach they are not before me since, whilst they have an impact on the planning of the town centre, they are not in themselves land-use planning policies. This text should only be retained if it forms the reasoned justification for such policies or strategies.

**RECOMMENDATION**

5.37 Note my recommendation in paragraph 5.4 and do not replace this text unless it forms the reasoned justification for strategies, objectives or policies in this Plan.

---

**Paragraph 5.37 Cheltenham Transport Plan**

Objection: SD 28.36 - Swindon Parish Council

**Issue**

5.38 The need for traffic calming measures to be extended to other parts of the Borough.

**Inspector's Reasons**

5.39 In the light of my recommendation in paragraph 5.4 this paragraph should only be retained if it forms the reasoned justification for the Plan's strategy, not a summary of the Cheltenham Transport Plan. Moreover, traffic calming measures are not within the scope of this Plan with its land-use planning basis.

**RECOMMENDATION**

5.40 Note my recommendation if paragraph 5.4 about the form of this Chapter, and only retain this paragraph if it forms the reasoned justification for the Plan's strategy, objectives or policies.

---

**Paragraph 5.31 Cheltenham Transport Plan (Initial Deposit)****Paragraph 5.38 Cheltenham Transport Plan (Revised Deposit Draft)**

Objection: FD 64.9 - Mr Pollock

**Issue**

5.41 The continued safeguarding of the north-west distributor road.

**Inspector's Reasons**

5.42 A north-west distributor road is not included in either the adopted Structure Plan or the Local Transport Plan. In these circumstances its continued inclusion in this Plan would be wholly contrary to the advice in paragraph 5.22 of PPG12 which emphasises the need for realism about the start of a project within the Plan period if a line is to be safeguarded. As a result, whilst I note Mr Pollock's concerns about the impact on transport planning of not safeguarding a route, I do not support this objection.

**RECOMMENDATION**

5.43 Do not modify the Plan in response to this objection.

**Paragraph 5.31 Cheltenham Transport Plan** (Initial Deposit)**Paragraph 5.38 Cheltenham Transport Plan** (Revised Deposit Draft)

Objection: FD 124.22 - Government Office for the South West

**Issue**

5.44 The need for this paragraph to form the reasoned justification of policies.

**Inspector's Reasons**

5.45 I support this objection which reinforces my recommendation in paragraph 5.4.

**RECOMMENDATION**

5.46 Note my recommendation in paragraph 5.4 and only retain this paragraph if it forms the reasoned justification for the Plan's strategy, objectives and policies.

**Paragraph 5.34 Park and ride** (Initial Deposit)**Paragraph 5.41 Park and ride** (Revised Deposit Draft)

Objection: SD 54.18 - Cotswolds AONB Partnership

Objection: FD 35.3 - Galliard Developments

Objection: FD 64.10 - Mr Pollock

Objection: FD 64.11 - Mr Pollock

Objection: SD 62.7 - Highways Agency

Objection: SD 106.10 - Bovis Homes (South West) Ltd.

**Issue**

5.47 The way in which the Plan should deal with proposals for park and ride.

**Inspector's Reasons**

5.48 It is clear from what I heard at the inquiry that this paragraph is now out-of-date, since more recent work on behalf of the highway authority has identified the A4019 as the next priority for a park and ride site. It is also clear that park and ride is a central plank in the highway authority's strategy for the County, and that this Plan is not the place to consider it in principle. I therefore do not consider that the Plan is the place to propose or to promote alternative schemes, such as those put forward by Galliard Developments. In paragraphs 5.57-5.60 I consider the way in which the Plan should deal with the Honeybourne Line to which these objectors referred at the inquiry.

5.49 In the light of my recommendation in paragraph 5.4, this part of the Plan should set out clearly the Council's strategic approach to park and ride, so far as it is relevant to the land-use basis of the Plan. Any text should be the reasoned justification for the strategy and should be as up-to-date as possible. In the light of several of these objections, the text should also recognise the constraints in finding sites, given the presence of the AONB and Green Belt on the edges of the Borough and the policies which would be applied as a result. The text should also recognise the implications for the proposals of the limitations of measures to improve the bus routes on existing roads, and acknowledge that the site or sites may not be within the Borough.

**RECOMMENDATION**

5.50 In the light of my recommendation in paragraph 5.4, if Chapter 5 is retained in the form which I recommend, delete paragraph 5.41 and replace it with:

- 
- i. a statement of the Plan's strategy towards park and ride, clearly distinguished from the rest of the text;
  - ii. full reasoned justification;
  - iii. a recognition of the constraints on sites imposed by the AONB and the Green Belt and the provisions of the relevant policies;
  - iv. a recognition that the sites may not be within the Borough; and
  - v. a recognition of the limitations of route improvements.
- 5.51 Make no other modifications in response to these objections.
- 

#### **Paragraph 5.44 The Honeybourne Line**

Objection: FD 124.24 - Government Office for the South West

#### **PIC17**

#### **Issue**

5.52 The purpose of this paragraph.

#### **Inspector's Reasons**

- 5.53 In the light of my recommendation in paragraph 5.4 this paragraph should only be retained as the reasoned justification for a strategy, objective or policy in the Plan. This objection, however, points to potential duplication with text which should be the reasoned justification for policy PR 3(d) in Chapter 6, which reinforces my concern about the form and purpose of Chapter 5. I have recommended accordingly.
- 5.54 If the text is retained in some form, I support PIC17 and its replacement of "rapid" with "public" transport on the Honeybourne Line.

#### **RECOMMENDATION**

- 5.55 Note my recommendation in paragraph 5.4 and only retain the text as the reasoned justification for a strategy, objective or policy, but in that context modify the Plan in accordance with PIC17.
- 

#### **Paragraph 5.44 The Honeybourne Line**

Objection: FD 33.2 - Stratford Rail Transport Group

#### **Issues**

- 5.56 Whether the Honeybourne Line should be protected for use by heavy rail passenger and freight services.

#### **Inspector's Reasons**

- 5.57 Paragraph 5.22 of PPG12 says that, in safeguarding land, local authorities should be realistic about the prospects for the start of the project within the plan period. At the inquiry I heard of the benefits which it was argued that heavy rail use could bring, and of the Council's concerns about the effect of such use on the way in which the Honeybourne Line is used at present. However, I heard nothing to persuade me that heavy rail use was at all likely in the Plan period to 2011, and for this reason I do not support this objection. Indeed, whilst there may be support in some quarters, I am not convinced that there is a proposal to reintroduce heavy rail services.
- 5.58 I note the Strategic Rail Authority's support for the reinstatement of the Stratford to Cheltenham line in 2002, and what the Authority argues is the more realistic advice in paragraph 45 of PPG13 which recognises the long time-scale for the implementation of railway schemes. To

---

my mind, however, this does not outweigh the clear advice in paragraphs 5.22 and 5.23 of PPG12.

- 5.59 I do not accept the objectors' argument that the Plan period should be extended to 2016, since this Plan has been prepared in the light of the adopted Structure Plan, not the Third Alteration. I note the proposed modification to policy SC13 of the Third Alteration which refers to the Honeybourne Line. However, paragraph 4.2.49 of that Plan refers to a range of possible uses in addition to original uses and it does not, in my view, limit the future use of the Line to heavy rail. I have seen the 1997 Cheltenham Rail Study referred to at the inquiry, but it contains nothing to alter my recommendation.

#### **RECOMMENDATION**

- 5.60 Do not modify the Plan in response to this objection.
- 

#### **Paragraph 5.51 Locational policies**

Objection: FD 101.3 - Network Rail

##### **Issue**

- 5.61 The need to identify the value of the land around railway stations for potential growth because of its accessibility to public transport.

##### **Inspector's Reasons**

- 5.62 To my mind this objection has been overcome by the addition of paragraph 6.40 and policy PR 2(f) to the Revised Deposit Draft.

#### **RECOMMENDATION**

- 5.63 Do not modify the Plan in response to this objection.
- 

#### **Paragraph 5.57 Travel plans**

Objection: SD 172.2 - Cheltenham and Tewkesbury Primary Care Trust

##### **Issue**

- 5.64 The need for travel plans for health care facilities.

##### **Inspector's Reasons**

- 5.65 In the light of my recommendation on paragraph 5.4 this paragraph should only be retained as the reasoned justification for the Plan's strategy, objectives or policies. However, I agree with the Council that it is not necessary to list all the specific uses where a travel plan might be required: it is enough to refer to uses which generate significant amounts of travel.

#### **RECOMMENDATION**

- 5.66 Note my recommendation in paragraph 5.4, but do not modify the Plan in response to this objection.
- 

#### **Paragraph 5.63 Planning obligations**

Objection: SD 46.21 - Prestbury Parish Council

##### **PIC18**

**Issue**

5.67 The role and purpose of paragraphs 5.62-5.64.

**Inspector's Reasons**

5.68 Whilst this objection may be overcome by the cross-reference in PIC18 to the matters which may be the subject of planning obligations in Table 6, it leaves me wholly unconvinced of the need for these paragraphs in a chapter dealing with the Plan's strategy as I envisage it in my recommendation in paragraph 5.4. It seems to me to be duplicating a matter of procedure rather than setting out strategy.

**RECOMMENDATION**

5.69 Delete paragraphs 5.62-5.64, and rely on later parts of the Plan.

5.70 Do not modify the Plan in accordance with PIC18.

---

**Paragraph 5.09 Objectives** (Deleted from the Revised Deposit Draft)

Objection: FD 119.5 - Cheltenham Cycle Campaign

**Issue**

5.71 The definitions used in the paragraph.

**Inspector's Reasons**

5.72 This paragraph has been deleted from the Initial Deposit and it is therefore no longer before me. Moreover, I have recommended a different form of this chapter, which would identify the Plan's own strategy rather than summarise the strategies of other documents.

**RECOMMENDATION**

5.73 Do not modify the Plan in response to this objection.



## 6 CORE POLICIES AND PROPOSALS

### **General**

Objection: SD 127.6 - Corporate Property Services Gloucestershire County Council

### **Issue**

6.1 The need to allocate additional housing land.

### **Inspector's Reasons**

6.2 I deal with this objection in Chapter 13 when considering objections SD 127.7 and others.

### **RECOMMENDATION**

6.3 Note my recommendation in Chapter 13.

---

### **General**

Objection: FD 115.2 - Gloucester City Council

Objection: FD 106.4 - Bovis Homes (South West) Ltd.

### **Issue**

6.4 The need to allocate additional employment land.

### **Inspector's Reasons**

6.5 I deal with this issue in Chapter 12 when considering objections FD 106.2 and others.

### **RECOMMENDATION**

6.6 Note my recommendation in Chapter 12.

---

### **General**

Objection: FD 106.5 - Bovis Homes (South West) Ltd.

### **Issue**

6.7 The need to allocate a site for park and ride at Leckhampton.

### **Inspector's Reasons**

6.8 I deal with this issue in Chapter 10 when dealing with objection FD 106.6 and others.

### **RECOMMENDATION**

6.9 Note my recommendation in Chapter 10.

---

### **General**

Objection: FD 66.3 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issue**

6.10 The need to include commitments in the Plan.

**Inspector's Reasons**

6.11 The objectors argue that policies in the Plan should reflect the planning permission for housing and mixed uses on the former brewery site and adjoining land in St Margaret's Road since the principle of development has been established. To an extent this objection could be seen as academic now that work has started on the site. However, it raises an issue of principle: the extent to which the Plan should identify sites for development, or rely on the application of general policies when sites come forward.

6.12 The approach requires a balance to be made and, as the Council points out in its response, PPG12 warns against too many site specific policies. It is also important to bear in mind that policies in the Plan should set out the Council's proposals and not simply reflect past planning permissions. I have no doubt, however, that this site is of a size and importance to the town centre that the Council's proposals for it should be set out in the Plan: not simply as a reflection of a commitment, but to ensure that those principles of development are made clear if the present scheme is not implemented. I do not agree with the Council that this is a matter which can be left to plan monitor and manage.

6.13 I have seen no evidence to suggest what those principles are, but the potential for mixed uses suggests inclusion in policy PR 2.

**RECOMMENDATION**

6.14 Add this site to policy PR 2 to set out the principle of mixed-use development.

---

**General**

Objection: SD 55.23 - South West Regional Development Agency

**Issue**

6.15 The need for a reference to sustainable construction.

**Inspector's Reasons**

6.16 I agree with the Council that this reference is more appropriate in SPG, and I note the guidance which the Council has published.

**RECOMMENDATION**

6.17 Do not modify the Plan in response to this objection.

---

**General**

Objection: SD 59.7 - GCHQ

**Issue**

6.18 Whether the Plan makes enough provision for housing.

**Inspector's Reasons**

6.19 I deal with this issue in Chapter 13 when considering objection SD 127.7 and others.

**RECOMMENDATION**

6.20 Note my recommendation in Chapter 13.

---

**Paragraph 6.1 Core Policies**

Objection: SD 170.4 - Barwood Land and Westbury Homes (Holdings) Ltd

**Issue**

6.21 The need to recast this chapter in the light of the recommendations of the EiP Panel for the Third Review of the Structure Plan.

**Inspector's Reasons**

6.22 I have dealt with this issue in Chapter 12 when considering objection FD 96.2 and others to the amount of employment land which should be allocated. It is clearly beyond the scope of this inquiry to consider the Plan in the context of anything but the adopted Structure Plan, particularly bearing in mind that the Panel's recommendations have not been accepted by the County Council.

**RECOMMENDATION**

6.23 Do not modify the Plan in response to this objection.

---

**Policy CP 1 Sustainable Development**

Objection: SD 64.35 - Mr Pollock

**Issue**

6.24 The need to refer in greater detail to the protection of the special character of Cheltenham.

**Inspector's Reasons**

6.25 I acknowledge Mr Pollock's concerns for the importance of the Cheltenham (Central) Conservation Area, and I deal with other objections elsewhere in this report. However, I do not support this objection for two reasons.

6.26 First, I agree with the Council that at core policy level his concerns are dealt with in policy CP 3, and there is therefore no need for repetition. Second, the more detailed matters which he lists are properly dealt with elsewhere in the Plan, for example the built environment policies in Chapter 8.

**RECOMMENDATION**

6.27 Do not modify the Plan in response to this objection.

---

**Policy CP 1 Sustainable Development**

Objection: SD 124.107 - Government Office for the South West

**PIC19 & 20****Issue**

6.28 The need for greater clarity in the Notes.

**Inspector's Reasons**

6.29 This objection is overcome by PICs 19 & 20 which I support.

**RECOMMENDATION**

6.30 Modify the Plan in accordance with PICs 19 & 20.

---

**Policy CP 1 Sustainable Development**

Objection: SD 28.11 - Swindon Parish Council

**Issue**

6.31 The need to retain criterion (a) of the policy with its important reference to avoiding environmental harm.

**Inspector's Reasons**

6.32 I agree with the Council that this criterion is properly dealt with in more detail in policy CP 4. I therefore do not support this objection.

**RECOMMENDATION**

6.33 Do not modify the Plan in response to this objection.

---

**Policy CP 1 Sustainable Development**

Objection: SD 106.11 - Bovis Homes (South West) Ltd.

**Issue**

6.34 The need for the policy to be flexible enough to allow greenfield urban extensions to be brought forward if they are shown to be necessary by monitoring.

**Inspector's Reasons**

6.35 I have dealt with this issue in Chapter 13 when considering objection SD 127.7 and others, and my recommendation reflects my findings there.

**RECOMMENDATION**

6.36 Do not modify the Plan in response to this objection.

---

**Policy CP 1 Sustainable Development**

Objection: SD 55.22 - South West Regional Development Agency

**Issue**

6.37 The need for a criterion to ensure high and stable levels of economic growth and employment.

**Inspector's Reasons**

6.38 The words for this issue are taken from a heading in Table 3, *Principles of Sustainable Development* yet, as the objectors point out, they are not reflected in the core policies. This raises in my mind a similar point that the provision of housing to meet the needs of all households is in the table but is not directly reflected in the core policies either.

6.39 Both are also objectives, however, – O19 for the economy and O22 for housing – and to my mind that is the way they should be included in the Plan: objectives to be implemented through policies. In Chapter 4, when dealing with objections to Table 1, I recommend a more structured approach to the statement of the Plan's strategy, objectives and policies, so that the links between them can be seen.

6.40 In Chapter 4, too, when dealing with objection SD 28.28 I recommend that consideration should be given to balancing possibly competing elements of the Plan's strategy: relevant to this objection, for example, meeting economic needs against protecting the Green Belt or AONB. I have had to make this balance in this report, when I recommended the allocation of additional employment land.

6.41 From the Plan as it is written now it is clear that objective O19 is to be implemented through policies PR2 and EM 66, and objective O22 through policies PR 1 and HS 73(A). I have considered other objections to these policies, but for this objection I support the Plan's approach.

### **RECOMMENDATION**

6.42 Do not modify the Plan in response to this objection.

### **Policy CP 2 Sequential approach to the location of development**

Objection: SD 170.5 - Barwood Land and Westbury Homes (Holdings) Ltd

#### **Issue**

6.43 The need for greater flexibility to recognise the sustainability of locations other than the town centre.

#### **Inspector's Reasons**

6.44 I can find no support in Government guidance for this approach and, as a result, I do not support this objection. PPGs 6 and 13 set out sequential tests with clear priorities for locations which should be reflected in development plan policies. There may be arguments about the sustainability of other locations – on the grounds of access to transport, for example – but they must be made on a site-by-site basis. The possible existence of such arguments does not justify a policy departure from the guidance in the PPGs.

### **RECOMMENDATION**

6.45 Do not modify the Plan in response to this objection.

### **Policy CP 2 Sequential approach to the location of development**

Objection: SD 64.36 - Mr Pollock

#### **Issue**

6.46 Whether it is appropriate to apply the sequential test for shops to all uses which attract a significant number of trips.

#### **Inspector's Reasons**

6.47 I agree with Mr Pollock that there should be a distinction between the sequential test for shops and the test for other uses which generate a significant number of trips. There are, it seems to me, slight but important differences in the guidance for shops in PPG6 and for the more widely defined "major generators of travel demand" in PPG13.

6.48 PPG6 sets out the sequential test in paragraph 1.11: town centre, edge-of-centre, district and local centres and only then out-of-centre sites accessible by a choice of means of transport. To my mind, this sequence for shops can be readily applied to the Borough through policy CP 2 in its present form but by applying it only to shops.

6.49 I am not convinced, however, that this is so for the advice in PPG13. Criterion (a) of policy CP 2 does not, to my mind, meet the advice in paragraph 6 of PPG13 in two ways. First, it includes "neighbourhood centres" which are not in this PPG. Second, I am not convinced that the district centres in Cheltenham are large enough to be considered as the district centres in the list set out in the first bullet point of paragraph 6 of PPG13, alongside city and town centres.

6.50 Whilst these smaller centres may well be a good location for shops, as defined in this Plan they do not, in my view, make convincing locations for the wide range of other uses set out in Note 1 of the policy. I accept that paragraph 1.15 of PPG6 applies its sequential approach to all key

town centre uses which attract a lot of people, but even here the sequence for major uses does not include local centres.

- 6.51 I have no doubt that policy CP 2 reflects the principles of Government guidance but no doubt, either, that the Plan must reflect the important differences which I have discussed. I have recommended accordingly.

### RECOMMENDATION

- 6.52 Delete policy CP 2 and replace it with a policy or policies which make clear the distinction between the sequential tests set out in PPGs 6 and 13.
- 6.53 Modify paragraph 6.7 of the Plan to make clear the distinction between the sequential test for shopping in PPG6, and that for major generators of travel demand in PPG13 to provide reasoned justification for the modified policy or policies.

---

### Policy CP 2 Sequential approach to the location of development

Objection: SD 86.9 - Gloucestershire Constabulary

#### Issue

- 6.54 The need for greater flexibility to allow for operational requirements of emergency services.

#### Inspector's Reasons

- 6.55 As the Council says in its response to this objection, flexibility in the planning system exists because, whilst applications must be determined in accordance with the development plan, statute makes it clear that material considerations can be taken into account. There is therefore no need to refer to this in policy.

### RECOMMENDATION

- 6.56 Do not modify the Plan in response to this objection.

---

### Policy CP 2 Sequential approach to the location of development

Objection: SD 106.12 - Bovis Homes (South West) Ltd.

#### Issue

- 6.57 The need to reflect the sequential approach to housing set out in PPG3.

#### Inspector's Reasons

- 6.58 I agree with the Council that this is not the policy to set out the approach to the location of housing since it is aiming at uses to which PPGs 6 and 13 refer. The sustainable location of housing in accordance with PPG3 would be achieved through policy CP 1(b) and the priority it gives to the use of previously developed land; by policy CP 4(b) and its emphasis on levels of traffic; and by policy CP 5(a) and the need to minimise travel.

### RECOMMENDATION

- 6.59 Do not modify the Plan in response to this objection.

---

### Table 3 Principles of Sustainable Development

Objection: SD 28.12 - Swindon Parish Council

Objection: SD 28.37 - Swindon Parish Council

**PIC24**

**Issue**

6.60 The need for greater detail under the heading “Effective protection of the environment”.

**Inspector's Reasons**

6.61 I agree with the Council that the matters which the Parish Council proposes to add here in the first objection are covered by Tables 4 and 5. I therefore do not support this objection.

6.62 The Parish Council’s second objection is overcome by PIC24 which I support.

**RECOMMENDATION**

6.63 Modify the Plan in accordance with PIC24, but make no other modifications in response to these objections.

---

**Paragraph 6.9 Sustainable Environment**

Objection: SD 124.121 - Government Office for the South West

**PIC25**

**Issue**

6.64 The need for greater clarity by referring to the control of negative impacts of development.

**Inspector's Reasons**

6.65 This objection is overcome by PIC25 which I support.

**RECOMMENDATION**

6.66 Modify the Plan in accordance with PIC25.

---

**Policy CP 3 Sustainable Environment**

Objection: SD 124.108 - Government Office for the South West

**Issue**

6.67 The need for the policy.

**Inspector's Reasons**

6.68 The Government Office argues that this policy replicates the provisions of other policies in the Plan and that, since it also reads like a strategy, it should be deleted. I am not convinced that policy CP 3 replicates other provisions: the notes to the policy certainly refer to other policies in the Plan but they, rightly in my view, set out in detail how the provisions of policy CP 3 will be implemented. To that extent I do not support this objection.

6.69 I am concerned, however, that all the core policies should have a distinct role in the Plan in the light of my recommendation that Chapters 4 and 5 should set out the Plan’s strategy in a more focused way and distinguished from the rest of the text. In doing so it will be necessary to maintain a clear view of the difference between such strategy statements and core policies.

**RECOMMENDATION**

6.70 Do not modify the Plan in response to this objection, but ensure that a distinct role for the core policies is retained, if Chapter 4 and 5 are recast as I have recommended earlier in this report.

---

**Policy CP 3 Sustainable Environment**

Objection: SD 54.17 - Cotswolds AONB Partnership

**PIC22****Issue**

6.71 The need for a reference to the Cotswolds AONB Management Plan.

**Inspector's Reasons**

6.72 This objection is overcome in PIC22 by the addition of this reference to Notes 1 and 2.

**RECOMMENDATION**

6.73 Modify the Plan in accordance with PIC22.

---

**Policy CP 3 Sustainable Environment**

Objection: SD 106.13 - Bovis Homes (South West) Ltd.

**Issue**

6.74 The need to include mitigation measures in the policy to allow for greenfield development.

**Inspector's Reasons**

6.75 I do not support this objection since, as I have made clear in paragraph 6.40, the application of this policy and the principles of sustainable development will require a balance to be made: the effectiveness of mitigation measures may well be part of that balance, but I see no need for that to be reflected in the policy.

6.76 In Chapter 10 when considering objections to policy CO 45 I have recommended modifications to this policy, but they have no bearing on this objection.

**RECOMMENDATION**

6.77 Do not modify the Plan in response to this objection.

---

**Policy CP 4 Safe and Sustainable Living**

Objection: SD 124.109 - Government Office for the South West

**Issue**

6.78 The need for both criteria (c) and (d) dealing with crime.

**Inspector's Reasons**

6.79 I agree with the Council that these criteria deal with different aspects of crime prevention – detailed provision and overall layout – and that both are needed.

**RECOMMENDATION**

6.80 Do not modify the Plan in response to this objection.

---

**Policy CP 5 Sustainable Transport**

Objection: SD 124.110 - Government Office for the South West



**Issue**

6.81 Whether the accessibility criteria referred to in Note 1 should be set out in the policy.

**Inspector's Reasons**

6.82 I support the Council's approach in CP 5: the policy in criterion (b) requires adequate accessibility, whilst detailed measures of what it might comprise are set out elsewhere. I therefore do not support this objection.

**RECOMMENDATION**

6.83 Do not modify the Plan in response to this objection.

---

**Policy CP 5 Sustainable Transport**

Objection: SD 106.14 - Bovis Homes (South West) Ltd.

**Issue**

6.84 Whether the provision of park and ride sites should rely on general criteria based policies.

**Inspector's Reasons**

6.85 It is clear from what I heard at the inquiry that the detailed environmental studies necessary to identify park and ride sites are not far enough advanced to enable more sites to be identified in the Plan. It is also clear that any sites which are identified will not necessarily be within the Borough. In the circumstances, I support the use of the general criteria based policies in the Plan.

**RECOMMENDATION**

6.86 Do not modify the Plan in response to this objection.

---

**Policy CP 5 Sustainable Transport**

Objection: SD 28.13 - Swindon Parish Council

**Issue**

6.87 Whether the words "minimise the need to travel" imply that people must live or work locally.

**Inspector's Reasons**

6.88 I do not support this objection. As the Council argues, the need to minimise travel is a central part of Government policy in seeking to achieve sustainable development. People clearly have the right to live and work where they wish, and planning control cannot and does not try to alter that. However, reflecting the Government's approach, this policy seeks to offer a greater choice for people, if they wish to take it, to live and work without the need to travel.

**RECOMMENDATION**

6.89 Do not modify the Plan in response to this objection.

---

**Table 4 Principles of Urban Design** (Initial Deposit)

**Table 5 Principles of Urban Design** (Revised Deposit Draft)

Objection: FD 119.20 - Cheltenham Cycle Campaign

**Issue**

6.90 The need to improve accessibility by cycling.

**Inspector's Reasons**

6.91 This objection is overcome by the addition of cycling under "ease of movement" in Table 5 in the Revised Deposit Draft.

**RECOMMENDATION**

6.92 Do not modify the Plan in response to this objection.

---

**Paragraph 6.21 Provision of necessary infrastructure and facilities**

Objection: SD 28.14 - Swindon Parish Council

**Issue**

6.93 The need to justify the statement in this paragraph that planning permission will "usually not be granted" if infrastructure provision is not made.

**Inspector's Reasons**

6.94 I support the objection because the use of the word "usually" in the last sentence of this paragraph is a qualification of the provisions of policy CP 8 which says that permission will only be granted where adequate provision is made. Whether it is set out in this paragraph or the notes to the policy is a matter for the Council but, since the text is the reasoned justification for the policy, I have no doubt that the Plan will lack the clarity required by PPG12 if this important qualification of the policy is not made.

**RECOMMENDATION**

6.95 Add to the text an explanation and justification of the circumstances in which planning permission may not be refused in accordance with policy CP 8.

---

**Paragraph 6.31 Planning Obligations**

Objection: SD 124.111 - Government Office for the South West

**PIC29****Issue**

6.96 The need to delete the reference to paragraph 1.15.

**Inspector's Reasons**

6.97 This objection is overcome by PIC29 which corrects this cross-reference.

**RECOMMENDATION**

6.98 Modify the Plan in accordance with PIC29.

---

**Table 6 Matters which may be the subject of planning obligations**

Objection: SD 86.6 - Gloucestershire Constabulary

**PIC27**

**Issue**

6.99 Whether the inclusion of maintenance of open space would accord with the advice in Circular 1/97 *Planning Obligations*.

**Inspector's Reasons**

6.100 Paragraph B14 of Circular 1/97 gives clear guidance on the way obligations should deal with maintenance payments, and the reference in the Table does not conflict with that advice. If, in practice, the Council seeks to go beyond that approach on any particular site that would be a matter between the applicant and the Council: it is not a matter for me in dealing with objections to the Plan.

6.101 I support PIC27 for the clarity it brings to the Table.

**RECOMMENDATION**

6.102 Modify the Plan in accordance with PIC27, but do not modify the Plan in response to this objection.

**Table 6 Matters which may be the subject of planning obligations**

Objection: SD 172.3 - Cheltenham and Tewkesbury Primary Care Trust

**Issue**

6.103 The need for a reference to health and social care related facilities.

**Inspector's Reasons**

6.104 This need is made clear in the SPG *Planning Obligations* and I see no reason to repeat the material in the Plan.

**RECOMMENDATION**

6.105 Do not modify the Plan in response to this objection.

**Table 6 Matters which may be the subject of planning obligations**

Objection: SD 124.112 - Government Office for the South West

**PIC2****PIC28****Issue**

6.106 The need to add clarity by referring to the SPG by title.

**Inspector's Reasons**

6.107 I agree with the Council that it is enough to list SPG in one place – paragraph 1.22 – and that PICs 2 and 28 will make this clearer. However, it seems to me that the matter would be clearer still if the listing in paragraph 1.22 was in the form of titles, rather than subjects.

**RECOMMENDATION**

6.108 Modify the Plan in accordance with PICs 2 and 28, and set out the list of SPG in paragraph 1.22 so that the titles are given not simply the subjects.

**Paragraph 6.32 Development Proposals**

Objection: FD 124.28 - Government Office for the South West

**Issue**

6.109 The need to refer to all proposals, not only the “Council’s” proposals and to refer to a review of unimplemented planning permission when applications are made for renewal.

**Inspector's Reasons**

6.110 Both these matters have been overcome to my mind by changes in the Revised Deposit Draft.

**RECOMMENDATION**

6.111 Do not modify the Plan in response to this objection.

---

**Paragraph 6.33 - 6.34 Housing**

Objection: FD 106.2 - Bovis Homes (South West) Ltd.

Objection: SD 90.25 - House Builders Federation

Objection: FD 124.29 - Government Office for the South West

**Issue**

6.112 Whether the Plan makes enough provision for housing.

**Inspector's Reasons**

6.113 I deal with this general issue in Chapter 13, and the specific objection to the omission of land at Leckhampton in Chapter 10 when considering objection FD 106.6 and others.

**RECOMMENDATION**

6.114 Note my recommendations in Chapter 10 and 13.

---

**Policy PR 1 Land allocated for housing development**

Objection: FD 64.12 - Mr Pollock

**Issue**

6.115 Whether housing should be restricted on available development sites in the Core Commercial Area.

**Inspector's Reasons**

6.116 As an example of his concerns Mr Pollock cites land at Portland Street identified in the Initial Deposit as a site for an estimated 80 housing units. In the Revised Deposit Draft this land has been moved to policy PR 2 as a site for mixed-use, to include magistrates court and open space. I note, however, that the site is larger, so that the principle of Mr Pollock’s argument remains (core documents CBC 007 Plan 2 and CBC 013 Plan 3).

6.117 Mr Pollock’s argument is that sites within the core commercial area should be reserved long-term for employment, retail and leisure uses to protect the outer residential ring of the Cheltenham (Central) Conservation Area. Such an approach would reflect the advice in PPG13 about the need to locate uses which generate significant traffic in areas of good transport choice.

6.118 On the other hand, one of the reasons given in paragraph 49 of PPG3 for promoting mixed use development, including housing, is to “bring new life into our towns and cities”, and Councils

are urged to increase housing opportunities in town centres by identifying sites. In the case of these sites I support this approach given their location on the edge of the Core Commercial Area and separated from the more central part by St Margaret's Road.

**RECOMMENDATION**

6.119 Do not modify the Plan in response to this objection.

---

**Policy PR 1 Land allocated for housing development**

Objection: FD 92.10 - Haulfryn Group Ltd

Objection: FD 41.5 - Robert Hitchins Ltd.

Objection: FD 113.2 - Tungum Hydraulics

Objection: FD 127.3 - Corporate Property Services Gloucestershire County Council

**Issue**

6.120 Whether the Plan allocates enough housing land.

**Inspector's Reasons**

6.121 I have dealt with this issue in Chapter 13, and elsewhere in this report with the sites which these objectors have promoted through other objections.

**RECOMMENDATION**

6.122 See my recommendations in Chapter 13 and elsewhere.

---

**Policy PR 1 Land allocated for housing development**

Objection: FD 65.1 - J A Pye (Oxford)

**Issue**

6.123 The need to retain land at Portland Road as a car park and replace the housing allocation elsewhere in the Plan.

**Inspector's Reasons**

6.124 I have dealt with this issue in Chapter 13 when considering objection SD 127.7 and others. My recommendation here reflects those findings.

**RECOMMENDATION**

6.125 Do not modify the Plan in response to this objection.

---

**Policy PR 1 Land allocated for housing development**

Objection: SD 41.11 - Robert Hitchins Ltd.

Objection: SD 41.10 - Robert Hitchins Ltd.

**Issue**

6.126 Whether the allocation of allotments at Welch Road will lead to its development for housing.

**Inspector's Reasons**

6.127 I have dealt with this issue in Chapter 13 when considering objection SD 127.7 and others. My recommendation here reflects those findings.

**RECOMMENDATION**

6.128 Do not modify the Plan in response to these objections.

---

**Policy PR 1 Land allocated for housing development**

Objection: FD 86.1 - Gloucestershire Constabulary

Objection: SD 86.13 - Gloucestershire Constabulary

**Issue**

6.129 The need to allocation the constabulary HQ site for housing.

**Inspector's Reasons**

6.130 There is no dispute that this site should be developed for housing, the only question is how the Plan should deal with it: by allocation or, as the Council argues, by identifying it in the Urban Capacity Study and including it as a windfall in Table 11 of the Plan (core document CBC 019, Plan 4.) I have dealt fully with the approach which the Plan should take in Chapter 13 when considering objections SD 127.7, and my recommendation here reflects those findings.

**RECOMMENDATION**

6.131 Allocate the site shown on Plan 4 in CBC 019 for residential purposes in accordance with my recommendation in Chapter 13.

---

**Omission site: Tungum Hydraulics, Kingsmead Road****Policy PR 1 Land allocated for housing development**

Objection: FD 113.1 - Tungum Hydraulics

**Issue**

6.132 The allocation of this site for housing.

**Inspector's Reasons**

6.133 I have dealt with the broad issues of housing land in Chapter 13. I have also recommended modifications to policy EM 67 in Chapter 12, partly in recognition of the arguments made by these objectors about the difficulties which that policy has created for firms seeking to move to new premises within the Borough. The argument here is that the site should, in any case, be allocated for housing to provide 30-40 units in a sustainable location and to remove a non-conforming industrial use from a residential area.

6.134 There is support for the reallocation of employment land to housing in PPG3, paragraphs 42 and 42(a). However, given the limited land availability in Cheltenham, and the constraints on identifying new sites, I can understand why the Council did not take this approach, at least as part of the Plan's strategy. It is partly for that reason that, in Chapter 12 when dealing with objection FD 52.1, I have not accepted that an employment site in Prestbury Road should be allocated for housing.

6.135 In that case I saw a potential for continued employment use, or mixed use development in the light of my recommended new policy. Here, however, I see little benefit in policy terms of continuing employment use on this site for three reasons. First, the site is small and its potential severely constrained by the presence of a listed building. Second, employment use

does not provide a fitting setting for that building now, and conflict always seems likely. Third, employment use is likely to continue to be at odds with the site's residential surroundings.

- 6.136 Since this is a site specific objection, and I saw the site and the work which the objectors do, it would be easy for me to make a recommendation for action which should be better taken at application stage. For the reasons I have given, however, I have no doubt that allocation of this site for housing is a proper policy matter and I have recommended accordingly. I have recommended that the site should be shown for development after 2007 to allow time for the firm to move, but the Council can consider this in the light of any up-to-date information of the objectors' intentions. Given its limited size, I have not recommended a site-specific policy.

### **RECOMMENDATION**

- 6.137 Delete the employment land notation from this site on the Proposals Map.
- 6.138 Allocate the site for housing, for up to 40 units after 2007, subject to any up-to-date information from the objectors before the Plan is adopted.
- 6.139 Modify the Proposals Map, policy PR 1 and Table 7 accordingly.

---

### **Omission Site: Land at Arle Avenue**

#### **Policy PR 1 Land allocated for housing development**

Objection: FD 77.1 - SecondSite Property Holdings Ltd.

#### **Policy PR 2 Land Allocated for Mixed Use Development**

Objection: FD 77.2 - SecondSite Property Holdings Ltd.

### **Issue**

- 6.140 The way the Plan should deal with this site.

### **Inspector's Reasons**

- 6.141 The first concern raised by these objections is that, whilst the Council has adopted SPG to deal with the site, there is no specific policy for it to supplement. This is clearly contrary to the advice in paragraph 3.15 of PPG12 and means that the Plan gives no clear guidance on what the Council wishes to achieve on this large and prominent site.
- 6.142 From what I have read of the objections and the SPG, and from my visits to the site, I have no doubt that a site specific policy is needed, not just to meet the guidance in the PPG, but because of the wide range of issues which must be resolved before development can take place. It is not enough to rely on a range of policies, HS 73A for example, which would allow housing on previously developed land, when dealing with a site of this complexity.
- 6.143 In its response to the objections the Council deals with this site in the context of the general housing and employment policies in the Plan. Clearly these policies cannot be ignored. To my mind, however, it would be more helpful – and more likely to lead to development – if the uses for the site were considered within the context of the site itself and the matters needed to secure development. For example, there are clearly many financial constraints, some from within the site such as contamination, some imposed from outside such as reserving the line for a road as required by policy PR 3. Realistically, therefore, residential value will need to be achieved from part of the scheme at least if development is to happen. At the same time, a shortage of employment land suggests protecting as much as possible.
- 6.144 Much of this is recognised in the SPG, which says that employment uses are most suitable, whilst an element of residential "would be desirable" (core document CBC 062, Section 4.2). I agree with this approach, and do not accept the first objection which seeks the allocation of the site wholly for housing. This, it seems to me, does not take enough account either of the need to replace some employment land, or of the environment of the immediate surroundings, and its impact on the suitability of the whole area to accommodate housing.

- 6.145 On the other hand, the second objection, seeking a mixed use allocation, seems to me to be wholly in accord with the SPG, and the only difference between the objectors and the Council is whether this should be set out in the Plan. I have no doubt that it should be, for the reasons I have already given.
- 6.146 The SPG, however, also discusses a range of other uses. Whilst the SPG is not before me, to my mind the policy should be firmer and state clearly the uses which are sought. It should also be firmer in stating other requirements: for example, a reference to the possible need to provide a school playing field referred to in paragraph 4.2.4 of the SPG is too vague, and must be clearer to help the development of the site. There should also be policy backing for the Chelt Walk.

### RECOMMENDATION

- 6.147 Allocate for mixed use development the site shown on Plan 1 on core document CBC 062.
- 6.148 To provide a policy basis for the SPG, add a policy to support that allocation which:
- i. restricts the primary uses to employment and residential; and
  - ii. sets out clearly any other requirements including the any requirement arising for the Chelt Walk.
- 6.149 Ensure that there is full reasoned justification for the policy, including a reference to SPG.
- 6.150 Make no other modifications in response to these objections.

---

#### Omission Site: Land at Old Gloucester Road

#### Policy PR 1 Land allocated for housing development

Objection: FD 126.4 - Finch Developments

#### Issue

6.151 The allocation of this land for housing.

#### Inspector's Reasons

- 6.152 In Chapter 13 I have found no need to allocate additional sites in this Plan. I therefore do not support this objection.
- 6.153 I have, however, also recommended that a housing allocations development plan document should be prepared and adopted quickly. This work will require, among other things, comparative studies of potential housing sites within a context which includes a review of the Green Belt, and to a timescale beyond that of this Plan.
- 6.154 Within the context of this Plan, I found on my visits that the open, agricultural character and appearance of this site fully accorded with its surroundings to the south and west, and that built development would be seen as an urban intrusion into Cheltenham's rural setting.
- 6.155 I have no doubt that this would be wholly contrary to policy CP 3. It would also harm the openness and visual amenity of the Green Belt, and be contrary to three reasons for including land within it set out in paragraph 1.5 of PPG2: checking unrestricted sprawl; preventing neighbouring towns from merging; and safeguarding the countryside from encroachment.

### RECOMMENDATION

- 6.156 Do not modify the Plan in response to this objection.

---

#### Omission Site: Land at Home Farm, Swindon

#### Policy PR 1 Land allocated for housing development



Objection: FD 32.2 – David Wilson Estates

### Issue

6.157 The allocation of this land for housing.

### Inspector's Reasons

6.158 In Chapter 13 I have found no need to allocate additional sites in this Plan. I therefore do not support this objection.

6.159 I have, however, also recommended that a housing allocations development plan document should be prepared and adopted quickly. This work will require, among other things, comparative studies of potential housing sites within a context which includes a review of the Green Belt, and to a timescale beyond that of this Plan.

6.160 Within the context of this Plan, I found on my visits to the area that the open agricultural character and appearance of this site fully accorded with its surroundings, and that built development would be seen as an urban intrusion into this part of Cheltenham's rural setting. I have no doubt that this would be wholly contrary to policy CP 3.

6.161 Development here would also harm the openness and visual amenity of the Green Belt, and be contrary to two of the reasons for including land within it set out in paragraph 1.5 of PPG2: checking unrestricted sprawl and safeguarding the countryside from encroachment.

6.162 Moreover, I fully share the Council's concern about the limited accessibility of the site because of its peripheral location, and its local access through narrow roads and lanes.

### RECOMMENDATION

6.163 Do not modify the Plan in response to this objection.

---

### Omission Site: Land at Starvehall Farm

#### Policy PR 1 Land allocated for housing development

Objection: FD 127.3 - Corporate Property Services Gloucestershire County Council

Objection: FD 107.1 - Mr Shailer

### Issue

6.164 Whether this site should be allocated for housing.

### Inspector's Reasons

6.165 In Chapter 13 I have found no need to allocate additional sites in this Plan. I therefore do not support the first objection in principle.

6.166 Mr Shailer seeks greater protection for the site. I acknowledge his concerns, but I did not find on my visits to the area that the land is part of the setting for Prestbury, nor part of an area which separates the village from Cheltenham. I agree, however, that it is a sensitive site. There are extensive and attractive open views from New Barn Lane to the scarp edge of the Cotswolds. In the other direction, any development on the significant slope of the land would be prominent.

6.167 As open land within the urban area, however, this site would be protected by policy GE 37 as I recommend in Chapter 9 that it should be modified. For its landscape value the site would also be protected by policy CO 44A, and this is the approach which I recommend in Chapter 10 should be applied to the open land at Leckhampton. To my mind this is enough to protect the site for the life-time of this Plan, and I can find no support in Government guidance for a site-specific landscape policy for the reasons I give in Chapter 10.

6.168 I have, however, also recommended in Chapter 13 that a housing allocations development plan document should be prepared and adopted quickly to meet Government guidance on the provision of a 10 years' supply of housing land. This work will require, among other things,

comparative studies of potential housing sites within a context which includes a review of the Green Belt, and to a timescale beyond that of this Plan. This work would also enable a comparison of the landscape importance of sites.

- 6.169 This is work for others, but from what I heard at the inquiry, I agree with the objectors that, 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. To my mind it would also be within the principal urban area which I have recommended in Chapter 13 should be defined for Cheltenham.
- 6.170 At the inquiry I also heard the Council's concerns about the accessibility of the site, the impact of additional traffic, and the implications for open space provision. However, nothing I heard convinced me that there is an objection on these grounds in principle to development on the site: rather, they are matters which could be overcome at application stage. I note, too, the possible highway link through the site to replace the line of the Tatchley Lane improvement.
- 6.171 My recommendation here, however, reflects my conclusion in Chapter 13 that there is no need to allocate additional land in this Plan, and my finding in paragraph 6.167 that policies in the Plan provide enough protection for the site.

### **RECOMMENDATION**

- 6.172 Do not modify the Plan in response to these objections.
- 

#### **Paragraph 6.03 (Initial Deposit)**

Objection: FD 68.6 - Green Park Land Co. Ltd.

#### **Paragraph 6.35 Employment land**

Objection: FD 95.47 - Gloucestershire County Council

Objection: FD 55.12 - South West Regional Development Agency

#### **Issue**

- 6.173 The need to allocate additional employment land.

#### **Inspector's Reasons**

- 6.174 I deal with this issue in Chapter 12.

### **RECOMMENDATION**

- 6.175 Note my recommendation in Chapter 12.
- 

#### **Omission Site: Land at Old Gloucester Road**

#### **Paragraph 6.35 Employment land**

Objection: FD 126.5 - Finch Developments

#### **Issue**

- 6.176 The allocation of this land for employment purposes.

#### **Inspector's Reasons**

- 6.177 In Chapter 10, I conclude that I cannot undertake a full review of the Green Belt boundary within the scope of this inquiry. Nevertheless, in Chapter 12 I recommend that additional employment land should be allocated, and that the needs which lead me to that conclusion

could amount to the exceptional circumstances required by paragraph 2.7 of PPG2 to justify alterations to the Green Belt boundary when local plans are reviewed.

6.178 Despite these conclusions I do not support this objection for the reasons I give in paragraphs 6.158-6.162. In addition, I have no doubt that the site is not well located for access by means other than the car, contrary to national and local policies aimed at achieving sustainable development.

### **RECOMMENDATION**

6.179 Do not modify the Plan in response to this objection.

---

### **Paragraph 6.37 Mixed use development**

Objection: SD 124.113 - Government Office for the South West

#### **PIC30**

#### **Issue**

6.180 The need for greater clarity in the last sentence.

#### **Inspector's Reasons**

6.181 This objection is overcome by PIC30 which I support.

### **RECOMMENDATION**

6.182 Modify the Plan in accordance with PIC30.

---

### **Paragraphs 6.39 and 6.42 Mixed use development**

Objection: SD 90.26 - House Builders Federation

#### **Issue**

6.183 The need for greater certainty that sites at Portland Street and Midwinter will be developed.

#### **Inspector's Reasons**

6.184 I deal with this issue in Chapter 13, and my recommendation here reflects those findings.

### **RECOMMENDATION**

6.185 Do not modify the Plan in response to this objection.

---

### **Policy PR 2 Land Allocated for Mixed Use Development**

Objection: FD 65.2 - J A Pye (Oxford)

#### **Issue**

6.186 The need to delete the allocation of land at St. Margaret's Road for housing and replace it elsewhere in the town.

#### **Inspector's Reasons**

6.187 I have dealt with this issue in Chapter 13 when considering objection SD 127.7 and others. My recommendation here reflects those findings.

---

**RECOMMENDATION**

6.188 Do not modify the Plan in response to this objection.

---

**Policy PR 2 Land Allocated for Mixed Use Development**

Objection: FD 75.1 - J S Bloor (Tewkesbury) Ltd.

**Issue**

6.189 The allocation of land at Winchcombe Street/Fairview Road for residential not mixed uses.

**Inspector's Reasons**

6.190 This objection has been overcome by changes in the Revised Deposit Draft following the granting of planning permission for residential use on the site.

**RECOMMENDATION**

6.191 Do not modify the Plan in response to this objection.

---

**Policy PR 2 Land Allocated for Mixed Use Development**

Objection: FD 113.3 - Tungum Hydraulics

**Issue**

6.192 The need to allocate additional employment sites.

**Inspector's Reasons**

6.193 I have dealt with this issue in Chapter 12.

**RECOMMENDATION**

6.194 Note my recommendations in Chapter 12.

---

**Policy PR 2 Land Allocated for Mixed Use Development**

Objection: SD 135.1 - Mr D Wilson

**Issue**

6.195 Whether affordable housing should be included in the mix of uses proposed for land at Midwinter.

**Inspector's Reasons**

6.196 From a land-use planning point of view I see no objection in principle to the location of affordable housing in this area.

**RECOMMENDATION**

6.197 Do not modify the Plan in response to this objection.

---

**Policy PR 2 Land Allocated for Mixed Use Development**

Objection: SD 124.114 - Government Office for the South West

**PIC31****Issue**

6.198 The need for consistency between the references to housing on the land at Midwinter in Table 7 and paragraph 6.41.

**Inspector's Reasons**

6.199 This objection is overcome by PIC31 which I support.

**RECOMMENDATION**

6.200 Modify the Plan in accordance with PIC31.

---

**Policy PR 3 Land safeguarded for transport schemes**

Objection: SD 95.79 - Gloucestershire County Council

**Issue**

6.201 The need to refer to the Northern Relief Road.

**Inspector's Reasons**

6.202 I agree with the Council's response that there is no need for a safeguarding policy for this road if the works referred to in paragraph 18.27 of the Plan have been completed, and the remaining land is in public ownership. However, paragraph 18.27 should be up-dated.

**RECOMMENDATION**

6.203 Do not modify the Plan in response to this objection, but modify paragraph 18.27 of the Plan to reflect the present position.

---

**Policy PR 3 Land safeguarded for transport schemes**

Objection: SD 127.9 - Corporate Property Services Gloucestershire County Council

**Issue**

6.204 The need to safeguard the Tatchley Lane Link if an alternative is available as part of the development of land at Starvehall Farm for housing.

**Inspector's Reasons**

6.205 I have not recommended the allocation for housing of land at Starvehall Farm. The agreed link should therefore continue to be safeguarded.

**RECOMMENDATION**

6.206 Do not modify the Plan in response to this objection.

---

**Policy PR 3 Land safeguarded for transport schemes**

Objection: FD 101.7 - Network Rail

Objection: FD 104.1 - Mr Morgan

Objection: FD 72.1 - Railfuture Midlands

**Issue**

6.207 The need to safeguard the Honeybourne Line for heavy rail services.

**Inspector's Reasons**

6.208 I have considered this issue in Chapter 5 when dealing with objection FD 33.2, and my recommendation here reflects those findings.

**RECOMMENDATION**

6.209 Do not modify the Plan in response to these objections.

---

**Policy PR 3 Land safeguarded for transport schemes**

Objection: FD 120.1 - Mr A Miller

Objection: FD 125.11 - LEGLAG

**Issue**

6.210 The need to safeguard the route of the North-Western Distributor Road.

**Inspector's Reasons**

6.211 A north-western distributor road is not included in either the adopted Structure Plan or the Local Transport Plan. In these circumstances its continued inclusion in this Plan would be wholly contrary to the advice in paragraph 5.22 of PPG12 which emphasises the need for realism about the start of a project within the Plan period if a line is to be safeguarded. Both objectors refer to the emerging Structure Plan Third Alteration, particularly the Panel's report and recommendations for additional housing and a review of the Green Belt, and the implications this may have for the need for this road. However, as I have concluded elsewhere in this report, that is a matter for a later plan, and on this issue I must follow the advice in PPG12.

**RECOMMENDATION**

6.212 Do not modify the Plan in response to these objections.

## 7 GENERAL POLICIES

### **General Policies** (Initial Deposit)

#### **Core Policies** (Revised Deposit Draft)

Objection: FD 51.1 - Tidy Cheltenham Group

#### **Issue**

7.1 The need for greater recognition in the Plan of the crimes of littering, fly-posting and graffiti.

#### **Inspector's Reasons**

7.2 The Group argued at the inquiry that these matters are an important part of the Plan's approach towards the environment and that this should be recognised in both core policies and specific policies.

7.3 I agree with the Group that the Council's general approach to these matters is vital in maintaining a clean and attractive town. However, I have no doubt that they are corporate matters for the Council to deal with through other policies, complementary to, but not part of, the Plan's land-use planning approach. This view lies behind my recommendation in Chapter 4 when considering the Group's objection FD 51.2.

#### **RECOMMENDATION**

7.4 Do not modify the Plan in response to this objection.

---

### **Paragraph 2.52 Planning obligations** (Initial Draft)

Objection: FD 109.3 - NHS Estates South

#### **Issue**

7.5 The need to seek contributions to health care provision through planning obligations.

#### **Inspector's Reasons**

7.6 This paragraph has been deleted from the Revised Deposit Draft. However, it is clear from SPG that the Council includes this provision through planning obligations (core document CBC 022, Section 3). I see no need for this level of detail in the Plan itself.

#### **RECOMMENDATION**

7.7 Do not modify the Plan in response to this objection.

---

### **Policy GP 1 Information to accompany planning applications** (Initial Draft)

Objection: FD 62.2 - Highways Agency

Objection: FD 89.1 - Gloucestershire Wildlife Trust

#### **Issue**

7.8 The need for a policy which sets out the information required for the submission of a planning application.

**Inspector's Reasons**

7.9 This policy has been deleted from the Revised Deposit Draft, rightly in my view, because it deals wholly with matters of procedure and not with the development and use of land. This form of policy is therefore contrary to the advice in PPG12, and I note that the Council has published SPG in its place (core document CBC 036).

**RECOMMENDATION**

7.10 Do not modify the Plan in response to these objections.

---

**Paragraph 2.11 Models and Computer Graphics** (Initial Draft)

Objection: FD 95.22 - Gloucestershire County Council

**Issue**

7.11 The need to refer to the *Saturn* transportation model.

**Inspector's Reasons**

7.12 This paragraph has been deleted and the Council has included this information, rightly in my view in, SPG (core document CBC 036).

**RECOMMENDATION**

7.13 Do not modify the Plan in response to this objection.

---

**Policy GP 2A Sustainable Development** (Initial Draft)

Objection: FD 55.14 - South West Regional Development Agency

**Issue**

7.14 The need for a criterion to ensure high and stable levels of economic growth and employment.

**Inspector's Reasons**

7.15 This policy has been deleted from the Revised Deposit Draft, but remains in a slightly different form as policy CP 1. I have dealt with this issue in Chapter 6 when considering objection SD 55.22.

**RECOMMENDATION**

7.16 See my recommendation in Chapter 6.

---

**Policy GP 2A Sustainable Development** (Initial Draft)

Objection: FD 90.1 - House Builders Federation

**Issue**

7.17 The need for flexibility in the policy to allow different site circumstances to be taken into account.

**Inspector's Reasons**

7.18 The HBF is concerned that wording of this policy, which has been used in its replacement policy CP 1, is not flexible enough. However, with the modification to deal with the need to



---

balance potentially conflicting principles which I recommend in Chapter 6, in my view this policy is acceptable as a statement of general principles.

**RECOMMENDATION**

7.19 Do not modify the Plan in response to this objection.

---

**Policy GP 3(A) Standards of design for development (Initial Draft)**

Objection: FD 90.2 - House Builders Federation

**Issue**

7.20 Whether the policy is too prescriptive.

**Inspector's Reasons**

7.21 This policy and this section of the Plan have been deleted. They have been replaced by policy CP 7 and related text which I do not find to be unacceptably prescriptive.

**RECOMMENDATION**

7.22 Do not modify the Plan in response to this objection.

---

**Paragraph 2.15 Design Approach (Initial Draft)**

Objection: FD 64.13 - Mr Pollock

**Issue**

7.23 Whether the Plan will lead to an intensification of development in the Cheltenham (Central) Conservation Area.

**Inspector's Reasons**

7.24 This paragraph has been deleted, and I have dealt with Mr Pollock's concerns about higher densities in Chapter 4 when considering objections FD 64.14 & 16.

**RECOMMENDATION**

7.25 Do not modify the Plan in response to this objection, but note my recommendation in Chapter 4.

---

**Council Action GP A2 (Initial Draft)**

Objection: SD 132.3 - Cheltenham Civic Society

**PIC23****Issue**

7.26 The need to make clear the bodies who will be consulted on design matters.

**Inspector's Reasons**

7.27 The Revised Deposit Draft does not contain any statements of "Council Action", and GP A2 has been replaced by PIC23 and the proposed additional note to policy CP 7, which I support.

**RECOMMENDATION**

7.28 Modify the Plan in accordance with PIC23.

---

**Policy GP 3(B) Impact of Development** (Initial Draft)

Objection: FD 100.4 - Mr & Mrs Dingle

Objection: FD 90.3 - House Builders Federation

**Issue**

7.29 The form and content of the policy and its notes.

**Inspector's Reasons**

7.30 This policy has been replaced in the Revised Deposit Draft by policy CP 4 *Safe and Sustainable Living*. The first objection has been overcome by additional notes which set out more detail in measuring privacy.

7.31 The HBF argue that the policy is too detailed and prescriptive and is therefore contrary to advice in PPG12. I agree that much of the material in the notes could be set out in SPG but that does not persuade me that the policy itself is unacceptable, nor that I should at this stage recommend the Council to replace the notes in this policy – and other policies for consistency – with SPG.

**RECOMMENDATION**

7.32 Do not modify the Plan in response to this objection.

---

**Policy GP 3 (C ) Security and Crime Prevention** (Initial Deposit)**Policy CP 4 Safe and Sustainable Living** (Revised Deposit Draft)

Objection: FD 66.4 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issue**

7.33 The form and content of the policy.

**Inspector's Reasons**

7.34 These objectors argue that criterion (a) of this policy is too vague and that criterion (b) is too negative. Although this policy has been deleted parts have been replaced by policy CP 4. Criterion (a) deals with security provision and becomes criterion (c). It now includes a reference to SPG which, to my mind, overcomes any objection about lack of detail.

7.35 Criterion (b) becomes criterion (d). It sets out criteria – such as the size, location or layout of proposals – which will be taken into account in considering matters of public safety. This seems to me to be wholly appropriate, and I do not accept the objectors' argument that the policy makes any assumptions about the effect of development: it simply sets out criteria.

7.36 In passing, there is a reference to "note 2" in criterion (d) which seems misplaced since it deals with daylight and sunlight.

**RECOMMENDATION**

7.37 Do not modify the Plan in response to this objection.

7.38 Delete "(note 2)" from policy CP 4(d).

**Policy GP 7 Advertisements and Signs** (Chapter 8, Revised Deposit Draft)

Objection: FD 54.8 - Cotswolds AONB Partnership

**Issue**

7.39 The need for a criterion in the policy to refer to the Cotswolds AONB.

**Inspector's Reasons**

7.40 I agree with the Council that the protection of the AONB can be assured through the existing criterion (a), and I note the reference to other policies in the note added to the policy in the Revised Deposit Draft.

**RECOMMENDATION**

7.41 Do not modify the Plan in response to this objection.

**Policy GP 7 Advertisements and Signs** (Chapter 8, Revised Deposit Draft)

Objection: FD 73.1 - Outdoor Advertising Association

**Issue**

7.42 Whether the policy's approach to signs above fascia level is appropriate.

**Inspector's Reasons**

7.43 This policy has been moved largely unchanged to Chapter 8 of the Revised Deposit Draft. It sets out as criteria the 2 grounds on which advertisement applications can be considered, and also says that "Signs above fascia level will not be permitted". As a principle I do not support this "blanket refusal" approach because, despite its appearance of strength and clarity, it does not add anything to the Plan and the Council's ability to control development.

7.44 This is because a decision to refuse permission must always be justified against criteria in a policy. Putting it at its most basic, permission cannot be refused simply because a policy says a particular form of development is unacceptable: there must always be a reason. Any decision to refuse advertisements above fascia level would, therefore, have to be justified by reference to the criteria in policy GP 7.

7.45 As a result, whilst I fully understand the Council's concerns about the effect of inappropriate advertising in Cheltenham, I see no purpose in this part of the policy and deleting it will not weaken the Council's position.

**RECOMMENDATION**

7.46 Delete from policy GP 7 "Signs above fascia level will not be permitted." and rely on the application of criteria (a) and (b) in determining all applications for advertisement consent.

**Paragraphs 2.50A - 2.52G Planning obligations** (Initial Draft)**Paragraphs 6.2 - 6.31 Planning obligations** (Revised Deposit Draft)

Objection: FD 85.5 - Sport England

**Issue**

7.47 The need to seek contributions for formal sport and informal recreation from a wider range of development.

**Inspector's Reasons**

7.48 I agree with the Council that the approach proposed in this objection would not meet the clear guidelines for contributions set out in Circular 1/97, in particular that they should be relevant to planning and directly related to the proposed development.

**RECOMMENDATION**

7.49 Do not modify the Plan in response to this objection.

---

**Policy GP7A Provision of necessary infrastructure and facilities.** (Initial Draft)

**Policy CP 8 Provision of necessary infrastructure and facilities** (Revised Deposit Draft)

Objection: FD 90.6 - House Builders Federation

Objection: FD 86.3 - Gloucestershire Constabulary

**Issue**

7.50 Whether the Plan's approach reflects the guidance in Circular 1/97.

**Inspector's Reasons**

7.51 This policy has become policy CP 8 of the Revised Deposit Draft with the addition of a reference to planning obligations in the body of the policy. Paragraph 6.25 of the Plan sets out the guidance in Circular 1/97 of the test to be applied when planning obligations are considered, and the Circular itself clearly recognises that the existence of development plan policies does not preclude negotiations. I also note the Council's SPG on the matter.

7.52 In these circumstances, I am satisfied that the Plan's approach fully reflects Government guidance and I do not support these objections.

**RECOMMENDATION**

7.53 Do not modify the Plan in response to these objections.

## 8 BUILT ENVIRONMENT

### Whole Chapter

Objection: SD 124.124 - Government Office for the South West

#### Issue

- 8.1 Whether the chapter should be reviewed to make it more concise and the text more focused as the reasoned justification for the policies.

#### Inspector's Reasons

- 8.2 In principle I agree with this objection. It seems to me that there is too much text which is not the reasoned justification for policies, or which is purely descriptive matter which could be set out elsewhere: for example, the description of the conservation areas or the text up to paragraph 8.15 which does not support a policy. Clearly, the built environment of Cheltenham is important. However, repetition and description do not help the Council control development, whereas concise policies with clear reasoned justification do. This more focused approach also makes the Plan clearer for all those who will use it.
- 8.3 I have not recommended any wide-ranging modifications here, however, because a similar objection has been made to other chapters, which could lead to a substantial and time-consuming rewriting of the Plan. Whilst such an approach would, I have no doubt, greatly improve the Plan, it does not go to the heart of the Plan's policies. As a result, and given the limited life which this Plan has as a result of recent legislation – and I heard at the inquiry that the Council wish to replace it with local development documents as soon as possible – I have not recommended any substantial re-writing, although I have recommended deletions where I consider it appropriate.

#### RECOMMENDATION

- 8.4 Do not modify the Plan in response to this objection.
- 

### Whole Chapter - 8.115

Objection: SD 120.2 - Mr Miller

#### Issue

- 8.5 The need to recognise the non-regency historic character of High Street.

#### Inspector's Reasons

- 8.6 As I have argued elsewhere, the text of the Plan should primarily be the reasoned justification for its policies. As a result, the level of detail which Mr Miller seeks is more appropriate in a conservation area statement. I note Mr Miller's concerns about the quality of schemes in High Street. However, this is a matter for the Council in implementing policy rather than the wording of the policy or the Plan.

#### RECOMMENDATION

- 8.7 Do not modify the Plan in response to this objection.
- 

### Whole Chapter

Objection: SD 125.25 - LEGLAG

**Issue**

8.8 The need for a conservation area for “Old Leckhampton”.

**Inspector's Reasons**

8.9 Paragraph 2.9 of PPG15 *Planning and the Historic Environment* makes it clear that the designation of conservation areas is separate from the local plan process since it arises from different legislation. There is, therefore, no need for a reference in the Plan beyond that in paragraph 8.9 since, if a new conservation area is designated, policies later in this chapter will apply whether it is named in the Plan or not. This is the approach envisaged in paragraph 4.15 of PPG15.

**RECOMMENDATION**

8.10 Do not modify the Plan in response to this objection.

**Paragraphs 8.7 - 8.8 Conservation Areas**

Objection: SD 125.28 - LEGLAG

**Issue**

8.11 The need to designate as a conservation area the unallocated land at Leckhampton which is the subject of policy CO 52.

**Inspector's Reasons**

8.12 The comments which I made on the process of designation in paragraph 8.9 apply here. I have dealt with the future of this land in Chapter 10 when considering objection FD 125.8 and others.

**RECOMMENDATION**

8.13 Do not modify the Plan in response to this objection, but note my recommendation in Chapter 10.

*Inspector's Note: Although objection FD 107.1 by Mr Shailer was to paragraph 8.9, I have dealt with it in Chapter 6 when considering objection FD 127.3 to the land at Starvehall Farm.*

**Policy BE 8 Development in Conservation Areas**

Objection: SD 64.37 - Mr Pollock

Objection: FD 90.7 - House Builders Federation

Objection: FD 118.6 - Zurich Financial Services

**Issue**

8.14 The purpose of the policy.

**Inspector's Reasons**

8.15 I do not accept the first part of Mr Pollock's argument that the statutory test for the acceptability of development in conservation areas should be retained in this policy, because it is the statutory duty of the Council to consider whether development would preserve or enhance the character or appearance with or without a policy. I therefore agree with the Council that including it here is superfluous. However, I have recommended that this should be made clearer in paragraph 8.16 with a reference to “statutory” rather than “specific” purpose of designation.

- 8.16 Mr Pollock is also concerned that changed wording in criterion (c) – “respecting the context” rather than “in sympathy with the character” – will lead to unsympathetic modern design and detailing. However, this change to the Initial Draft was made in response to the objection FD 118.6 where it is argued that the original words would prevent modern design, contrary to advice in PPG15.
- 8.17 The HBF argues that the policy is too detailed, and I agree. More importantly, I am not convinced that it adds anything to the Plan which is not provided by policy CP 7 *Design*, and the application of the statutory test. How does it help, for example, for criterion (b) of this policy to require an “exceptionally high standard of design” compared with “a high standard” in policy CP 7? Is there a meaningful, measurable difference? There is a reference in this criterion to character, and in criterion (c) to “context of the conservation area” neither of which adequately reflects the much more powerful statutory requirement.
- 8.18 I have therefore recommended that this policy should be deleted, and in doing so I am entirely satisfied that the Council can rely on policy CP 7 and its statutory duty. If more detail is required, it would be provided much more effectively, to my mind, in area specific SPG.

### RECOMMENDATION

- 8.19 Delete policy BE 8 and rely on policy CP 7 and the statutory purpose of designating conservation areas.
- 8.20 Delete from line 1 of paragraph 8.16 “specific” and replace it with “statutory”.
- 8.21 Do not modify the Plan in response to these objections.

---

### Policy BE 8 Development in Conservation Areas

Objection: SD 86.10 - Gloucestershire Constabulary

#### Issue

- 8.22 The need to set out information for applicants for permission in a conservation area.

#### Inspector's Reasons

- 8.23 I agree with the Council that this information deals entirely with procedures and should be set out in SPG not in policy. I note that policy BE 12 of the Initial Draft has been replaced by paragraph 5.1 in SPG *Submission of Planning Applications*, and I have recommended that a reference to it should be added to the text.

### RECOMMENDATION

- 8.24 Add to the text a reference to the requirements set out in SPG *Submission of Planning Applications*.

---

### Policy BE 13 Demolition in Conservation Areas

Objection: FD 64.21 - Mr Pollock

#### Issue

- 8.25 The need to control “partial” not “substantial” demolition.

#### Inspector's Reasons

- 8.26 I agree with the Council that “substantial” reflects the outcome of case law: I therefore do not support this objection.

---

**RECOMMENDATION**

8.27 Do not modify the Plan in response to this objection.

---

**Policy GP 5 Salvage of Materials (Initial Draft)**

Objection: SD 46.40 - Prestbury Parish Council

**Issue**

8.28 The need for a policy to ensure the re-use of materials.

**Inspector's Reasons**

- 8.29 This policy has been deleted from the Initial Draft because the Council argues that it does not have the resources to implement it. Whilst I applaud the aims of the policy, I have no doubt that it would be wholly unworkable in practice. The policy as it was written was too vague – when appropriate; what materials; what market; how and where stored; how enforced; and how supported at appeal if it were used to refuse planning permission?
- 8.30 If the Council wishes to take the encouragement of the re-use of materials forward it could do so through other policy initiatives and there should be a reference to them in the text to justify retaining paragraphs 8.38 – 8.39. Otherwise these paragraphs should be deleted since they serve no purpose and deletion would meet the Council's aim of preparing a concise Plan.

**RECOMMENDATION**

- 8.31 Do not modify the Plan in response to this objection.
- 8.32 Delete paragraphs 8.38-8.39 unless they are the reasoned justification for a policy, or there is a clearer explanation of the way the Council proposes to implement them through other means.
- 

**Paragraph 8.55 Alterations to Listed Buildings**

Objection: SD 46.22 - Prestbury Parish Council

Objection: SD 34.6 - English Heritage

Objection: SD 64.31 - Mr Pollock

**Issue**

8.33 The approach of the Plan to internal alterations to Listed Buildings.

**Inspector's Reasons**

- 8.34 Advice on this issue is set out in paragraphs 2.4 and 2.5 of PPG15. Paragraph 2.4 advises that aspects of conservation policy should be included in the development plan, and I note English Heritage's argument that this could include works to internal features. However, the same sentence limits this advice to works that also constitute development, to which section 54A of the Act applies. These works require planning permission and are, therefore, properly the subject of a development control policy.
- 8.35 Further advice on policies for listed buildings which have no bearing on development control are set out in paragraph 2.5 of the PPG, and that specifically distinguishes works to internal features which may not need planning permission but which would need listed building consent. The paragraph advises that such policies should be included in SPG, and in my view much of paragraph 8.55, which the Council has deleted from the Plan, could fall into this category.
- 8.36 The distinction between the need for planning permission and listed building consent is not made at all clear in this part of the Plan, nor is the different statutory basis on which



applications are considered. If the text is the reasoned justification for policy, in this case policy BE 26 dealing with matters requiring planning permission, it is unfortunate that paragraph 8.51 starts with a reference to listed building consent, a different statutory regime.

- 8.37 To my mind paragraph 8.55 contains much useful detailed policy guidance to applicants. I note the advice set out in Annex C of PPG15 but, as Mr Pollock argued at the inquiry, this paragraph is specific to Cheltenham. Although I agree with the Council that it does not belong in the Plan, it is regrettable, as I heard at the inquiry, that it is not at present set out in SPG. Nor am I wholly convinced that the difference between the two statutory regimes can be summed up as it is in the policy by distinguishing only between internal and external works.
- 8.38 My recommendation to recast this section of the Plan reflects my concerns, as does my recommendation to consider the early publication of SPG.

### RECOMMENDATION

- 8.39 Delete paragraphs 8.51-8.56 and policy BE 26.
- 8.40 Replace it with a modified policy and text which:
- i. reflects the advice in paragraphs 2.4-2.5 of PPG15;
  - ii. clearly distinguishes between works which need planning permission and those which need only listed building consent, and the different statutory basis on which the Council will consider applications, possibly including a cross-reference to Annex C of PPG15; and
  - iii. sets out clear reasoned justification for a modified policy BE 26 whilst directing applicants to a source of information about the Council's approach to works which require listed building consent only.
- 8.41 Against this background, distinguish more clearly the role of the different regimes towards internal and external works, and reflect this in a modified policy BE 26.
- 8.42 Consider the early publication of SPG, in accordance with the advice in paragraph 2.5 of PPG15, dealing with the matters at present in paragraph 8.55 and other matters relating to listed building consent in this section of the Plan.
- 8.43 Make no other modifications on response to these objections.

---

### Policy BE 27 Information on Listed Buildings Proposed for Alteration

Objection: SD 64.32 - Mr Pollock

Objection: SD 46.23 - Prestbury Parish Council

#### Issue

- 8.44 The need to retain this policy.

#### Inspector's Reasons

- 8.45 This policy deals with matters of procedure which, I agree with the Council, should not be set out as policy in the Plan. In this case it may also relate to works which do not require planning permission. I note, however, that the information has been set out in SPG *Submission of Planning Applications* (core document CBC 036, page 4).

### RECOMMENDATION

- 8.46 Do not modify the Plan in response to these objections, but ensure that there is a reference in the Plan to the relevant SPG.

**Policy BE 30A Buildings of Local Importance**

Objection: SD 86.8 - Gloucestershire Constabulary

**PIC36****Issue**

8.47 The need to make clear the circumstances in which the retention of a building of local importance would not be feasible.

**Inspector's Reasons**

8.48 This objection would be overcome by the additional explanation to Note 3 of the policy in PIC36 which I support.

**RECOMMENDATION**

8.49 Modify the Plan in accordance with PIC36.

---

**Policy BE 30A Buildings of Local Importance**

Objection: FD 124.47 - Government Office for the South West

Objection PIC 244.6 - Charlton Kings Parish Council

**Issue**

8.50 Whether the Plan follows Government guidance in the approach of this policy and its reasoned justification.

**Inspector's Reasons**

8.51 I note that paragraph 8.62 makes clear that locally important buildings do not have the same protection as statutorily listed buildings, which meets one of the arguments in the first objection arising from guidance in PPG15. I deal with the current absence of a list of locally important buildings below, but I agree with the Council that it should not be included in the Plan itself. There may well be occasion to up-date it after publication which will be much easier if it were in the form of SPG as the Council proposes. I therefore do not support this objection.

8.52 Charlton Kings Parish Council asks to be invited to nominate buildings to be included on the list, but that is entirely a matter between the two Councils.

**RECOMMENDATION**

8.53 Do not modify the Plan in response to these objections.

---

**Policy BE 30A Buildings of Local Importance**

Objection: FD 64.42 – Mr Pollock

**Issue**

8.54 The need for references to the index of buildings of local importance.

**Inspector's Reasons**

8.55 I have dealt with this issue in Chapter 1 when considering Mr Pollock's objection SD 64.42.

**RECOMMENDATION**

8.56 Make no other modifications in response to this objection, but note my recommendation in Chapter 1.

---

**Policy BE 18 Advertisement Hoardings in Conservation Areas**

Objection: FD 73.2 - Outdoor Advertising Association

**Issue**

8.57 The form of the policy.

**Inspector's Reasons**

8.58 I do not accept this "blanket refusal" form of policy in principle for the reasons I give in Chapter 7 when dealing with objection FD 73.1. My recommendation here reflects those findings.

**RECOMMENDATION**

8.59 Delete paragraph 8.80 and policy BE 18 and rely on policy CP 7.

---

**Paragraphs 8.84 - 8.94 Environmental enhancement**

Objection: SD 46.24 - Prestbury Parish Council

**Issue**

8.60 The need to reinstate these paragraphs.

**Inspector's Reasons**

8.61 I support the deletion of these paragraphs since they are not the reasoned justification for the Plan's policies. I note from the Council's response that the matters are part of the Council's Civic Pride initiative.

**RECOMMENDATION**

8.62 Do not modify the Plan in response to this objection.

---

**Paragraph 8.95 The impact of highways, traffic and parking on the environment**

Objection: FD 119.3 - Cheltenham Cycle Campaign

**Issue**

8.63 The need for greater precision in wording.

**Inspector's Reasons**

8.64 This objection has been overcome by adding "motorised" to the first line of this paragraph in the Revised Deposit Draft. Although in paragraph 8.4 I have not recommended re-writing the whole of this chapter to focus it more on reasoned justification for policies, I see no need for paragraphs 8.95-8.105 since they do not support policies and since the Council Actions have been deleted. Deleting these paragraphs would also meet the Council's own aim of preparing a concise Plan.

**RECOMMENDATION**

8.65 Do not modify the Plan in response to this objection, but delete paragraphs 8.95-8.105.

---

**Policy BE 24 The Setting of Conservation Areas**

Objection: FD 90.8 - House Builders Federation

Objection: SD 64.38 - Mr Pollock

**Issue**

8.66 The need for the policy.

**Inspector's Reasons**

8.67 The first objection has been overcome by deleting this policy from the Revised Deposit Draft. In doing so the Council resolved that policy CP 3 would be redrafted to reflect the aims of policy BE 24. I agree with Mr Pollock, however, that this has not been achieved. Government guidance is clearly set out in paragraph 4.14 of PPG15 and I do not accept the HBF's argument in principle that a policy based on this guidance would be unduly prescriptive.

8.68 I have therefore recommended that such a policy should be added to the Plan. I have also recommended, however, that paragraph 8.20 of the Revised Deposit Draft should be deleted and replaced by reasoned justification more closely related to the policy. The words "does not adversely impinge on or detract from", for example, are not found in the PPG15, and cause confusion by introducing apparently new tests for the consideration of planning applications.

**RECOMMENDATION**

8.69 Add a new Policy

**"POLICY BE 24**

**THE SETTING OF CONSERVATION AREAS**

**Development will not be permitted if it would harm the setting of, or views into or out of, a conservation area."**

8.70 Delete paragraph 8.20 of the Revised Deposit Draft and replace it with text which closely reflects the advice in paragraph 4.14 of PPG15, in particular that the desirability of preserving or enhancing conservation areas is a material consideration in dealing with proposals for development outside them.

---

**Policy BE 31 Traffic Management, Road Improvement and Parking**

Objection: FD 66.5 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

Objection: FD 64.22 - Mr Pollock

**Issue**

8.71 The need for the policy.

**Inspector's Reasons**

8.72 The first objection has been overcome by deleting this policy from the Revised Deposit Draft. I support this deletion since the policy would only have any purpose if the proposals it refers to require planning permission, which is unlikely, in particular for traffic management measures. Where planning permission is needed, I see no benefit in a general policy such as this, when more specific policies can be applied to individual proposals. It follows that I do not support Mr Pollock's objection.

8.73 I have already recommended that paragraphs 8.95-8.105 should be deleted since they are not the reasoned justification for policies, and since the Council Actions have already been deleted.

**RECOMMENDATION**

8.74 Do not modify the Plan in response to these objections.

**Paragraph 8.88 Site specific improvement** (Deleted from the Revised Deposit Draft)

Objection: FD 44.3 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

**Issue**

8.75 The need to retain the commitment to improving Royal Well and Royal Crescent.

**Inspector's Reasons**

8.76 To my mind this sort of commitment is a corporate policy for the Council, and should be promoted accordingly. It should only be part of this Plan when there are agreed proposals which need land-use planning powers to implement them. From the Council's response to this objection this does not yet appear to be the case.

**RECOMMENDATION**

8.77 Do not modify the Plan in response to this objection.

---

## 9 URBAN GREEN ENVIRONMENT

### **Proposals Map Land at Caernarvon Road/Farmfield Lane**

Objection: FD 47.1 - Parabola Investments Ltd.

#### **Issue**

9.1 The need to change the boundary of the open space at Caernarvon Road/Farmfield Lane.

#### **Inspector's Reasons**

9.2 This objection has been overcome by a change made to the Initial Draft Proposals Map shown on Plan 16 in core document CBC 007.

#### **RECOMMENDATION**

9.3 Do not modify the Plan in response to this objection.

---

#### **General**

Objection: SD 124.125 - Government Office for the South West

#### **Issue**

9.4 Whether the chapter should be reviewed to make it more concise and the text more focused as the reasoned justification for the policies.

#### **Inspector's Reasons**

9.5 I have dealt with a similar argument in Chapter 8 when considering objection SD 124.124. I agree with this objection but my recommendation here reflects my findings there.

#### **RECOMMENDATION**

9.6 Do not modify the Plan in response to this objection.

---

### **Paragraph 9.17 Recreational value**

Objection: SD 172.4 - Cheltenham and Tewkesbury Primary Care Trust

#### **Issue**

9.7 The need for new housing developments to have enough green open space.

#### **Inspector's Reasons**

9.8 I agree with the Council that this issue is addressed by other policies in the Plan, for example RC 99, RC 101, 102 & 102A.

#### **RECOMMENDATION**

9.9 Do not modify the Plan in response to this objection.

---

**Paragraphs 9.20 - 9.22 Protecting urban green space**

Objection: FD 95.30 - Gloucestershire County Council

**Issue**

9.10 The need for these paragraphs.

**Inspector's Reasons**

- 9.11 Although the County Council's objection relates to the wording in parts of these paragraphs, it raises in my mind the need for them. They do not directly support policies as reasoned justification, and the policies that follow dealing with different forms of urban green space have their own reasoned justification. Despite my recommendation in paragraph 9.6, therefore, I consider that these paragraphs are superfluous and should be deleted: the Council can rely on the reasoned justification for the policies themselves, and these paragraphs add nothing to the Plan.
- 9.12 If my recommendation is not accepted I have three concerns about the text. First, I agree with the County Council that "unwelcome" to describe development pressures is, at best, subjective and should be deleted. Second, I do not support the addition of a reference to objective assessments in paragraph 9.22: the matters to be used in the assessment of applications are set out in paragraph 9.27, and I have recommended in paragraph 9.17 of this report that they should be added to the policy as criteria. Third, the wording of paragraph 9.22 is confusing since it refers to recreational value, whereas this chapter and its policies deal with environmental value. This reference, in line 4, should be deleted, and other policies relied on to deal with recreation value.

**RECOMMENDATION**

- 9.13 Delete paragraphs 9.20-9.22 of the Revised Deposit Draft, but note my comments in paragraph 9.12.
- 

**Policy GE 37 Private Green Space**

Objection: FD 84.4 - Tufnell Town and Country Planning

Objection: FD 87.1 - The Governors of St Benedicts Catholic College

**Issue**

9.14 The form and content of the policy.

**Inspector's Reasons**

- 9.15 I fully support the intentions behind this policy, and I do not accept the arguments that it is contrary to PPG3 with its emphasis on making the best use of land. Nor do I agree that the plan can identify all the areas to which it might apply since that would lengthen both the Plan and plan-making process unnecessarily. Finally, I see no reason why both public and private land should not be included.
- 9.16 I have argued elsewhere, however, against policies in a "blanket refusal" form. Decisions must be made and justified against criteria, which could include those points set out in paragraph 9.27, and not simply because a policy says that a particular form of development will not be permitted. As a result, I have recommended that the policy should be recast with criteria based on paragraph 9.27. However, there is no need for criterion(f) since wildlife is protected by other policies, nor the "catchall" reference to the list as not exclusive: that flexibility is provided by the Act itself which allows material considerations to be taken into account.

**RECOMMENDATION**

- 9.17 Recast policy GE 37 to include criteria based on paragraph 9.27, but excluding criterion (f) and without a reference to the list as not exclusive.
- 9.18 Make no other modifications on response to these objections.
- 

**Policy GE 37 Private Green Space**

Objection: SD 46.25 - Prestbury Parish Council

**Issue**

- 9.19 The need to make reference to the impact of all-weather surfaces.

**Inspector's Reasons**

- 9.20 I have no doubt that the impact of all-weather surfaces – if their provision requires planning permission – can be taken into account in the criteria which I recommend should be added to policy GE 37. I see no need for a specific reference.

**RECOMMENDATION**

- 9.21 Do not modify the Plan in response to this objection.
- 

**Paragraph 9.33 Green Space Strategy**

Objection: FD 125.5 - LEGLAG

Objection: FD 84.5 - Tufnell Town and Country Planning

**Issue**

- 9.22 The purpose of this paragraph.

**Inspector's Reasons**

- 9.23 In the light of my earlier concerns about the need for a more concise text in the Plan focused on providing reasoned justification for its policies I see no purpose in including this paragraph in the Plan. It is not in itself the reasoned justification for policies. Rather, it is a statement of a Council corporate intention, however important, and does not seek to relate the completed strategy to the Plan's policies.
- 9.24 I note LEGLAG's concerns but it seems to me that they are more related to the Green Space Strategy than to this Plan.

**RECOMMENDATION**

- 9.25 Delete paragraphs 9.33 & 9.34.
- 

**Paragraph 9.50 Urban trees strategy**

Objection: SD 46.26 - Prestbury Parish Council

**Issue**

- 9.26 The need to safeguard against the unnecessary felling of trees.



**Inspector's Reasons**

- 9.27 As with the previous objection, I am not convinced that paragraphs 9.49 – 9.51 add anything material to the policies of the Plan. Rather, they deal with the management of trees which will be carried out under other powers. Paragraph 9.50, for example, deals with roadside trees which are not the subject of planning control, and which should not, therefore, be referred to in this Plan. Paragraph 9.52, however, has some bearing on the policies and should be moved to be more closely related to them.
- 9.28 Whilst I have no doubt, contrary to the Parish Council's concerns, that the strategy is aimed at safeguarding against the unnecessary felling of trees, this objection is related to the Council's management of roadside trees not to a policy in this Plan.

**RECOMMENDATION**

- 9.29 Delete paragraphs 9.49-9.51, and move paragraph 9.52 to ensure that it is related to the policies for which it is part of the reasoned justification.
- 

**Policy GE 40 The protection and replacement of trees**

Objection: FD 89.3 - Gloucestershire Wildlife Trust

**Issue**

- 9.30 The need to recognize the wildlife value of dead wood in the policy.

**Inspector's Reasons**

- 9.31 This objection has been overcome to my mind by additional text to Note 1 of the policy in the Revised Deposit Draft.

**RECOMMENDATION**

- 9.32 Do not modify the Plan in response to this objection.
- 

**Paragraph 9.63 The protection of natural features on proposed development sites.**

Objection: FD 89.2 - Gloucestershire Wildlife Trust

**Issue**

- 9.33 The need to make clear the information needed when applications are submitted.

**Inspector's Reasons**

- 9.34 This objection has been overcome by additional text to this paragraph in the Revised Deposit Draft and the inclusion of information in SPG *Submission of Planning Applications*.

**RECOMMENDATION**

- 9.35 Do not modify the Plan in response to this objection.
- 

**Paragraph 9.65 The protection of natural features on proposed development sites.**

Objection: SD 46.27 - Prestbury Parish Council

**Issue**

- 9.36 The need to consult English Nature and the Gloucestershire Wildlife Trust.
-

**Inspector's Reasons**

9.37 The Parish Council argues that this paragraph should say that the Borough Council “will” – rather than “may” with the present wording – consult English Nature or the Gloucestershire Wildlife Trust. However, I accept the Borough Council’s response that the existing wording reflects current practice when it is not always necessary to consult these bodies.

**RECOMMENDATION**

9.38 Do not modify the Plan in response to this objection.

**Paragraph 9.66 The protection of natural features on proposed development sites.**

Objection: SD 46.28 - Prestbury Parish Council

**Issue**

9.39 The need to ensure planning conditions are complied with by inspection.

**Inspector's Reasons**

9.40 The Council response to this objection is that there are not enough resources to inspect every landscape condition. This is a corporate management matter for the Council in implementing its policies and planning permissions and is not for me in dealing with objections to this Plan.

**RECOMMENDATION**

9.41 Do not modify the Plan in response to this objection.

**Policy GE 41B Landscape Features and Wildlife Habitats**

Objection: SD 64.33 - Mr Pollock

**Issue**

9.42 The need to retain the policy.

**Inspector's Reasons**

9.43 This chapter deals with the environmental importance of open space: matters of wildlife importance are dealt with in Chapter 11, for example in policies NE 58 and NE 59. The Plan must be read as a whole and it is important not to duplicate these provisions. Paragraphs 9.63-9.66 should therefore be rewritten to ensure that they deal with landscape features, not habitats, and text moved to Chapter 11 if it is necessary as the reasoned justification for policies there. There should be a brief explanation of the role for the different policies in the two chapters.

9.44 I note Mr Pollock’s concern about a weakening of the Plan without this policy, particularly if the much broader policy CP 3 is relied on. My recommendation will help make the Plan stronger to an extent because it will be clearer. However, I accept that reliance on a broad policy, rather than on several more detailed policies, is a change in approach to plan-making. I heard at the inquiry on several occasions that it is a change made by the Council in anticipation of the approach under recent legislation, where in future plans will be expected to consist of a core of policies and a suite – much reduced in number compared with present practice – of more detailed development control policies.

9.45 I am not convinced that the Council has necessarily carried this approach through fully, since this is a significant change made part of the way through the present process of a plan which started life in the “old” form. However, for the reasons I give in earlier chapters I have not recommended a significant re-writing of the Plan at this stage, and I agree with the Council in

this particular case that other policies can be relied on with this policy deleted since policy CP 3 refers to both natural environments and biodiversity.

**RECOMMENDATION**

9.46 Do not modify the Plan in response to this objection.

9.47 Rewrite paragraphs 9.63-9.66 in accordance with my comments in paragraph 9.43.

---

**Council Action: GE 32B (Initial Draft)**

Objection: FD 125.20 - LEGLAG

**Issue**

9.48 The wording of this Action.

**Inspector's Reasons**

9.49 This Council Action has been deleted from the Revised Deposit Draft and it is therefore no longer before me.

**RECOMMENDATION**

9.50 Do not modify the Plan in response to this objection.

## 10 COUNTRYSIDE

### General

Objection: FD 124.54 - Government Office for the South West

### Issue

10.1 The need to refer to RPG10 and its requirement for a review of the Green Belt.

### Inspector's Reasons

10.2 This objection has been overcome by additional text to paragraph 10.39 of the Revised Deposit Draft.

### RECOMMENDATION

10.3 Do not modify the Plan in response to this objection.

---

### Proposals Map Amendments to Green Belt Boundary

#### Land at the rear of New Barn Lane

Objection: FD 92.17 - Haulfryn Group Ltd

### Issue

10.4 The deletion of this land from the Green Belt.

### Inspector's Reasons

10.5 I deal in paragraph 10.73 with arguments about the need for an overall review of the Green Belt, and conclude that it is not within the scope of this inquiry. Paragraph 2.7 of PPG2 *Green Belts* says that there must be exceptional circumstances to justify changes to green belts when local plans are reviewed, and I can find none in this case.

10.6 I acknowledge the advice in paragraph 2.9 of the PPG about the need for recognisable boundaries, and the objectors' argument that they do not exist here. Indeed, I saw for myself that the boundary is undefined in places. Nevertheless, to my mind this does not amount to the exceptional circumstances required by PPG2. In addition, I agree with the Council that, taken with the adjoining racecourse, the Green Belt here performs two of the purposes set out in the PPG for including land in green belts: checking sprawl and assisting in safeguarding the countryside from encroachment.

### RECOMMENDATION

10.7 Do not modify the Plan in response to this objection.

---

### Proposals Map The developed area of Cheltenham Racecourse

Objection: FD 92.18 - Haulfryn Group Ltd

### Issue

10.8 The need to define this area as an inset map.

**Inspector's Reasons**

10.9 This objection has been accepted by the Council who resolved to change the Proposal Map of the Initial Deposit accordingly. However, it is not clear to me exactly how the Council proposes to include within the Proposals Map the area shown on Plan 25 of core document CBC 007. I note Plan 2 in the Plan, but its status in relation to the Proposals Map is not clear, particularly since Note 1 of policy TO 113 says "shown on the Proposal Map". I have not accepted the exclusion of this area from the Green Belt, but it is still essential for the working of policy TO 113(b) that the area is defined at an appropriate scale.

**RECOMMENDATION**

10.10 Ensure that the developed area of the racecourse is defined as part of the Proposals Map at the scale shown on Plan 25 in core document CBC 007.

**Proposals Map Amendments to the Green Belt Boundary****PIC68 Land at the rear of 181 New Barn Lane**

**Objection** PIC 242.1 - Mr Sullivan

**Issue**

10.11 Changes to the Green Belt boundary on land at the rear of properties in New Barn Lane.

**Inspector's Reasons**

10.12 I understand that the change proposed here arises from a drafting error in the Green Belt boundary of the adopted Plan which led to the granting of planning permission for a house on the site. The proposed boundary would include the site of this house and part of the adjoining caravan site.

10.13 I note objector's argument that including this site will not achieve any of the purposes of including land in the Green Belt. However, it is part of a larger open area which I have found in paragraph 10.6 helps to check sprawl and safeguards the countryside from encroachment. I agree with the Council that such areas often include some buildings, and I therefore conclude that there are exceptional circumstances here to justify changing the Green Belt boundary as paragraph 2.7 of PPG2 requires.

10.14 In response to Mr Sullivan's concern about the Council's approach, I acknowledge that in a report arising from the granting of the permission, the Ombudsman recommended that the Council should "consider the merits" of including this site in the Green Belt, which is not a recommendation to include the land. I have, in any case, dealt with this case on its own merits.

**RECOMMENDATION**

10.15 Modify the Plan in accordance with PIC68.

10.16 Do not modify the Plan in response to this objection.

**Proposals Map Amendments to the Green Belt Boundary**

Objection: SD 46.39 – Prestbury Parish Council

Objection: SD 167.4 - Tewkesbury Borough Council

**Issue**

10.17 Whether the built-up area of the racecourse should be deleted from the Green Belt.

**Inspector's Reasons**

- 10.18 Paragraph 2.1 of PPG2 makes it clear that the essential characteristic of green belts is their permanence. Against this background paragraph 2.7 of the PPG says that green belt boundaries should not be changed when local plans are being reviewed unless alterations to the structure plan have been approved, or there are other exceptional circumstances. It is clear, therefore, that green belt boundaries are not to be changed lightly.
- 10.19 In this case there are no alterations to the Structure Plan and, whilst I accept the difference in form between the built-up part of the racecourse and the extensive open areas around it, I do not consider that this amounts to exceptional circumstances. It is not unusual to find extensive sites in green belts with built-up areas within large open grounds – hospitals and other institutions, for example. I have no doubt, therefore, that the whole racecourse should remain in the Green Belt and that applications for development within the built-up area should be dealt with accordingly.
- 10.20 To my mind, it is not the nature of the development approved within this area which should determine whether or not it should be in the Green Belt, as the Council argued in making this change to the Initial Draft. Rather, it is the potential effect of any building on the openness and the purposes of including land in the Green Belt which requires that proposals should be approved only in the very special circumstances referred to in paragraph 3.1 of PPG2. I do not accept the Council argument that a tightly drawn boundary around the area will protect the Green Belt, since there could still be harmful impact from buildings within it. The need to show very special circumstances, therefore, strongly reinforces the Council's ability to deal with applications.

**RECOMMENDATION**

- 10.21 Do not remove from the Green Belt the built-up area of the racecourse shown on Plan 21 of core document CBC 013.
- 10.22 Delete from policy TO 113 Note 1 “ ... the area excluded from the Green Belt, ...”

**Proposals Map Amendments to the Green Belt Boundary****PIC68 and PIC69: Land at the rear of New Barn Lane****Objection PIC 46.41 - Prestbury Parish Council****Issue**

- 10.23 The need to make these changes to the Green Belt boundary.

**Inspector's Reasons**

- 10.24 I have already recommended that the Plan should be modified in accordance with PIC68. I understand that PIC69 is proposed as a factual correction and I support it on that basis.

**RECOMMENDATION**

- 10.25 Modify the Plan in accordance with PIC69.

**Whole Chapter**

Objection: SD 44.16 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

**Issue**

- 10.26 The need for an appraisal of the Green Belt to identify urban extensions to support sustainable economic growth.

**Inspector's Reasons**

10.27 I deal with the wider issues of employment land and the economy in Chapter 12, and I have recommended there the allocation of additional land within the Green Belt on the basis that, in accordance with advice in paragraph 2.7 of PPG2, exceptional circumstances can be shown. I have dealt with the question of an overall review of the Green Belt in paragraph 10.72 and concluded that it is not within the scope of this inquiry.

**RECOMMENDATION**

10.28 Do not modify the Plan in response to this objection, but note my recommendations in Chapter 12.

**Policy CO 44A Landscape Character**

Objection: SD 124.115 - Government Office for the South West

**Issue**

10.29 Whether the policy is too restrictive.

**Inspector's Reasons**

10.30 In its response to this objection the Council points to the notes to the policy, but these are definitions and do not, to my mind, affect the argument of whether this policy is too restrictive. That, it seems to me, lies with the use of the words "conserve and enhance" and whether the policy sets too high a test for the effect of development on landscapes which have no designation. I consider, too, that this policy sets out the wrong test. It is clear from PPS7, for example, and its predecessor PPG7, that the test of "conserve" relates to the national designations of National Parks and AONBs. In passing, the reference in paragraph 10.11 to PPG7 will have to be replaced by any equivalent guidance in PPS7 which has been published since the Revised Deposit Draft was written.

10.31 As a result I have recommended a modified wording for this policy, and it will also be necessary to modify the wording of policy CP 3 to ensure that they are consistent. If, as in the next objection, the Council is concerned about duplication, one of the policies should be deleted, rather than having two policies with the same aims but setting different tests for the acceptability of development.

**RECOMMENDATION**

10.32 Delete from line 2 of policy CO 44A "conserve and enhance" and replace it with "not harm".

10.33 Delete from policy CP 3(b) "conserve and enhance" and replace it with "harm".

10.34 Delete any references to PPG7 and replace them with guidance from PPS7 as appropriate.

10.35 Ensure that there is full reasoned justification for the policy.

**Policy CO 45 Development Affecting the AONB**

Objection: SD 124.116 - Government Office for the South West

**Issue**

10.36 The form and content of the policy.

**Inspector's Reasons**

10.37 I agree with the objectors that, by the use of "harm", the wording of this policy does not reflect the guidance within AONBs in paragraph 21 of PPS7 that "... conservation of the natural beauty of the countryside should therefore be given great weight in planning policies ...".

- 10.38 I do not accept the Council's response that this is dealt with in policy CP 3 and that it is important not to duplicate that policy. As I argued in the previous objection, if the Council is concerned about duplication, one of the policies should be deleted rather than having two policies with the same aim but setting different tests: that simply makes the Plan unclear for all users.
- 10.39 I note that policy CP 3 refers to "conserve and enhance" and I accept that these words are used in the statutory provisions for AONBs. However, I have no doubt that the policies of this Plan should reflect the guidance in paragraph 21 of PPS7 and give great weight to "the conservation of the natural beauty" of AONBs.
- 10.40 I also share the objectors' concerns that the policy includes development both within and adjacent to the AONB. I acknowledge the Council's wish to protect the AONB from development nearby, and I return to this issue in paragraph 10.185 when dealing with objection FD 54.4. However, since the guidance in PPS7 applies to policies and development control decisions within AONBs it is essential, to my mind, to have a policy which applies the test which is specific to them. I have recommended accordingly.
- 10.41 I note that in its second paragraph the policy deals with major industrial or commercial developments. In passing, the Council must ensure that this part of the policy also reflects the guidance in PPS7, unless as paragraph 3.3 of PPG12 advises, adequate reasons are given for not doing so. In this context, I note that the reference in paragraph 22 of the PPS is to "major developments" with no reference to industrial or commercial.

### RECOMMENDATION

- 10.42 Policy CO 45:
- i. delete "affecting" in the title and replace it with "within";
  - ii. delete from line 2: "... within or .... harm ..." and replace it with:  
" ... which would not conserve ... "
  - iii. ensure that the second paragraph fully reflects the guidance in paragraph 22 of PPS7.
- 10.43 Modify policy CP 3 and its notes to avoid unnecessary duplication, and to reflect the guidance in PPS7.
- 10.44 Modify the text to provide reasoned justification for both policies and to reflect the guidance in paragraphs 21 and 22 of PPS7.
- 10.45 Make no other modifications on response to this objection.

---

### Policy CO 45 Development Affecting the AONB

Objection: FD 54.1 - Cotswolds AONB Partnership

#### Issue

10.46 The need for a reference to the Countryside and Rights of Way Act 2000.

#### Inspector's Reasons

10.47 This objection has been overcome by the addition of paragraph 10.17 to the Revised Deposit Draft.

### RECOMMENDATION

- 10.48 Do not modify the Plan in response to this objection.



**Paragraph 10.25 Development Affecting the AONB**

Objection: SD 124.117 - Government Office for the South West

**PIC38**

**Objection**      **PIC 54.23** - Cotswolds AONB Partnership

**Issue**

10.49 The need to update the list of consultees.

**Inspector's Reasons**

10.50 The first objection is overcome by a change to this paragraph in PIC38 and the deletion of the reference to the Countryside Agency. It will also be necessary to update the Plan in accordance with objection PIC 54.23 and the replacement of references to the "Partnership" with the "Conservation Board".

**RECOMMENDATION**

10.51 Modify the Plan in accordance with PIC38 and objection PIC 54.23.

---

**Policy CO 46 Rebuilding or Replacement of Buildings in the AONB**

Objection: FD 124.52 - Government Office for the South West

**Issue**

10.52 The need to justify the size limit of rebuilt or replaced dwellings.

**Inspector's Reasons**

10.53 The justification for this part of the policy is set out in paragraph 10.27: conserving the natural beauty of the AONB. The 10% limit is also explained, and it seems logical to me to take the extent of permitted development as the basis for the policy. I also agree with the Council that there is a difference between policies dealing with replacement buildings and extensions to buildings. In that case the original building remains as a point of reference, and the subjective judgment of the effect of an extension on it can be made more readily. I therefore do not support this objection.

10.54 It is important for clarity and consistency that the same test for development in the AONB is applied in all the relevant policies of the Plan. In this policy another test is introduced: "protection" of the natural beauty. This should be replaced with "conservation" as I have argued earlier.

**RECOMMENDATION**

10.55 Do not modify the Plan in response to this objection.

10.56 Delete "protection" from line 4 of criterion (c) and replace it with "conservation".

---

**Policy CO 47 Extension of Buildings in the AONB**

Objection: FD 54.3 - Cotswolds AONB Partnership

**Issue**

10.57 The need for the policy.

**Inspector's Reasons**

- 10.58 The equivalent policy in the adopted Plan sets out a size limit for extensions and the objectors wish to retain that approach, arguing that under policy CO 47 in this Plan large scale development for any purpose could be permitted where there is already a sizeable building. I accept the Council's argument that the policy in its present form is more flexible, but that leads me to ask whether it adds anything to the Plan.
- 10.59 Criterion (a) is another way of setting out the requirements on the design of extensions in policy CP 7, whilst criterion (b) repeats the provisions of policies CO 45 and CP 3, as I recommend that they should be modified, both of which apply to all development in the AONB. It seems to me, therefore, that without the size limits specific to the AONB the policy is unnecessary since other policies are available to deal with extensions. I have recommended accordingly.
- 10.60 I also note that criterion (b) uses "harm" wrongly as the test in the AONB, and that this is repeated in paragraph 10.28.
- 10.61 I draw a distinction in reaching this conclusion between this policy and the similarly worded policy CO 51 for extensions to dwellings in the Green Belt. A policy dealing with the scale of extensions is necessary there because of the guidance in paragraph 3.6 of PPG2 that extensions which are not disproportionate to the original dwelling are not inappropriate development in the Green Belt. Indeed the paragraph continues that development plans should make clear the approach that authorities will take.

**RECOMMENDATION**

- 10.62 Delete policy CO 47 and paragraph 10.28.
- 10.63 Replace paragraph 10.28 with a cross-reference to policies which will guide the Council's approach to extensions in the AONB, ensuring the consistent use of "conserving the natural beauty of the landscape".
- 10.64 Make no other modifications on response to this objection.

**Paragraph 10.32 Leckhampton Hill and Charlton Kings Common**

Objection: FD 91.1 - Friends of Leckhampton Hill

**Paragraph 10.33 Leckhampton Hill and Charlton Kings Common**

Objection: FD 91.2 - Friends of Leckhampton Hill

**Issue**

- 10.65 The wording of the paragraphs.

**Inspector's Reasons**

- 10.66 These objections have been overcome by changes to the Revised Deposit Draft, although a further change will be necessary to refer to the Cotswold Conservation Board. However, I can see no point in including paragraphs 10.29-10.37 since they do not support any policies in the Plan as reasoned justification. It would also be consistent with the Council's own aim of preparing a concise plan to delete them.

**RECOMMENDATION**

- 10.67 Delete paragraphs 10.29-10.37.

**Policy CO 48 Definition of Green Belt**

Objection: SD 167.7 - Tewkesbury Borough Council

**Issue**

10.68 The need for the Green Belt boundary at Cold Pool Lane to be consistent with the boundary in Tewksbury Borough Local Plan.

**Inspector's Reasons**

10.69 The boundary should be consistent and I leave it to the two authorities to make it so.

**RECOMMENDATION**

10.70 Ensure that the Green Belt boundary at Cold Pool Lane is consistent with the boundary in Tewksbury Borough Local Plan.

**Paragraph 10.39 Green Belt**

Objection: SD 181.2 - Moseley Estates United

Objection: SD 170.1 - Barwood Land and Westbury Homes (Holdings) Ltd

**Policy CO 48 Definition of Green Belt**

Objection: FD 126.3 - Finch Developments

Objection: FD 106.7 - Bovis Homes (South West) Ltd.

Objection: FD 92.16 - Haulfryn Group Ltd

Objection: FD 65.3 - J A Pye (Oxford)

**Issue**

10.71 The need for a review of the Green Belt, in part or in whole.

**Inspector's Reasons**

10.72 These objections seek either a complete review of the Green Belt, or the deletion from it of specific sites to allow their development. I deal with the sites elsewhere in this report.

10.73 An overall review of the Green Belt cannot be carried out as part of any one local plan: paragraph 2.7 of PPG2 makes it clear that this is for structure plans, and it is a matter of common sense that any wide-ranging review must take account of areas beyond the Borough boundary. I note concerns about the approach to the Green Belt review taken by the County Council in the Third Alteration of the Structure Plan and to the recommendations of the Panel who held the Examination in Public to that Plan. However, these are matters beyond the scope of this inquiry.

10.74 I conclude, therefore that there are no grounds on which I can conduct an overall review of the Green Belt through this Plan. However, paragraph 2.7 of PPG2, also says that Green Belt boundaries should not be changed when a local plan is reviewed unless there are exceptional circumstances. In Chapters 12 and 13 I consider whether there are such circumstances in relation to employment and housing land and recommend accordingly.

**RECOMMENDATION**

10.75 Do not modify the Plan in response to these objections, but note my recommendations in Chapter 12 and 13.

**Omission Site: Land at North Road/Grovefield Road/Hatherley Way****Policy CO 48 Definition of Green Belt**

Objection: FD 96.3 - Industrial Sales Ltd.

---

**Issues**

10.76 Whether the allocation of this land for employment purposes would:

- (a) meet the economic needs of the Borough;
- (b) be unacceptable in principle on highway or accessibility grounds;
- (c) harm the openness of the Green Belt or the purposes of including land within it; or
- (d) harm the character and appearance of the area.

**Inspector's Reasons****Background**

10.77 I have dealt with this objection against the background of three conclusions which affect the Green Belt and the role of this Plan:

- in paragraph 10.74 that I cannot, through this Plan, conduct an overall review of the Green Belt;
- in Chapter 12, when dealing with objection FD 96.2 and others, that additional employment land should be allocated; and
- that the problems caused by the need for this land could amount to the exceptional circumstances required by paragraph 2.7 of PPG2 to justify a change to the Green Belt boundary when local plans are reviewed.

10.78 I was told at the inquiry that a planning application had been made for the development proposed in this objection. However, I have dealt with this case in the way it was presented to me: as an objection to the development plan.

**Issue (a) Economic needs**

10.79 The proposal is for a Class B1 Business Park. I fully support this limitation and I have no doubt that it could be assured by the application of a policy in the Plan. I deal with objections to the Borough's employment land supply in Chapter 12. One of my main concerns is the very limited choice both of location and quality of sites or buildings, and I have no doubt that a proposal of this kind could widen that choice and offer a significant improvement in quality. Whatever other buildings or sites may be available in the Borough there is not, as the objectors argue, a site such as that proposed here.

10.80 I conclude on this issue, therefore, that this proposal could meet one of the shortcomings in the provision of employment land in the Borough's which I have identified in Chapter 12.

**Issue (b) Highway grounds**

10.81 Clearly, the traffic generated by a development of this size will have an impact on roads and junctions. However, I heard nothing at the inquiry to persuade me that this would amount to an objection in principle to this proposal. Rather, I have no doubt that the impact could be dealt with at the development control stage by the application of policies in the Plan; the submission and consideration of a transport assessment; and the use of a travel plan.

10.82 I note the Council's concern about the accessibility of the site by means other than the car. I acknowledge the distance of the site from existing bus stops, but I see no reason for a site of this size why bus routes should not be extended. I note arguments for the potential use of the returning park and ride buses bringing passengers from the town centre to the adjoining park and ride site. This is a complex matter, however, and it has not been persuasive in reaching my conclusion on this issue.

10.83 It seems to me that the accessibility of the site is no worse than other peripheral sites which are likely to be considered for any long-term growth in the Borough – and the Council accepted at the inquiry that this would be necessary – and that the present situation can be improved by action in the travel plan and in response to the transport assessment.

10.84 To my mind, the Council's concerns about the impact of the proposal on the possible extension of the adjoining Arle Court park and ride site can be overcome by the inclusion within the objection site of a car park for 100 cars. I see no reason why this should not be achieved through a policy in this Plan, provided the Council can provide reasoned justification for it. This

---

seems likely, given what I heard at the inquiry about the extent to which the site is used, and the importance of park and ride in the transport strategy. I heard no evidence at the inquiry greater need. However, if that need should arise in the future, it would be for the Council to seek to acquire land: the undetermined possibility that it might arise is not a reason to justify not allocating this site.

10.85 I conclude on this issue, therefore, that there is no objection in principle on highway or accessibility grounds to this proposal.

#### Issues (c) Green Belt

10.86 I acknowledge that this site is part of an area of Green Belt which meets several of the purposes for including land in green belts set out in paragraph 1.5 of PPG2. As a whole, this area checks the unrestricted sprawl of Cheltenham; it prevents Cheltenham from coalescing with Gloucester; and it safeguards the countryside from encroachment. I have supported the Council on other objections seeking development in this area.

10.87 In this case, however, it seems to me that the effect of this proposal on the purposes of including this land in the Green Belt would be limited: there would be little effect on coalescence for a site of this size; as I discuss below the site has little countryside character limiting fears of encroachment; and a planned and controlled development could allay concerns about sprawl. In these circumstances, I have no doubt that any impact would be outweighed by the economic benefits of the development.

10.88 I also acknowledge the guidance elsewhere in the PPG about the importance of the openness of the Green Belt, and not injuring its visual amenity. I found in this case, however, that whilst the site is undeveloped, the openness of the wider area is limited by the A40 which runs on a heavily treed embankment along much of its northern boundary. Moreover, the road, with its attendant traffic noise and movement, the nearby park and ride site and the presence of the built-up area to the east, all contribute to limiting any countryside character and appearance which the site may have.

10.89 I conclude therefore that this site could be developed and deleted from the Green Belt without material harm to the purposes of including land in the Green Belt or to its openness and visual amenity.

#### Issue (d) Character and appearance

10.90 My findings on this issue are the same as my findings on the effect of the proposal on the openness and visual amenity of the Green Belt. For the same reasons I conclude that, whilst there would be change, there would be no material harm the character and appearance of the area.

#### Conclusions

10.91 I conclude, therefore, that this site should be allocated for employment purposes, and I turn now to consider how this should be achieved in the Plan. Before doing so, however, it is important to establish the points of principle specific to this site which must be assured through a policy in the Plan. From the discussion at the inquiry they are:

- i. the allocation of the site shown edged red on the plan attached to the objectors' proof FD96.3,4 POE;
- ii. a restriction to Class B1 uses;
- iii. the inclusion of a site for 100 cars as an extension to the Arle Court park and ride site; and
- iv. the deletion of the site from the Green Belt: I suggest a new boundary below.

10.92 In addition, other policies in the Plan would ensure:

- i. a parking standard of 1 space per 42 sq m: policy TP 130 and Table 17;
- ii. the provision and implementation of a travel plan: policy CP 5, Note 5;
- iii. highway and other transport improvements arising from the submission and consideration of a transport assessment: policies CP 5, TP 127 and TP 129; and
- iv. the provision of a landscape scheme: policy CP 3.

- 
- 10.93 The pattern established in Chapter 6 by policy PR 1 and Table 7 suggests a new policy PR 4 "Land Allocated for Employment Use", and a new table setting out the detailed requirements. I have no doubt, however, that there should be a site specific policy setting out the requirements in paragraph 10.91. The text should set out reasoned justification for the policy, and also make clear the need to meet the requirements of the other policies set out in paragraph 10.92. The reasoned justification should also refer to the need for, and role of, a planning obligation.
- 10.94 This approach ensures that all the requirements arise from policies in the Plan, not the text or a table and, to my mind, gives the Council greater strength when dealing with planning applications. It also makes the Plan clearer, for developers and the public, since all the requirements for the site are set out in one place. I acknowledge that this approach would lengthen the Plan. However, I have no doubt that this is precisely the type of material which should be in the Plan, not the more descriptive text which I have recommended throughout this report should be deleted.
- 10.95 The site should be shown on the Proposals Map as outside the Green Belt and as an employment land allocation. The site boundary is defined in the objection. For the Green Belt it would seem logical to me to delete as well the park and ride site and the adjoining roundabout, and replace them with a new boundary which would run south-westwards along the A40 to the Borough boundary and then eastwards from the Borough boundary to include the two houses immediately adjoining the site, but to exclude the site itself. I have attached a Plan at the end of this chapter to illustrate my recommendation. In my view this area should also be included within the principal urban area boundary which I recommend in Chapter 13 when dealing with objection SD 127.7 and others.

#### **RECOMMENDATION**

- 10.96 Allocate the site of 6.4ha shown edged red on the plan attached to FD 96.3,4 POE for Class B1 employment purposes and for an extension to the Arle Court park and ride.
- 10.97 Delete the site and adjoining land from the Green Belt, modify the boundary as shown on the Plan at the end of this chapter and include the whole of this area within the principal urban area boundary which I recommend in Chapter 13.
- 10.98 Add to the Plan a site specific policy and reasoned justification taking into account the points discussed in paragraphs 10.91-10.94 of this report.
- 10.99 Make no other modifications in response to this objection.

---

#### **Omission Site: Land adjacent to Bamfurlong Road.**

##### **Policy CO 48 Definition of Green Belt**

Objection: FD 123.1 - George Bence & Sons

##### **Issue**

- 10.100 Whether the need for employment land which I have identified in Chapter 12 justifies the release of this site.

##### **Inspector's Reasons**

- 10.101 In paragraph 10.74 I conclude that I cannot undertake a full review of the Green Belt boundary within the scope of this inquiry. Nevertheless, in Chapter 12 I recommend that additional employment land should be allocated, and conclude that the needs which I have found could amount to the exceptional circumstances required by paragraph 2.7 of PPG2 to justify alterations to the Green Belt boundary when local plans are reviewed.
- 10.102 I do not, however, support this objection. From my site visit I have no doubt that this site performs two of the functions for including land in the Green Belt: checking unrestricted sprawl and safeguarding the countryside from encroachment. To my mind both of these reasons are particularly important here, given the sporadic development which already exists in the area. I have no doubt, either that development would harm the openness and visual amenity of the Green Belt contrary to advice elsewhere in the PPG.

---

10.103 Finally, I do not consider that access to the site along Bamfurlong Lane is acceptable in principle, or that the site offers any realistic means of travel other than by car for people who would work there. This is clearly contrary to both national and local policies.

**RECOMMENDATION**

10.104 Do not modify the Plan in response to this objection.

---

**Omission Site: Land north of Swindon Village.****Policy CO 48 Definition of Green Belt**

Objection: FD 41.6 - Robert Hitchins Ltd.

**Issue**

10.105 The allocation of this land for housing.

**Inspector's Reasons**

10.106 In paragraph 10.74 I have concluded that an overall review of the Green Belt is beyond the scope of this inquiry. I acknowledge that paragraph 2.7 of PPG2 would allow changes to the Green Belt boundary in exceptional circumstances, but I can find none here. I saw on my visit that this site performs two of the purposes for including land in the Green Belt: preventing sprawl and safeguarding the countryside from encroachment. I have no doubt, either, that housing on the site would harm the openness and visual amenity of the Green Belt contrary to other guidance in the PPG. The effect of the existing agricultural buildings on the site is not, in my view, in any way comparable to the impact of housing

10.107 I also share the Council's concern about the accessibility of the site, given its peripheral location. I am not convinced that the development of a site of this size could, as the objectors argue, help to sustain a bus service or even increase its frequency. Rather, it is more likely that future residents would be almost wholly reliant on the car for journeys to work, shop or for entertainment, contrary to both national and local policies.

**RECOMMENDATION**

10.108 Do not modify the Plan in response to this objection.

---

**Policy CO 49 Development in the Green Belt**

Objection: FD 85.8 - Sport England

**Issue**

10.109 The need for the Plan to reflect the approach in PPG2 towards the use of the Green Belt for sports and recreation.

**Inspector's Reasons**

10.110 I agree with the Council that the Plan fully reflects the approach to sport and recreation in the Green Belt set out in PPG2.

**RECOMMENDATION**

10.111 Do not modify the Plan in response to this objection.

---

**Policy CO 49 Development in the Green Belt**

Objection: FD 95.12 - Gloucestershire County Council

**Issue**

10.112 The need to add a criterion dealing with park and ride proposals.

**Inspector's Reasons**

10.113 I have accepted elsewhere in this report that sites for park and ride can be dealt with under general policies in the Plan without the need for a specific policy. Certainly, there is no need for a criterion referring to Annex E of PPG13, as the objectors propose, since that will apply anyway. I therefore do not support this objection.

10.114 Although it is not part of the objection, I am concerned that neither policy CO 49, nor its related text, acknowledge the guidance in PPG2 that very special circumstances must be shown to exist to justify inappropriate development in the Green Belt. I have recommended accordingly.

**RECOMMENDATION**

10.115 Do not modify the Plan in response to this objection.

10.116 Policy CO 49: insert in line 1 “ ... Green Belt, except in very special circumstances, there ... ” and add an explanation to the text.

**Policy CO 49 Development in the Green Belt**

Objection: FD 92.14 - Haulfryn Group Ltd

**Issue**

10.117 The deletion from the Green Belt of land at *The Reddings*.

**Inspector's Reasons**

10.118 This is an area where policy CO 49 would allow limited infilling, but it was argued at the inquiry that removal from the Green Belt would allow some additional housing provision without harm to the area. It is clear from advice in PPG2 that Green Belt boundaries should not be changed lightly, indeed paragraph 2.7 says that exceptional circumstances are needed to justify changes when local plans are reviewed.

10.119 I do not consider that such circumstances exist here. Rather, I agree with the Council that, despite the extent of existing housing, this area meets two of the purposes for including land in a green belt: it checks the unrestricted sprawl of Cheltenham, and it prevents the neighbouring towns of Gloucester and Cheltenham from merging into one another.

**RECOMMENDATION**

10.120 Do not modify the Plan in response to this objection.

**Policy CO 50 Rebuilding or Replacement of a Dwelling in the Green Belt**

Objection: FD 124.53 - Government Office for the South West

**Issue**

10.121 The need to justify the size limitations in this policy.

**Inspector's Reasons**

10.122 I agree with this objection that the justification for this policy could be clearer. However, I accept the approach in principle, and I consider that there is a difference between policies CO 50 and CO 51 for the reasons I give in paragraph 10.53 when considering policies CO 46 & 47.



10.123 The policy would be clearer, however, if paragraph 10.47 explained the circumstances in which the replacement of a dwelling in the Green Belt is not inappropriate development, reflecting the approach to extensions taken in paragraph 10.48. It would also be clearer, in my view, if both the text and policy used the wording from PPG2. Finally, the policy could be strengthened by including “visual amenity” referred to in paragraph 3.15 of the PPG.

### **RECOMMENDATION**

10.124 Delete paragraph 10.47 and replace it with:

“PPG2 says that the replacement of dwellings in the Green Belt need not be inappropriate provided the new dwelling is not materially larger than the one it replaces. As a result, policy CO 50 sets out criteria to meet this advice and to ensure that the openness and visual amenity of the Green Belt are not harmed and that it is safeguarded from encroachment.”

10.125 Delete policy CO 50(c) and replace it with:

“(c) there is no harm to the openness and visual amenity of, or encroachment upon, the Green Belt (note 3).”

10.126 Make no other modifications in response to this objection.

### **Policy TO 113 Development at Cheltenham Racecourse**

Objection: SD 46.29 - Prestbury Parish Council

Objection: SD 46.30 - Prestbury Parish Council

#### **Issue**

10.127 The form and content of the policy and its reasoned justification.

#### **Inspector's Reasons**

10.128 The Parish Council's first objection relates to the wording of paragraph 10.51 and argues that the Plan should ensure that new buildings do not extend beyond the confines of the built-up part of the racecourse. This is clearly set out in criterion (b) of the policy and therefore should be clearly stated in the text. I support this objection.

10.129 The second objection relates to the deletion of criterion (d), dealing with environmental and traffic matters. Here I agree with the Council that, since the Plan must be read as whole, other policies such as CP 5 and TP 127 & 129 can be relied on. There is no need to repeat the provisions of general policies such as these in every site specific policy.

### **RECOMMENDATION**

10.130 Delete from line 1 of paragraph 10.51 “...seek to ...”.

10.131 Make no other modifications in response to these objections.

### **Paragraphs 10.52 - 10.58 Unallocated Land at Leckhampton**

Objection: FD 106.6 - Bovis Homes (South West) Ltd.

Objection: FD 125.8 - LEGLAG

Objection: SD 167.3 - Tewkesbury Borough Council

### **Policy CO 52 Unallocated Land at Leckhampton**

Objection: FD 69.1 - Diocese of Gloucester

Objection: FD 41.7 - Robert Hitchins Ltd.

Objection: FD 64.24 - Mr Pollock

### Background

- 10.132 In Chapter 13 I have found no need to allocate additional sites in this Plan. I therefore do not support those objections which seek such an allocation. Here, however, I must also consider those objections which seek the long-term protection of this site, particularly as I have also recommended that a housing allocations development plan document should be prepared and adopted quickly. This work will require, among other things, comparative studies of potential housing sites within a context which includes a review of the Green Belt, and over a longer timescale than this Plan. This work will also have to apply the sequential test set out in PPG3 to potential sites.
- 10.133 With this in mind, I have dealt with those objections which seek an allocation against the policies in the Plan which is before me. At the inquiry I heard evidence on a range of matters, including sustainability, accessibility and traffic generation. I heard nothing on these matters which would lead me to conclude that there is an objection in principle to the development of this area on these grounds.
- 10.134 Clearly they are all vital matters which must be considered and dealt with. However, I have no doubt that this could be achieved at application stage against criteria in a site specific policy in this Plan to guide the good planning of the area through the imposition of planning conditions and the use of a planning obligation. Issues to be addressed in this way would include highway improvements; footpath and cycleway creation and linkages; public transport access into the site; and all other matters relating to facilities and open space.
- 10.135 Since I have not recommended the allocation of this site, nor its identification as a reserve site, I have not considered these matters further. Nor have I considered the form of policy which should be included in the Plan if the site were allocated. I must, however, consider its future as open land, given those objections which seek more protective policies.

### Issues

- 10.136 Against this background I consider that the issues in this case are:
- (a) The effect of development on the landscape quality of the area.
  - (b) The form and content of any policy and its reasoned justification.

### Inspector's Reasons

The proposal

- 10.137 The proposal presented to the inquiry showed 2 areas of this land for housing: in the north-eastern corner, phase 1 of at least 200-250 dwellings for development during the Plan period to 2011; to the south of this area, but lying north of Kidnappers Lane, phase 2 of 250-300 dwellings to be identified as a reserve site to be development when necessary. The whole scheme would include open space, playing fields and a local centre, to be identified in a development brief.
- 10.138 It was said at the inquiry that, whilst the original objection proposed the whole area for development, only these areas should be developed before a comprehensive review of available sites on the periphery of Cheltenham. Against this background, land between Farm Lane and Kidnappers Lane was shown as remaining in agricultural use, whilst phase 2 was adjoined by areas of "potential recreational uses".
- 10.139 Land in the north-western corner is shown as a potential park and ride site adjoining the road access into the area from the A46.

Issue (a) Landscape quality

- 10.140 From my visits to the site itself, and from what I saw from Leckhampton Hill, I agree with the objectors that there is a difference in character between the northern and southern parts of the site. I will deal first with the southern part.
- 10.141 In this area, I agree with the objectors' landscape analysis that development is unlikely to be acceptable in large parts (Table 3 of Mr Britton's proof). Lott Meadow, for example, has an open character seen from, and offering extensive views of, the AONB and Leckhampton Hill.

---

The large open area to the south leading to Church Road is, to my mind, an important part of the setting of the land in the AONB sloping up to Leckhampton Hill. I do not, therefore, support the approach in this objection that, even though it is not shown for development now, this area could be considered at a later date as part of a review of peripheral sites.

- 10.142 I acknowledge that the character of the area shown as phase 2 is more affected by the buildings within in it, or facing it in Kidnappers Lane. However, the objectors recognise that this area is moderately visible from the AONB, and I have no doubt that housing development would have a materially greater impact in these views than the present buildings. It would also replace agricultural or horticultural buildings with a level of urban development leading to a difference in character and appearance which I do not agree could be overcome by sensitive layout and mitigation measures.
- 10.143 I acknowledge that the A46 frontage of the area could lie within the area of search for a park and ride site. However, the site proposed here is open and offers extensive views over the land towards Leckhampton Hill. I do not agree with the objectors that its use as a park and ride site would retain it as “predominantly open”. Rather, in contrast to its wholly rural character and appearance at present, the site would have an urban character with cars, buses, bus stops, lighting and considerable activity. I accept the difficulties of finding a park and ride site in this area, but this site should not be identified in isolation, until a full study of all the alternatives has been carried out.
- 10.144 Finally, I agree with the objectors that the land in the north-east corner has a different character. It is partly occupied by several small scale horticultural uses, in a range and quality of buildings, and including a wide and varying range of fences and field boundaries. It is also less prominent from the AONB, and along its eastern boundary is more affected by the closeness of housing. It is less open than the land to the south and offers fewer views to the AONB.
- 10.145 None of this, however, persuades me that housing in the area would not be materially harmful. Rather, I found on my visit that the undeveloped nature of this part of the frontage brings a rural character up to the edge of the town which would be lost if development were to take place. The differences also add to the attraction of the area by adding variety.
- 10.146 I saw on my visit that the whole area is easily accessible by public footpaths, from which its landscape and other qualities are readily apparent. I saw, too, that it is a popular area. Whilst any development proposals would retain, and indeed seek to improve, this accessibility, much of the landscape which makes the area attractive to walkers would be lost to housing. This is equally true of the northern and southern areas: indeed the landscape of the northern area would be entirely lost. This reinforces my concern for this part of the site which, though less important in its relationship with the AONB, has a character of its own which is worth retaining.
- 10.147 I conclude on this issue, therefore, that the development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB.

Issue(b) Form of the policy.

- 10.148 Having reached that conclusion, I turn now to consider the best form of policy to protect this site.
- 10.149 Policy CO 52 applies green belt restrictions to this site, yet it is not in the Green Belt nor, apart from encroachment into the countryside, is it being protected for Green Belt purposes, as the Council acknowledged at the inquiry. In my view, this does not amount to the exceptional circumstances which paragraph 2.7 of PPG2 says are needed to change Green Belt boundaries when local plans are reviewed and, as a result, I do not support objection FD 41.7. Rather, I have no doubt that the value of this land lies in the quality of its landscape and the availability of much of it for informal recreation. As a result, I find the present position of protecting it with a “green belt” policy unsatisfactory, and my concern is more than academic.
- 10.150 If policies in this Plan are to be used to protect the site from development they must address the matters which make it worthy of protection. Policy CO 52 may, on the face of it, appear to be a strong, clear policy which the Council could defend, for example at appeal. My concern, however, is that it could be argued that, since CO 52 applies green belt restrictions where

---

there are no green belt purposes being protected, this amounts to a material consideration to determine the application other than in accordance with the policy.

- 10.151 In these circumstances policy CO 52 would have added little to the Council's case, which would have to rely on the landscape policy, CO 44A. I see no reason why this should not be so: criterion (a) of the policy gives the Council ample scope to set out the important landscape features of the area itself in any case it made, whilst the new criteria which I recommend in paragraph 10.188 would protect the adjoining AONB. I accept the long history of this area, and the great local concern for it, but the use of general policies to protect sites in this way is far more common practice than preparing site specific policies such as CO 52. I have therefore recommended that this policy should be deleted.
- 10.152 There is, moreover, little support in national guidance for site specific policies to protect local landscapes. Paragraph 24 of PPS7 says that criteria-based policies using landscape character assessment should provide enough protection for landscapes that are highly valued locally. Paragraph 25 deals with local landscape designations and says that they should only be retained, or exceptionally extended, where it can be clearly shown that these policies cannot provide the necessary protection. To my mind this gives little support for preparing a local landscape policy here.
- 10.153 I have no doubt that my recommendation in Chapter 13, when considering objection SD 127.7 and others, to define the principal urban area for Cheltenham will add to the Council's ability to protect this site. Taking the definition from the Structure Plan Third Alteration, I do not agree with the objectors' arguments that this site is within the principal urban area, since it is clearly not part of the continuous built up area of the town. Despite some buildings within it and along its edges in places, it is to my mind open land beyond the built up area, and part of the town's countryside setting. With this approach, and when the Structure Plan Third Alteration is adopted, policies SD.1 and SD.2 will apply as part of the development plan making it clear that the focus for all new development will be within the principal urban areas.
- 10.154 I do not support LEGLAG's argument that the site could be designated as a conservation area: it is simply too far removed from the type of built environment at which designation is aimed. Again, this is not purely an academic concern. If a conservation area does not meet reasonable criteria for designation it could be argued that this was a material consideration to indicate a decision not in accordance with the relevant policies. Designation would therefore not add to the Council's ability to protect the area.
- 10.155 Since I have recommended deleting policy CO 52, there is no need for its reasoned justification in paragraphs 10.52-10.58. Much of it, in any case, is historical information which should be replaced by my consideration of these objections, whatever conclusions I reach. Given the site's history, however, I recognise that some text is necessary in the Plan, and I have recommended accordingly.

#### The longer term

- 10.156 The history of this site includes a time when it was safeguarded for long-term development, although it was agreed that this is no longer the case, at least in the formal terms used in PPG2. I note the reference to the area in the EiP Panel's report, and in an earlier Borough Council report on objections to this Plan. None of this, however, amounts to any form of commitment to longer term development of the area.
- 10.157 I have dealt with these objections – as I must – within the time-scale of this Plan. I am, however, conscious that there are other matters outside that time-scale, and beyond the Borough boundary, which might affect the long-term future of the area. I have discussed elsewhere the sub-regional level work dealing with the future of Cheltenham in the context of the review of regional planning guidance; the review of the Green Belt; and, more locally, the likelihood of a study to find a park and ride site.
- 10.158 I note the views of the Inspector who considered objections to the Tewksbury Borough Local Plan which allocated land on the western side of Farm Lane opposite this site. She considered that the future of that land should be dealt with as part of this wider work, and in co-ordination with the planning of the objection site (core document OTH 011, paragraph 2.25.15). I agree, and the position here is similar to the need for cross boundary working in north-west Cheltenham. This may not, of course, lead to a change in policy, since the

---

concerns which I have expressed for the landscape of the area may prevail even in this wider geographical context and longer timescale. This work is for other people at another time, however, and here I have tried to consider the approach to be taken within the life-time of this Plan that best serves the Council's aim – which I support – of protecting this land.

### **RECOMMENDATION**

- 10.159 Delete policy CO 52 and rely on the application of policy CO 44A as I recommend that it be modified.
- 10.160 Note my recommendation in Chapter 13 that the Plan should define the principal urban area for Cheltenham and do not include this area within it.
- 10.161 Delete paragraphs 10.52-10.58, and replace them with text which briefly sets out the Council's position:
- i. that the site is excluded from the principal urban area, and the implications of that; and
  - ii. that the Council will seek to protect it for its landscape importance through policy CO 44A.
- 10.162 Make no other modifications in response to these objections.
- 

### **Policy CO 53 Agricultural Land**

Objection: SD 86.16 - Gloucestershire Constabulary

#### **Issue**

- 10.163 The need to make it clear that applications will be considered on their own merits having regard to any special circumstances.

#### **Inspector's Reasons**

- 10.164 I agree with the Council that no modification is necessary here – or indeed against any other policy – since by statute applications must be determined in accordance with the development plan unless material consideration indicate otherwise. This allows the flexibility which this objection seeks.

### **RECOMMENDATION**

- 10.165 Do not modify the Plan in response to this objection.
- 

### **Policy CO 55 Farm Diversification Projects**

Objection: SD 28.15 - Swindon Parish Council

Objection: SD 46.31 - Prestbury Parish Council

#### **Issue**

- 10.166 The need to retain criteria (a), (d), (e) and (g).

#### **Inspector's Reasons**

- 10.167 I agree with the Council that these criteria were properly deleted from the Revised Deposit Draft since other policies can be relied on to achieve their important aims. The Plan must be read as a whole and it is unnecessary to repeat the general provisions of other policies – wildlife, traffic and design in this case – in every site or topic specific case to which they might apply. This would greatly lengthen the Plan without adding any strength to the Council's ability to deal with planning applications.

---

**RECOMMENDATION**

10.168 Do not modify the Plan in response to this objection.

---

**Policy CO 55 Farm Diversification Projects**

Objection: FD 55.17 - South West Regional Development Agency

**Issue**

10.169 The need to refer to “rural diversification projects”.

**Inspector's Reasons**

10.170 The policy follows the advice in PPS7 both by the use of the words “farm diversification” and by the supporting text added to paragraph 10.65 of the Revised Deposit Draft. Moreover, there is no support in the PPS for widening the approach to refer to the rural area. I therefore do not support this objection.

**RECOMMENDATION**

10.171 Do not modify the Plan in response to this objection.

---

**Policy CO 56 Conversion of Rural Buildings**

Objection: SD 28.16 - Swindon Parish Council

**Issue**

10.172 The need to retain criterion (c) in full and criterion (f).

**Inspector's Reasons**

10.173 I do not support this objection for the reasons I give in paragraph 10.167.

**RECOMMENDATION**

10.174 Do not modify the Plan in response to this objection.

---

**Policy CO 56 Conversion of Rural Buildings**

Objection: FD 84.6 - Tufnell Town and Country Planning

**Issue**

10.175 Whether the policy reflects Government advice.

**Inspector's Reasons**

10.176 Both the objectors and the Plan refer to guidance in PPG7 which has now been replaced by paragraphs 17 and 18 of PPS7. The Plan will have to be modified to take this into account. I agree with the objectors that the extensive cross-references to other policies in criterion (d) are unnecessary since the Plan must be read as a whole: if such references are needed they should be in the text or the notes as they are elsewhere in the Plan.

10.177 I do not accept that the policy is generally contrary to Government advice. However, I can find no support in PPS7 that a building should be “worthy of retention” to justify re-use: rather the advice deals with the suitability of buildings, and the need to preserve others for their own value. I have therefore recommended that these words should be deleted. I see no need for criterion (c) to deal with listed buildings, since the Council can rely on other policies. Deleting

---

this part of the criterion avoids duplication and furthers the Council's aim or preparing a concise plan.

10.178 One significant omission in the policy which is not part of the objection is the priority given in PPS7, and in PPG7 before it, to re-use for economic development rather than for residential conversion. The Council should consider the need to reflect this aspect of Government guidance in the Plan.

### RECOMMENDATION

10.179 Delete from policy CO 56:

- i. line 2 of criterion (b) "is worthy of retention";
- ii. line 5 of criterion (c) "and in the case ... the building ..."; and
- iii. criterion (d).

10.180 Modify paragraphs 10.68 and 10.69 to delete references to PPG7 and replace them with guidance in PPS7.

10.181 Add to paragraph 10.72 a reference to the policies which will apply to the conversion of listed buildings.

10.182 Consider the need to reflect in the policy the priority given in PPS7 to re-use for economic development rather than for residential conversion.

10.183 Make no other modifications in response to this objection.

---

### Policy CO 47A Development Affecting the AONB (Deleted from Revised Deposit Draft)

Objection: FD 54.4 - Cotswolds AONB Partnership

#### Issue

10.184 The need for the policy.

#### Inspector's Reasons

10.185 Although this objection was overcome by a change to the Initial Deposit, this policy has been deleted from the Revised Deposit Draft and its provisions combined with policy CO 45. In paragraph 10.42 I have recommended modifications to limit policy CO 45 to deal with development within the AONB, and to ensure that it reflects the guidance in PPS7 on conserving the natural beauty of the landscape there.

10.186 I agree, nevertheless, that it is important to control development outside the AONB but which could affect it. I note the concerns of objectors that policy CO 45 in its present form is too subjective with references to "setting" or "adjacent" to the AONB, whilst this objection sought the even less defined form of development "affecting" the AONB.

10.187 There will always be an element of subjectivity in a policy of this kind, but to my mind it can be overcome to an extent by the reasoned justification and by making specific reference to those aspects of concern which can be identified. This has been done already by the reference in paragraph 10.24 to views into or out of the area, and by the reference to views in policy CO 44A(b). My recommendation builds on this to make part of that policy more clearly addressed to the AONB. I have also included the word "setting" with the proviso that some guidance is given in the reasoned justification.

### RECOMMENDATION

10.188 Further modify policy CO 44A as I recommend in paragraph that it should be modified by:

- i. adding a new criterion (c): "the setting of the AONB;"
- ii. adding a new criterion (d): "views into or out of the AONB;" and

- 
- iii. deleting from criterion (b): “including the protection of ... escarpment” and rewrite it as a new criterion (e) but with a specific reference to the AONB.

10.189 Ensure that there is full reasoned justification for these aspects of the policy, including an explanation of “setting”.



# 11 NATURAL ENVIRONMENT

## **Paragraph 11.13 Legally protected species**

Objection: FD 67.18 - English Nature

Objection: FD 89.4 - Gloucestershire Wildlife Trust

## **Paragraph 11.14 Legally protected species**

Objection: SD 67.20 - English Nature

## **Policy NE 58 Biodiversity and Geodiversity of National Importance**

Objection: SD 67.21 - English Nature

## **Policy: NE 61 Habitats of legally protected species (Initial Draft)**

Objection: FD 67.19 - English Nature

### **Issue**

11.1 The way in which the Plan deals with the protection of nature conservation interests in designated sites.

### **Inspector's Reasons**

11.2 Many aspects of these objections have been overcome by changes to the Initial Draft. However, English Nature raises three outstanding matters: the creation in the Revised Deposit Draft of policy NE 58 to protect both species and habitats; the wording of policy NE 58 if it is to apply to designated sites only; and the need for a text reference to the requirement of a survey and mitigation scheme for protected species.

11.3 It seems to me that much of English Nature's first concern is covered by a careful reading of both the policy and its notes. I agree, however, that it would be both clearer, and a better reflection of Government guidance in PPG9 *Nature Conservation*, if the Plan contained separate policies. This would also reflect the different protection processes which are involved.

11.4 I have therefore recommended the re-introduction of policy NE 61 based on the form proposed by English Nature. Policy NE 58 should apply only to designated sites. This approach removes the uncertainty, of particular concern to English Nature and which I support, arising from the undefined terms of "habitats" and "species of national importance", by replacing them with the clearly understood terms "designated sites" and "legally protected species".

11.5 I also share English Nature's concerns about other aspects of NE 58, when it is compared to the advice set out in paragraphs 27-29 of PPG9. It seems to me that two important aspects are missing. First, the reference in paragraph 29 of the PPG to development "likely to affect" an SSSI, is not clearly reflected in the words "directly or indirectly" in the policy. Second, there is no reference to the advice in paragraph 27 that other material considerations may outweigh nature conservation considerations. Finally, it would make the Plan clearer if this policy applied only to designated nature conservation sites, and that a separate policy should be included for geological sites if necessary.

11.6 I have also recommended that as part of these modifications reference is made to the need for a survey and mitigation proposals to meet English Nature's second concern. This matter is largely covered in SPG and a reference in the Plan would ensure that clear and full advice is given.

### **RECOMMENDATION**

11.7 Add to the Plan a new policy NE 61:

---

**“HABITATS OF LEGALLY PROTECTED SPECIES**

**Development which would materially harm, either directly or indirectly, a site supporting any legally protected species will not be permitted unless safeguarding measures can be provided through conditions or planning obligations to secure its protection.”**

- 11.8 Delete policy NE 58 and replace it with a policy applying to designated nature conservation sites only reflecting the advice in paragraphs 27-29 of PPG9 as discussed in paragraph 11.5 of this report.
- 11.9 Add a separate policy to deal with designated geological sites if necessary.
- 11.10 Modify the text to provide a full reasoned justification for all the policies, including the need for a survey and mitigation proposals for development which might affect legally protected species.
- 11.11 Make no other modifications on response to these objections.
- 

**Paragraph 11.21 Local Nature Reserves**

Objection: SD 101.19 - Network Rail

**Issue**

- 11.12 Whether the designation of the Honeybourne Line as a Local Nature Reserve would impede its future use for transport.

**Inspector's Reasons**

- 11.13 The designation of reserves is a matter outside the scope of the Plan and it is therefore not before me.

**RECOMMENDATION**

- 11.14 Do not modify the Plan in response to this objection.
- 

**Policy NE 59 Biodiversity and geodiversity of local interest**

Objection: SD 54.19 - Cotswolds AONB Partnership

**PIC41****Issue**

- 11.15 The need for a reference to the Cotswolds AONB Management Plan.

**Inspector's Reasons**

- 11.16 This objection would be overcome by PIC41.

**RECOMMENDATION**

- 11.17 Modify the Plan in accordance with PIC41.
- 

**Paragraph 11.41 Air Quality**

Objection: SD 172.5 - Cheltenham and Tewkesbury Primary Care Trust

**Issue**

- 11.18 The need for a reference to other bodies who work in air quality control.
-

**Inspector's Reasons**

11.19 I agree with the Council that no modification to the Plan is needed in response to this objection. Rather, in line with other recommendations elsewhere in this report, I see no purpose for much of the text in paragraphs 11.38-11.64 since they are generally not the reasoned justification for policies and since the Council Actions have been deleted. There is, in addition, text which sets out the provisions of other legislation. Conversely, it may be that additional policies are necessary: paragraph 11.58 on light pollution, for example, has little impact when compared with the effectiveness of a policy.

**RECOMMENDATION**

11.20 Delete paragraphs 11.38-11.64 and replace them only as the reasoned justification for policies in the Plan.

---

**Policy: NE 60 The Water Based Environment**

Objection: SD 46.32 - Prestbury Parish Council

**Issue**

11.21 The need to retain this policy.

**Inspector's Reasons**

11.22 I agree with the Borough Council that this policy has been replaced by policy CP 3.

**RECOMMENDATION**

11.23 Do not modify the Plan in response to this objection.

---

**Policy: NE 64 Contaminated Land**

Objection: SD 46.33 - Prestbury Parish Council

**Issue**

11.24 The need to retain all the criteria.

**Inspector's Reasons**

11.25 I agree with the Borough Council that the criteria in this policy were too detailed, and should properly form the basis of a guidance note. The remaining text of the policy gives the Council the powers it needs to deal with any applications.

**RECOMMENDATION**

11.26 Do not modify the Plan in response to this objection.

---

**Council Action: NE A44** (Deleted from the Revised Deposit Draft)

Objection: FD 64.25 - Mr Pollock

**Policy: NE 59A Protection, Enhancement and Creation of Biodiversity** (Deleted)

Objection: FD 64.26 - Mr Pollock

**Issue**

11.27 The need for a policy or text dealing with hedgerows.

---

**Inspector's Reasons**

11.28 I agree with the Council that policy CP 3 deals with the broad issue of nature conservation, supported by other policies such as NE 58 and 59 as I recommend that they should be modified. The level of detail which Mr Pollock seeks in these objections is more properly included in SPG, and I note the provisions of SPG *Submission of Planning Applications*.

**RECOMMENDATION**

11.29 Do not modify the Plan in response to these objections.

---

**Paragraph 11.22 Local Nature Reserves**

Objection: FD 91.3 - Friends of Leckhampton Hill

**Issue**

11.30 The need to designate Daisybank Fields as a Local Nature Reserve,

**Inspector's Reasons**

11.31 This objection is overcome by text added to paragraph 1.22(c) of the Revised Deposit Draft.

**RECOMMENDATION**

11.32 Do not modify the Plan in response to this objection.

---

**Paragraph 11.24 Leckhampton Hill/Charlton Kings Common (Initial Draft)**

Objection: FD 91.4 - Friends of Leckhampton Hill

**Issue**

11.33 The need to review the boundary of the Local Nature Reserve.

**Inspector's Reasons**

11.34 This paragraph was rightly deleted from the Revised Deposit Draft since it deals wholly with management issues which are not before me in dealing with objections to this Plan. The review of the boundary is also a management issue.

**RECOMMENDATION**

11.35 Do not modify the Plan in response to this objection.

---

**Paragraph 11.44 Air quality**

Objection: FD 119.7 - Cheltenham Cycle Campaign

**Issue**

11.36 The need for precise wording.

**Inspector's Reasons**

11.37 The text to which this objection refers has been deleted for the Revised Deposit Draft.

**RECOMMENDATION**

11.38 Do not modify the Plan in response to this objection.

---

## 12 ECONOMY

### General

Objection: SD 44.17 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: SD 44.14 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: FD 76.1 - Chelsea Building Society

Objection: SD 44.19 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

### Issue

12.1 Whether the Plan provides enough employment land.

### Inspector's Reasons

12.2 I deal with this issue in paragraphs 12.19-12.38. I have not recommended special provision for local firms as the third objectors seek, since that is a matter generally beyond the scope of land-use planning, although meeting the needs of local firms is part of the reason for my recommendation that additional land should be allocated.

### RECOMMENDATION

12.3 Note my recommendation in paragraphs 12.19-12.38, but make no other modifications in response to these objections.

---

*Inspector's Note: I have dealt with all these objections together since they raise broadly the same issues. I deal with other objections to policy EM 67 below.*

### Proposal Map Amendment: Mead Road Industrial Estate

Objection: FD 10.2 - Mr & Mrs McAlary

Objection: FD 31.2 - Mr & Mrs Sim

Objection: FD 36.2 - Mrs Sudbury

Objection: FD 130.2 - Wallace

Objection: FD 45.2 - Mr & Mrs Charles

Objection: FD 38.2 - Mrs Hewitt-Jones

Objection: FD 21.2 - Ms Bamford

Objection: FD 117.1 - Mr Hackwell

Objection: FD 29.2 - Mr M. Sherrington & J Powell

Objection: FD 112.2 - G Maggs

Objection: FD 111.2 - Mr Lunnon

Objection: FD 5.2 - Mr Longney

Objection: FD 23.2 - Drs Hartley

Objection: FD102.1 - Ms Hackwell

Objection: FD 110.2 - Ms Clark

Objection: FD 40.2 -

Mr Critchley

Objection: FD 27.2 - Mr & Mrs Osborne

Objection: FD 18.2 - Mr Pope

Objection: FD 6.2 - Mr Wilkins

Objection: FD 8.2 - Mr Heather

Objection: FD 12.2 - Mr Preston

Objection: FD 37.2 - Mr Painting

Objection: FD 16.2 - Mrs Brown

Objection: FD 2.2 - Sudbury

Objection: FD 4.2 - Mr & Mrs Ellis

Objection: SD171.2 - Mr Johnson

Objection: FD 22.2 - Mrs Jones

Objection: FD 24.2 - Mrs Hancox

Objection: FD 25.2 - Mr Thomas

### Policy: EM 67 Safeguarding of employment land

Objection: FD 110.1 - Ms Clark

Objection: FD 37.1 -

Mr Painting

Objection: FD 130.1 - C Wallace

Objection: FD 24.1 - Mrs Hancox

Objection: FD 45.1 -

Mr & Mrs Charles

Objection: FD 36.1 - Mrs Sudbury

Objection: FD 31.1 - Mr & Mrs Sim	Objection: FD 21.1 - Ms Bamford	Objection: FD 13.1 - Mr Hickey	Objection: FD 11.1 - Mr Carpenter
Objection: FD 27.1 - Mr & Mrs Osborne	Objection: FD 29.1 - Mr M. Sherrington &	Objection: FD 12.1 - Mr Preston	Objection: FD 18.1 - Mr Pope
Objection: FD 112.1 - Maggs	Objection: SD 36.3 - Mrs Sudbury	Objection: FD 5.1 - Mr Longney	Objection: FD 38.1 - Mrs Hewitt-Jones
Objection: FD 23.1 - Drs Hartley	Objection: FD 2.1 - Sudbury	Objection: FD 6.1 - Mr Wilkins	
Objection: FD 40.1 - Mr Critchley	Objection: FD 16.1 - Mrs Brown	Objection: FD 8.1 - Mr Heather	
Objection: FD 22.1 - Mrs Jones	Objection: FD 111.1 - Mr Lunnon	Objection: FD 10.1 - Mr & Mrs McAlary	

### Issue

12.4 The way in which the Plan should deal with the Mead Road Industrial site.

### Inspector's Reasons

12.5 There are three versions of policy EM 67, each with a different approach to the identification of employment land and changes of use on it:

- in the adopted Plan this area was identified as an employment site where changes of use would not be permitted unless continued industrial use might be undesirable on traffic or environmental grounds;
- in the Initial Draft of this Plan the area was still identified as employment land, but this criterion did not apply; and
- in the Revised Deposit Draft of this Plan, the version which I must consider, employment sites are no longer identified, but this criterion has been restored for land in employment use. To an extent, therefore, these objections have been met by this change to the Revised Deposit Draft.

12.6 I saw on my visit the matters of concern to these objectors which arise from the closeness of industrial and employment uses to houses, and the limitations of the road accesses to the site which pass through residential areas. From what I saw, these concerns are fully understandable, and I note that the Council proposes to consider the problems of highway access to the area. I note, too, that the Council is proposing to undertake an assessment of all employment sites. In my view, this would offer the opportunity to consider these matters in detail. However, any proposals which may arise from either of these assessments are matters for the Council to take forward, and are outside the scope of this Plan.

12.7 My concern can only be with the Plan and its policies. It seems to me, however, that my recommendations in this Chapter will provide a new policy context in which the Council can consider the future of this area and the concerns of these objectors, including the approach advocated by Mr Johnson in objection SD 171.2. I say this for three reasons:

- the allocation of additional employment land will enable the Council to take a less constrained view of the need to retain existing sites when considering the impact of proposals on traffic conditions and the environment;
- a new mixed use policy, building on a change proposed by the Council, will allow a more flexible approach to such proposals, and be in accord with the most recent Government guidance in the update to PPG3 (*Supporting the Delivery of New Housing*, January 2005); and
- the deletion of the requirement to replace employment land lost to other uses will make it easier for existing firms to move to new premises.

### RECOMMENDATION

12.8 Make no other modifications in response to these objections.

---

**Proposal Map Former Coal Yard, Tewkesbury Road**

Objection: FD 56.1 - Castlebrook Properties

**Issue**

12.9 Whether the site should be safeguarded for employment uses.

**Inspector's Reasons**

12.10 When this site was added to the Proposals Map of the Initial Draft employment sites were specifically identified. Policy EM 67 in the Revised Deposit Draft, however, works on a different basis, and its safeguarding depends on whether a site is, or was, an employment site. Indeed employment site designation has been deleted from the Proposals Map (core document CBC 013, page 2). This objection has therefore been overcome.

**RECOMMENDATION**

12.11 Do not modify the Plan in response to this objection.

---

**Proposal Map Former Coal Yard, Tewkesbury Road**

Objection: FD 84.3 - Tufnell Town and Country Planning

**Issue**

12.12 The need for constraints to development to be made clear.

**Inspector's Reasons**

12.13 To my mind the text of the Plan sets out as clearly as necessary the constraints to development here and on the adjoining Transco site, and I see no need to modify the Proposals Map. In any case, the identification of this site (core document CBC 007 Plan 32), has been deleted by changes to the Revised Deposit Draft as I explained in the previous objection.

**RECOMMENDATION**

12.14 Do not modify the Plan in response to this objection.

---

**Paragraph 12.1 Introduction**

Objection: SD 59.5 - GCHQ

**PIC42****Issue**

12.15 The appropriate description of GCHQ.

**Inspector's Reasons**

12.16 This objection would be overcome by PIC42 which I support.

**RECOMMENDATION**

12.17 Modify the Plan in accordance with PIC42.

---

*Inspector's Note: I have dealt with these objections together under one heading since, although they may have been made to different paragraphs in this Chapter, they raise the same issues.*

**EMPLOYMENT LAND**

Objection: FD 96.2 - Industrial Sales Ltd.

Objection: SD 44.10 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: FD 106.3 - Bovis Homes (South West) Ltd.

Objection: FD 126.2 - Finch Developments

Objection: SD 191.1 - Keyway (Gloucester) United

Objection: SD 44.11 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: SD 44.9 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: SD 44.7 - Cheltenham Chamber of

Commerce (Planning & Transport Committee)

Objection: FD 55.18 - South West Regional Development Agency

Objection: FD 82.1 - Gloucestershire First

Objection: FD 95.42 - Gloucestershire County Council

Objection: FD 68.1 - Green Park Land Co. Ltd

Objection: FD 108.1 - SPA (Chartered Surveyors)

Objection: FD 95.36 - Gloucestershire County Council

Objection: FD 113.4 - Tungum Hydraulics

Objection: SD 124.118 - Government Office for the South West

Objection: SD 44.13 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: SD 44.8 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: FD 124.67 - Government Office for the South West

Objection: SD 44.15 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: SD 167.2 - Tewkesbury Borough Council

Objection: FD 96.1 - Industrial Sales Ltd.

**Issues**

- 12.18 (a) Whether the Plan provides enough employment land.
- (b) If not, whether the shortfall should be made good in this Plan, bearing in mind the effect of the Green Belt and AONB on limiting the availability of land.

**Inspector's Reasons**

Issue (a) The amount of employment land

12.19 From all that I heard at the inquiry, and have read of these other objections, I have no doubt that the Plan does not provide enough employment land. There are three reasons for this.

12.20 First, the Plan clearly does not conform with the Structure Plan requirement to provide 12 ha. At the inquiry the Borough Council pointed out that this requirement was described in the deposit draft Structure Plan as arising from commitments. However, that is not the case in the adopted Plan which is the development plan, and with which this Plan should be in general conformity.

12.21 I note that the Structure Plan says that the figures should not be used with "mathematical exactitude", but I do not consider that this phrase can apply to a shortfall as large as 12ha. Moreover, whilst I note the Council's concern for a balance between housing and employment in the Borough, this allocation was made as part of the Structure Plan strategy to achieve such a balance (paragraph 7.1.1, core document GCC 01).

12.22 My concern on this issue is compounded, in any case, by the loss in recent years of about 10ha of employment land to other uses. This Plan does not seek to make good this loss, despite the guidance in paragraph 7.2.2 of the Structure Plan that District Councils may need to allocate land to compensate for such a loss.

12.23 Second, from what I have seen on my visits, I agree with those objectors who argue that the existing provision in the Borough offers a very limited choice of location and quality of sites or buildings. This is not necessarily an argument to allow such sites to be redeveloped for other uses, and I deal with this for specific sites elsewhere. However, it convinces me of the need for additional land, not simply to meet a numerical requirement or to achieve conformity with the Structure Plan, but to widen the choice of sites for existing firms, or firms new to the area, and to ensure a quality and range of provision which is almost wholly lacking in the existing employment sites.



- 12.24 Third, it is clear from what I heard from firms and agents working in the area, that the lack of good quality, readily available sites has a serious impact on local firms wishing to expand or move to new premises whilst remaining in the Borough.
- 12.25 I accept that the way the Plan should deal with the Borough's economy is more complex than these three reasons might suggest. Clearly, as the Council argues, not all new jobs require additional land, and the evidence of the growth in jobs over the past 10 years at a time of loss of employment land illustrates this vividly. I also accept the low level of unemployment and the general strength of the Borough's economy.
- 12.26 The question of balance between housing and employment is also more complex than the discussion in paragraph 12.21 of this report might indicate. Two sets of data illustrate why this is so. First, forecasts to 2015 show a greater supply of, rather than demand for, labour, which superficially suggests the need for more employment land since people must be moving out of the Borough to work. However, I also heard of extensive daily in-commuting to the Borough, suggesting the opposite.
- 12.27 There is clearly a need to deal with these complexities, and I have no doubt from what was said at the inquiry that this will form part of the work conducted in the review of this Plan. At this stage, however, I am not persuaded that arguments about balance outweigh the need for employment land which I have identified for other reasons.
- 12.28 From what I have seen and heard, I am not convinced by the Council's argument that the redevelopment or rationalisation of existing sites could make any significant contribution to meeting the problems of quality, range, and choice which I have described. Nor would it offer more than very limited scope for local firms wishing to expand or move to improved premises: the double move necessary for this approach, to allow an existing building to be replaced whilst the firm remains in business, is clearly uneconomic, as I heard when considering objections on behalf of Tungum Hydraulics.
- 12.29 From what I heard at the inquiry I am not convinced, either, that windfall sites could make any real contribution to the supply of employment land. Finally, I have seen no evidence to convince me that a change in working practices is likely to make a significant difference to these problems.
- 12.30 For all these reasons I conclude that the Plan does not provide enough employment land. I turn next to consider the ways in which this should be addressed.

Issue (b)            The role of this Plan

- 12.31 I acknowledge that the Green Belt and the AONB are, quite rightly, major constraints on the physical extension of the town within the slightly wider limits of the Borough. I acknowledge, too, that this Plan will have a short life, and that its successor may well have the benefit of work on the wider, sub regional issues of the growth of Cheltenham, its relationship with Gloucester and the surrounding countryside, and the complexities to which I have referred in dealing with the previous issue.
- 12.32 The temptation to delay planning decisions until other work has been done, or other guidance is available, was discussed at the inquiry. I have no doubt, however, that this Plan must address at least some of the shortfall. The problems which I have identified cannot await the outcome of other work, including the Council's proposed assessment of current stock, particularly as it is very unlikely that the timescales of all the studies and Plans will ever fully coincide. It is far more likely, in my experience, that there will always be another plan or study whose outcome is unknown when decisions have to be taken.
- 12.33 I acknowledge, nevertheless, the importance of this work, and the influences on the Borough's economy which extend far beyond its boundaries and the time-scale of this Plan. I heard calls for the Plan to follow the recommendations of the EiP Panel, or to be prepared in the context of the Third Alteration of the Structure Plan. Such an approach would clearly be beyond the scope of my consideration, although I accept that Cheltenham has been defined as a principal urban area in RPG10. To my mind it is also important that my knowledge of available sites is limited to those brought to my attention by objectors and it is also possible, as the proposals in objection SD 170.3 illustrate, that employment land provision for Cheltenham could be made outside the Borough boundary.

- 12.34 I have, however, recommended the allocation of two sites with a total area of about 10 ha. This, it seems to me, accords more closely with the Structure Plan advice about mathematical exactitude. It also accords with my view that this Plan has a short life and should be replaced quickly with a Plan able to take the wider, more complex issues into account in making further allocations.
- 12.35 In taking this approach I have not accepted the Borough Council's argument that any allocation of additional land should await the outcome of other studies, for the reasons I have given. This is particularly so for the Green Belt since, although the County Council has proposed a review in response to the EiP Panel's Report on the Third Alteration, it does not envisage any changes until after 2016. The problems which I have identified cannot wait that long.
- 12.36 Nor have I accepted the County Council's argument that the 12ha Structure Plan requirement, and if possible the roughly 10ha lost to employment uses, can be found without changes to the Green Belt. I acknowledge that it is not the County Council's job to identify sites, but in the face of what I have seen of the Borough and what I heard from both firms and agents in the area, I am wholly unconvinced by an assertion which was not backed by any evidence at the inquiry.
- 12.37 Although the sites which I recommend are within the Green Belt I have no doubt that the problems which I identify in issue (a) could amount to the exceptional circumstances required in paragraph 2.7 of PPG2 for changes to the Green Belt where local plans are being reviewed.

### **Recommendation**

- 12.38 Delete paragraphs 12.12-12.16 and paragraphs 4.22-4.24, and replace them with reasoned justification for a strategy based on paragraphs 12.19-12.37 of this report and my recommendations for additional employment land allocations in paragraph 12.63 below and in Chapter 10 when dealing with objection FD 96.3.
- 12.39 Modify Table 10 accordingly.
- 12.40 Ensure that Chapters 4 and 6 are modified to be consistent with this approach.
- 12.41 Add a new criterion to policy EM 66 to refer to allocated sites.
- 12.42 Make no other modifications in response to these objections.

---

## **Omission Site Land at Swindon Farm**

### **Paragraph 12.11 Employment land**

Objection: SD 170.2 - Barwood Land and Westbury Homes (Holdings) Ltd

### **Issues**

- 12.43 Whether the allocation of this land for employment purposes would:
- (a) meet the economic needs of the Borough;
  - (b) harm the openness of the Green Belt or the purposes of including land within it;
  - (c) harm the character and appearance of the area; or
  - (d) be unacceptable in principle on highway or accessibility grounds.

### **Inspector's Reasons**

#### **Background**

- 12.44 In Chapter 13 I consider an objection which proposes an urban extension to the north-west of Cheltenham of which this site would be a small part. In the Master Plan for this proposal it is shown as employment land. I have not supported that objection for reasons I give in Chapter 13, but I am satisfied that I can deal with this objection for the release of this site for employment land as a self-contained proposal.

12.45 The site has an area of 3.75ha and lies immediately behind the units in the Gallagher Retail Park. It is shown in detail on the plan with core document LPI 012 which I have attached at the end of this Chapter.

Issue (a) Economic needs

12.46 At the inquiry, and in their draft policy set out in core document LP1 012, the objectors proposed a development of Class B1(c), B2 and B8 uses. I note their later arguments against restrictions on Class B1 use generally (letter dated 16 December 2004 to the Programme Officer), but given its location behind the buildings in a retail park, this emphasis on industrial or storage uses seems appropriate to me. It would also ensure a range of uses on new employment land in the Borough, given my recommendation in Chapter 10 that the other allocation should be limited to Class B1 uses.

12.47 In this form I see no reason why the proposal would not meet some of the needs which I identify in paragraphs 12.19-12.24: certainly it would offer the opportunity for new, modern units which I heard are not available elsewhere in the Borough.

12.48 I conclude on this issue, therefore, that the site would meet some of the economic needs of the Borough if it were developed in the way proposed.

Issue (b) Green Belt

12.49 I have no doubt that this site is part of a larger area which serves two of the purposes of including land in the Green Belt: checking unrestricted sprawl, and assisting in safeguarding the countryside from encroachment. However, as a planned development it seems to me that concerns about sprawl can be overcome whilst, for the reasons I give below, concerns for the countryside are tempered here by the character and appearance of the area at present. For the same reasons I do not consider that the proposal would materially harm the visual amenity or openness of the Green Belt.

12.50 I have accepted in principle that the problems arising from the shortage of employment land could amount to the exceptional circumstances required in paragraph 2.7 of PPG2 to change green belt boundaries when local plans are reviewed. In this case, I have also found very limited harm to the Green Belt if this site were developed, and I conclude that this limited harm would be outweighed by the benefits of the proposal to the Borough's economy.

Issue (c) Character and appearance

12.51 This site is a flat field, adjoined to the north and west by agricultural land. However, I found on my visit that its character and appearance is almost wholly determined by the impact of the large, featureless grey retail blocks and their open service yard to the south, and other buildings to the east. The site is well contained by hedges, and a ridge running across the field to the north prevents any long distance views from the open countryside that direction.

12.52 In my view, therefore, development of this site would have little impact on the wider countryside setting of this part of Cheltenham. Planned development would also offer the opportunity to improve a very poor edge to the town. I note the Council's concern about the effect of lighting, but I see no reason why this proposal would add materially to the existing situation.

12.53 I conclude, therefore, that this proposal would not harm the character and appearance of the area.

Issue (d) Highways and accessibility

12.54 I note the Council's concerns on these matters, but I heard nothing at the inquiry to convince me that they could not be overcome at application stage by the submission and consideration of a transport assessment and travel plan. Indeed the Council accepted at the inquiry that there is no objection in principle on these grounds.

Conclusions and way forward

12.55 For all these reasons I conclude that this site should be deleted from the Green Belt and allocated for employment uses. In my view it should also be included within the principal urban area which I recommend should be defined in Chapter 13 when considering objection SD 127.7 and others.

- 12.56 For the reasons I give in Chapter 10 when considering objection FD 96.3, I recommend the inclusion of a site specific policy. Whether this development is guided by a development brief, as the objectors argue, is a matter for the Council: the important point is that the policy should set out those requirements which must be met if planning permission is to be granted, whilst the text should refer to the other significant policies which the Council will rely on.
- 12.57 I have considered the versions of a policy submitted at my request by the objectors and the Council. I have already found that the uses should be Classes B1(c), 2 and 8: this must be part of the policy. I also support the limitation of the maximum size of units, to ensure that the allocation can contribute most fully to the economic needs of the Borough by providing a range of units.
- 12.58 I do not agree with the Council's inclusion in the policy of detailed requirements for highway and transport contributions. This will be dealt with by the consideration and implementation of a transport assessment and travel plan which are required by other policies.
- 12.59 I agree with the Council on the need for a landscaped buffer on the northern and western boundaries of the site, for both this proposal on its own, and if the wider development proposed in the Master Plan were to take place. However, I do not share the Council's view that the buffer on the northern boundary need be within the site, given the objectors' wider land ownership.
- 12.60 I have no doubt that, provided the requirement is made clear in a policy, provision outside the allocated site or the defined principal urban area can be assured at the application stage by the use of a planning obligation or Grampian condition. I see no reason not to take this approach even if this site is developed on its own, since a landscaped buffer would be entirely acceptable in the Green Belt and the countryside beyond the site boundary.
- 12.61 The orientation of the buildings to this frontage is also vital, to protect the Green Belt or any adjoining development if that takes place in the longer term. I have suggested rather less prescriptive wording to allow some flexibility in the design process, and there should be further explanation in the text.
- 12.62 Other policies in the Plan will ensure the quality of design, the acceptability of the access arrangements, and the restriction on retail uses which the Council seek, and I see no need for them to be included in this policy.

### RECOMMENDATION

- 12.63 Delete from the Green Belt, include in the principal urban area which I recommend in Chapter 13, and allocate for employment uses, land shown on the plan attached to core document LPI 012.
- 12.64 Add a new policy to support this allocation which:
- i. limits the uses to those within Classes B1(c), B2 and B8;
  - ii. limits the maximum size of any one unit to 5000 sq m;
  - iii. requires the provision of a landscape buffer to the western and northern boundaries which, if it is outside the allocated site, will be assured by the use of a planning obligation or planning condition; and which
  - iv. requires the orientation of the buildings to recognise the sensitivity of the adjoining Green Belt.
- 12.65 Add full reasoned justification for this policy and its criteria, and references to other policies which will be significant in the Council's consideration of any applications

---

### Policy: EM 66 Employment Uses

Objection: FD 100.3 - Mr & Mrs Dingle

**Issue**

12.66 The need to ensure that residential amenity is not harmed by new employment uses.

**Inspector's Reasons**

12.67 The protection which Mr and Mrs Dingle seek will be provided by policy CP 3, which has been partly changed in the Revised Deposit Draft in response to another of their objections. There is no need to repeat those provisions here, or to make a cross-reference, since the Plan must be read as a whole.

**RECOMMENDATION**

12.68 Do not modify the Plan in response to this objection, but rely on the application of other policies in the Plan.

**Policy: EM 66 Employment Uses**

Objection: FD 124.68 - Government Office for the South West

**Issue**

12.69 The need for more detail of the allocated sites to aid monitoring.

**Inspector's Reasons**

12.70 I have recommended the allocation of two greenfield employment sites. I see no need for further information in the Plan, however, since any greater detail would be better set out in a monitoring report.

**RECOMMENDATION**

12.71 Do not modify the Plan in response to this objection.

**Policy EM 67 Safeguarding of Employment Land**

Objection: FD 99.4 - South West RSL Planning Consortium

**Issue**

12.72 The need to consider the redevelopment of redundant employment land for affordable housing.

**Inspector's Reasons**

12.73 I agree with the Council that where employment land is redundant, the policies which would be applied in considering its future would include HS 73B which deals with affordable housing.

**RECOMMENDATION**

12.74 Do not modify the Plan in response to this objection.

**Policy: EM 67 Safeguarding of employment land**

Objection: SD 164.1 - CGMS Consulting

Objection: SD 15.2 - Clerical Medical Investment Group Ltd

Objection: SD 113.10 - Tungum Hydraulics

Objection: SD 44.18 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: FD 83.1 - B&Q Plc.

Objection: SD 196.1 - Signcraft (Cheltenham) LTD

Objection: FD 43.1 - Langdale Estates

Objection: SD 113.7 - Tungum

Hydraulics	Objection: FD 113.5 - Tungum Hydraulics	Objection: FD 118.8 - Zurich Financial Services
Objection: SD 169.1 - Centurion Projects Limited	Objection: SD 113.8 - Tungum Hydraulics	Objection: SD 52.2 - SGB Services
Objection: FD 95.41 - Gloucestershire County Council		

**PIC43, 44 & 45****Objection PIC 52.3 - SGB Services****Objection PIC 15.4 - Clerical Medical Investment Group Ltd****Issues**

- 12.75 (a) Whether the policy should apply to all employment sites.  
 (b) Whether it should be necessary to replace any employment land which is lost.  
 (c) The extent to which evidence of demand can be required.  
 (d) Whether car sales should be permitted on employment land.  
 (e) Whether mixed-use development should be permitted in employment areas.

**Inspector's Reasons**

Issue (a) The application of the policy to all employment land

12.76 Ideally, it seems to me, the Plan should be able to distinguish between:

- a defined core of employment sites where development would be encouraged (policy EM 66(b)), and which would be safeguarded from other uses, except in very limited circumstances; and
- other employment land and sites where a less restrictive policy approach would be appropriate.

12.77 As I heard at the inquiry, this second approach could be applied to individual sites where a firm could finance a move by selling the existing site at a greater value for housing than it could realise for employment use. Or it may apply to an employment area where continued use would be harmful to the local residential environment.

12.78 It is clear, however, that the Council is not at present in a position to take that ideal approach: indeed given the constraints in the Borough, and the quality of employment sites, it may never be able to do so. This difficulty is illustrated for me by the limited difference between the "identified" sites in the adopted Plan and employment land now referred to.

12.79 I was told at the inquiry about work which the Council proposes to assess the existing sites and this should inform the approach taken in the review of this Plan. It seems to me that such an assessment would be particularly worthwhile bearing in mind my concerns about the limited quality and range of existing sites, and the specific problems raised by objectors to the Mead Road Industrial Area.

12.80 In the meantime, however, I conclude that this policy should apply to all employment land.

Issue (b) Replacement land

12.81 I can find no support for this approach in policy E.5 of the Structure Plan whose provisions policy EM 67 otherwise reflects. Applying this requirement to all employment land was added to the Revised Deposit Draft and, in passing, I note that there is no reasoned justification for it in the text. The notes to the policy make it clear that replacement land should not be already in employment use.

12.82 It seems to me to be wholly unrealistic within the highly constrained circumstances of the Borough to expect a developer and, more particularly an individual firm, to find a site with the limitations set out in the policy and its notes. The limitations of land supply are well illustrated in the employment land background paper, where the Council acknowledges that the three areas of white land in the urban area are not appropriate for significant employment development (core document CBC 042, paragraphs 4.29-4.30). In these circumstances, I have

no doubt that it is the Council's responsibility through this Plan to identify enough land so that a criterion of this kind is not necessary.

12.83 I acknowledge the Council's argument that not all the criteria in policy EM 67 have to be met: they are, after all, linked by "or" not "and". Nevertheless, I have no doubt from what I heard at the inquiry that this criterion has caused severe problems in practice. I also share objectors' concerns about the practicability of the requirement on completions in Note 2.

12.84 I conclude, therefore, that criterion (b) should be deleted, and that the Council should rely on new allocations to meet the needs which I have already discussed.

Issue (c)           The need to show lack of demand

12.85 It seems wholly appropriate to me that, in a policy which includes all employment sites not only established estates, evidence of a lack of demand should be required to justify a change of use. I agree, however, with those objectors who argue that the requirement in criterion (c) to show that "no demand" exists is unrealistic, and I have recommended an alternative form of words. The approach the Council will take should be explained and justified in the text.

12.86 I acknowledge the concerns of some objectors that the information in Note 3 relies too much on Council interpretation, but I see no need for further detail at a policy level. Much will depend on individual circumstances and the merits of individual cases, but these are arguments for the development control process, not an argument for trying to set out in this Plan enough detail to cover all situations.

12.87 The same principle must apply to the arguments – which I have accepted – that individual firms need to realise residential value for their sites to fund a move to new premises. This type of case must be made at the development control stage, and flexibility is ensured in the process as a whole by the ability to argue for other material considerations, and in the policy itself by the linking word "or".

Issue (d)           Car sales

12.88 I agree with the Council that proposals for this use should be considered on their own merits – as is the case with many proposals – and I can see no justification for making them a specific exception to this policy. I note arguments that sites will be difficult to identify in Cheltenham, but they are for the development control stage.

Issue (e)           Mixed-use development

12.89 PIC45 proposes an additional criterion to allow mixed use development, provided a comparable area and quality of employment floorspace is retained. This approach also reflects the recently published advice in an update to PPG3. I have two concerns about this criterion, however, particularly as it might be applied to the circumstances in Cheltenham.

12.90 First, on the relatively small sites which I have seen, housing may well inhibit the types of employment use. Second, and conversely, the employment uses may well prevent the creation of an acceptable living environment.

12.91 Whilst I acknowledge the need to protect employment land, the resolution of these issues on any specific site seems more important to me than seeking to retain all the existing employment floorspace. I also agree with objection PIC 52.3 that, as worded, the criterion would not allow for improved quality of provision which could offset any loss of floorspace. From what I have seen of the employment sites in the Borough this is an approach to which the Council should be sympathetic.

12.92 I note the provisions of policy CP 6, to which there have been no objections, but I take it that the Council saw a distinctive purpose for the criterion added by PIC45. On that basis, and taking my concerns into account, I have recommended a new policy to deal with mixed use development on land in employment use. As a result the word "or" sought in objection PIC 15.4 to link the additional criterion to the others is not needed.

## RECOMMENDATION

12.93 Policy EM 67:

- i.           Delete criterion (b) and Notes 1 and 2.

- ii. Delete criterion (c).
- iii. Do not modify the policy in accordance with PIC45, or in response to objections PIC 52.3 and PIC 15.4.
- iv. Renumber Note 3 as “Note”.
- v. Add a new criterion:  
“the retention of the site or premises for employment purposes has been fully explored without success (see the note);”.
- vi. Modify the policy in accordance with PIC43 and PIC44.
- vii. Ensure that there is full reasoned justification for the remaining criteria.

12.94 Add a new policy:

**“POLICY EM ??**

**MIXED USE DEVELOPMENT**

**On land currently or last in employment use mixed use development will be permitted provided:**

- a. **the proposal would not be likely to restrict the range of employment uses possible on the site; and**
- b. **the proposal would create acceptable living conditions; and**
- c. **any loss of existing employment floorspace would be offset by a gain in the quality of provision.”**

12.95 Ensure that there is full reasoned justification for the new policy and its criteria, and that its purpose is distinguished from the purpose of policy CP 6.

12.96 Make no other modifications in response to these objections.

**Policy EM 67 Safeguarding of Employment Land**

Objection: FD 52.1 – SGB Services Ltd.

**Issue**

12.97 The future of land at Prestbury Road.

**Inspector's Reasons**

12.98 This objection seeks the allocation of this site either for housing or mixed use development. In dealing with it I am aware of the advice in the newly published update of PPG3. I will deal with housing first.

12.99 I acknowledge the objectors’ argument about the quality and use of the present buildings: indeed this issue of quality is one of the reasons I have recommended additional employment land allocations. However, this does not justify in my view the allocation of this site for housing.

12.100 From all the other evidence that I heard from firms and agents in the area, I am not convinced that what the objectors describe as a “very considerable supply of employment sites in Cheltenham” justifies the loss to employment of this land. Nor am I convinced from my visits to the area that the site is unacceptable in principle for continued employment use, and the objectors acknowledge that it has potential for redevelopment. Given the loss of land over recent years, and the constraints on finding new sites, it seems to me that sites such as this should continue to contribute to the supply of employment land.

12.101 Turning to mixed use, in paragraph 12.94 I have recommended a new policy which would apply to this site and which, in my view, meets this part of the objection. I do not agree,



---

however, that the site should be allocated: rather any proposals should be considered against the provisions of that policy.

**RECOMMENDATION**

12.102 Do not modify the Plan in response to this objection, but note my recommendation in paragraph 12.94.

---

**Policy EM 67 Safeguarding of Employment Land**

Objection: FD 63.1 – Tilemania Limited

**Issue**

12.103 The allocation of the Manor Park Business Centre for mixed uses.

**Inspector's Reasons**

12.104 Rather than allocations for mixed use development, I have recommended a new policy in paragraph 12.94 against which to consider such proposals. I therefore do not support the approach in this objection. Moreover, references to retail development would also be contrary in this location to national guidance in PPG6 and the approach taken in this Plan by the application of the sequential test through policy CP 2, as I recommend in Chapter 6 that it should be modified.

**RECOMMENDATION**

12.105 Do not modify the Plan in response to this objection.

---

**Policy EM 67 Safeguarding of Employment Land**

Objection: FD 15.1 - Clerical Medical Investment Group Ltd

Objection: SD 15.3 - Clerical Medical Investment Group Ltd

**Issue**

12.106 Whether the former Indalex Site, Tewksbury Road should be allocated for mixed use development.

**Inspector's Reasons**

12.107 There is planning permission for four retail warehouses on this site, and two other applications for mixed uses are supported by the Council but have been called-in for decision by the Government Office. These applications include retail floorspace. As a result the objectors argue that a mixed use allocation would simply reflect the planning permissions and the Council's support for the other applications.

12.108 All this may be true, but it seems to me to be wrong in principle for the Plan to reflect the permissions: rather, in a plan-led system, the permissions should follow the Plan. This has clearly been the case here and, as a result, I see no need to modify the allocation of this site since the Council has been able to deal with proposals for mixed uses, which included the loss of employment land, under policy EM 67.

**RECOMMENDATION**

12.109 Do not modify the Plan in response to this objection.

---

**Policy EM 67 Safeguarding of Employment Land**

Objection: FD 109.2 - NHS Estates South

**Issue**

12.110 The need for flexibility to allow healthcare provision on employment land.

**Inspector's Reasons**

12.111 The aim of this policy is to protect employment land. I agree with the Council, therefore, that proposals for this type of provision should be considered on their own merits and do not justify a specific policy exception.

**RECOMMENDATION**

12.112 Do not modify the Plan in response to this objection.

---

**Policy EM 70 Location of business use development** (Deleted from the Revised Deposit Draft)**Policy CP 2 Sequential approach to the location of development**

Objection: FD 108.2 - SPA (Chartered Surveyors)

**Issue**

12.113 The need for a more positive approach to office development on edge of town sites.

**Inspector's Reasons**

12.114 The objectors argue that the application of the sequential approach in policy CP 2 will stifle the provision of modern offices in the Borough for which there is a demand, but no provision, in the town centre. I have recommended a modification to this policy in Chapter 6 when considering objection SD 64.36 to ensure that the policy makes clear the distinction between the guidance in PPGs 6 and 13 on the sequential text to be used for shops and for major generators of travel demand. This does not, however, alter my view of this objection.

12.115 I do not accept that applying a sequential test through policy CP 2, as I have recommended that it should be modified, would act as a presumption against new offices on out-of-town sites. Rather, following Government guidance, it sets out a sequence of priorities: if, as the objectors argue, provision of modern offices is not possible in the Core Commercial Area, that is taken into account and a site lower down the preferred sequence may be considered.

12.116 I have no doubt that this is the approach envisaged in Government guidance and that it fully accords with wider local and national aims for achieving sustainable development. I do not agree that putting the town centre first in the sequence will be harmful: rather it recognises the benefits of such a location, in terms of accessibility and the wide range of services and facilities which are available there.

**RECOMMENDATION**

12.117 Do not modify the Plan in response to this objection.

---

**Paragraph 12.35 Business use**

Objection: FD 95.39 - Gloucestershire County Council

**Issue**

12.118 The need for a policy to safeguard office space.

**Inspector's Reasons**

12.119 I agree with the Council that this safeguarding is provided by policy EM 67.

**RECOMMENDATION**

12.120 Do not modify the Plan in response to this objection.

---

**Paragraph 12.47 Tourism** (Deleted from the Revised Deposit Draft)

Objection: FD 92.12 - Haulfryn Group Ltd

**Issue**

12.121 The need for policies to encourage an improvement in quality within the tourism sector.

**Inspector's Reasons**

12.122 I have argued elsewhere in this report that there is no place for policies which give "general encouragement" since they would be contrary to the advice on the purpose of local plan policies in paragraph 3.14 of PPG12. Rather, if such encouragement is to be given, it should be part of the Council's corporate approach.

**RECOMMENDATION**

12.123 Do not modify the Plan in response to this objection.

---

**Paragraph 12.50 Education and health**

Objection: SD 172.6 - Cheltenham and Tewkesbury Primary Care Trust

**Issue**

12.124 The need to consider the development of primary care facilities.

**Inspector's Reasons**

12.125 I agree with the Council that this paragraph deals with sectors of the economy, and a reference to a form of provision would be out-of-place.

**RECOMMENDATION**

12.126 Do not modify the Plan in response to this objection.

---

**Policy EM 70 Location of business development** (Deleted from the Revised Deposit Draft)

Objection: FD 68.2 - Green Park Land Co. Ltd.

**Issue**

12.127 The need for a policy to allocate additional employment land.

**Inspector's Reasons**

12.128 I have met this objection by general and site specific recommendations elsewhere in this report.

---

**RECOMMENDATION**

12.129 Do not modify the Plan in response to this objection.

---

**Paragraph 9.56 Tourism** (Initial Deposit)

**Paragraph 12.47 Tourism** (Deleted from Revised Deposit Draft)

Objection: FD 66.6 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issue**

12.130 The need for the paragraph to be more positive.

**Inspector's Reasons**

12.131 This paragraph has been deleted and is no longer before me.

**RECOMMENDATION**

12.132 Do not modify the Plan in response to this objection.

---

**Paragraph 9.57 Education and health** (Initial Deposit)

**Paragraph 12.50 Education and health** (Revised Deposit Draft)

Objection: FD 58.3 - University of Gloucestershire

**Issue**

12.133 The need for a policy for the provision of further and higher educational facilities.

**Inspector's Reasons**

12.134 I see no purpose for a general policy of this kind: any proposals can be fully considered against the policies of the Plan.

**RECOMMENDATION**

12.135 Do not modify the Plan in response to this objection.

---

## 13 HOUSING

### General

Objection: FD 99.11 - South West RSL Planning Consortium

### Issue

13.1 The need for a policy to encourage special needs housing.

### Inspector's Reasons

13.2 As I have argued elsewhere in this report a policy of general encouragement would not meet the advice in paragraph 3.14 of PPG12 that policies should concentrate on those matters which are likely to provide the basis for considering planning applications. The Council may well have a corporate policy, but that should be expressed elsewhere.

### RECOMMENDATION

13.3 Do not modify the Plan in response to this objection.

---

### General

Objection: FD 99.19 - South West RSL Planning Consortium

### Issue

13.4 The need to allocate sites for 100% affordable housing.

### Inspector's Reasons

13.5 Contrary to the objectors' arguments, I can find no support for this approach in Government guidance.

### RECOMMENDATION

13.6 Do not modify the Plan in response to this objection.

---

### General

Objection: SD 167.8 - Tewkesbury Borough Council

### Issue

13.7 The need to add a statement on housing growth beyond the Plan period.

### Inspector's Reasons

13.8 I agree that there should be, somewhere in the Plan, a short section setting it in the context of work being carried out beyond its own time-scale.

### RECOMMENDATION

13.9 Ensure that there is in the Plan a short section setting it in the context of work being carried out beyond its own time-scale.

*Inspector's Note: I have dealt with all these objections together since, although they are to different paragraphs in this chapter, they raise the same issues.*

### Paragraphs 13.10-13.24 Housing requirements

#### Policy HS73(A) Housing development

Objection: SD 127.7 - Corporate Property Services Gloucestershire County Council	Government Office for the South West	Objection: FD 99.5 - South West RSL Planning Consortium
Objection: FD 118.7 - Zurich Financial Services	Objection: FD 41.3 - Robert Hitchins Ltd.	Objection: FD 68.3 - Green Park Land Co. Ltd.
Objection: FD 32.5 - David Wilson Estates	Objection: SD 41.9 - Robert Hitchins Ltd.	Objection: FD 65.5 - J A Pye (Oxford)
Objection: SD 106.9 - Bovis Homes (South West) Ltd.	Objection: SD 41.8 - Robert Hitchins Ltd.	Objection: FD 106.1 - Bovis Homes (South West) Ltd.
Objection: FD 126.1 - Finch Developments	Objection: FD 32.6 - David Wilson Estates	Objection: FD 90.10 - House Builders Federation
Objection: FD 124.72 -	Objection: FD 118.5 - Zurich Financial Services	

#### Issues

- 13.10 (a) Whether the adopted Structure Plan remains the appropriate strategic guidance for this Plan.
- (b) Whether the Plan should define a boundary for the Cheltenham principal urban area.
- (c) Whether the methodology of the Urban Capacity Study accords with Government guidance.
- (d) Whether the methodology for meeting housing requirements in the Plan accords with Government guidance.
- (e) Whether the assessment of the housing requirement is acceptable.
- (f) Whether the Plan's assessment of housing provision will be achieved.
- (g) Whether the Plan's housing provision meets Government guidance.
- (h) Whether the Plan is flexible enough to bring forward new sites if monitoring indicates that forecast supply is not being met.

#### Inspector's Reasons

##### Background

13.11 I have dealt with these issues on the basis of the revised versions of Tables 7 and 11 in the Plan which were submitted by the Council to the inquiry at my request. I have attached them to this report as appendices.

13.12 In Chapter 10, when dealing with objections SD 181.2 and others, I have concluded that an overall review of the Green Belt cannot be carried out as part of any one local plan: paragraph 2.7 of PPG2 makes it clear that this is for structure plans, and it is a matter of common sense that any wide-ranging review must take account of areas beyond the Borough boundary.

13.13 I note concerns about the approach to the Green Belt review taken by the County Council in the Third Alteration of the Structure Plan and to the recommendations of the Panel who held the EiP to that Plan. However, these are matters beyond the scope of this inquiry.

13.14 Paragraph 2.7 of PPG2 also says, however, that Green Belt boundaries should not be changed when a local plan is reviewed unless there are exceptional circumstances. In Chapter 12 I have considered whether there are such circumstances in relation to employment land and, if it is relevant, this is the approach which I must also take in relation to housing land.

---

 Issue (a) Strategic guidance

- 13.15 This Plan has been prepared within the strategic guidance of the adopted Structure Plan with its end-date of 2011, yet RPG 10 sets out regional guidance to 2016, as does the emerging Structure Plan Third Alteration. The Council points out in the *Housing Background Paper* that that Plan will be superseded in 2006 by the emerging Regional Spatial Strategy which has an end date of 2026 (core document CBC 041, paragraph 2.15).
- 13.16 In dealing with this issue elsewhere in this report I have concluded that the Plan should continue to relate to the adopted Structure Plan, recognising its short life span in the light of recent legislation, and the Council's intention to replace it with local development documents. Moreover, I cannot take account of recommendations by the EiP Panel on the Third Alteration which have not been accepted by the County Council. If, as one objector argued, the County Council's decisions were subject to direction and change, the implications of that for this Plan must be a matter for the Borough Council to consider at that time.
- 13.17 For housing land provision, however, this issue is rather different since the Ministerial Statement by Mr Keith Hill MP says that Plans should make provision for a 10 years' housing supply from their forecast date of adoption. For housing land, therefore, this suggests making provision to 2016.
- 13.18 In the next issues, therefore, I test the housing provision made in the Plan, first against the Structure Plan requirement and then against this guidance. Before that, however, I deal with the question raised in the objections about the definition in the Plan of a boundary for Cheltenham principal urban area, and aspects of the Council's methodology.

## Issue (b) Cheltenham principal urban area boundary

- 13.19 Cheltenham is defined as a principal urban area in RPG 10, as paragraph 3.32 of this Plan acknowledges. Policy SS 2 of the RPG says that the aim should be to concentrate most development at principal urban areas, with development taking place primarily within them or, where this is not possible, in planned urban extensions to them.
- 13.20 The principal urban area is defined in policy SD.1 of the Third Alteration (in the modified form following the Panel's recommendation) as "the continuous built up area of Cheltenham Borough, and those parts of the parishes of Woodmancote and Uckington that fall within the continuous built up area." (core document GCC 08, page 1).
- 13.21 I have no doubt that this Plan should define the principal urban area boundary on the basis of the Third Alteration's definition for three reasons. First, although it is not part of the adopted Structure Plan, with recent legislation introducing regional spatial strategies, the RPG is now part of the development plan, and this important provision should be recognised in detail at local plan level.
- 13.22 Second, the definition will make it easier for the Council to protect open areas around the edge of the town, as I argue in Chapter 10 when dealing with objections to policy CO 52 and land at Leckhampton. Third, at the same time, it does not prevent long term planning for possible planned urban extensions to the principal urban area as policy SS 2 of RPG 10 makes clear.
- 13.23 I do not share the Council's concerns about the need for cross boundary working: rather I have no doubt that, to the extent that it is needed given the Third Alteration's definition, it can be achieved by discussion with adjoining authorities. Nor do I see any difficulties in adapting figures in the Plan to distinguish the principal urban area from the Borough as a whole.
- 13.24 I have recommended accordingly.

## Issue (c) Methodology of the Urban Capacity Study

- 13.25 The up-dated housing provision figures shown on Table 11 in Appendix A are derived from Table 3 of the most recent Urban Capacity Study (UCS) published in August 2004 (core document CBC 019, page 22). Although the figure of 1700 units is described as "windfall provision" in Table 11, 570 units are from sites identified for housing in the UCS, and the remainder are divided between large and small "constrained windfall" sites.
- 13.26 I have two concerns about the methodology used in the UCS compared with the guidance set out in *Tapping the Potential* (core document OGP 01). There are three steps set out there:

surveying capacity; assessing yield; and applying discounting measures, and my first concern is that the UCS does not appear to follow this approach.

- 13.27 I have seen no evidence that the first step leading to an unconstrained assessment of housing capacity was taken. Although paragraph 3.4 of the UCS refers to a comprehensive survey, it also says that this "... was unable to identify any site which could be considered with confidence as likely to be developed in the plan period."
- 13.28 This suggests to me that the first and third steps have been combined, contrary to the intentions of the approach in *Tapping the Potential* which is to identify first a theoretical unconstrained capacity, and then apply discounting measures to arrive at a realistic assessment of sites which could be developed. The same approach appears to have been taken towards housing development of employment land, as paragraph 3.54 of the UCS explains. Finally on this point, paragraph 3.1 of the UCS constrains the study to the Plan period. In my experience, it is usual for this constraint to be applied at the discounting stage, so that the sites are identified first as potentially available, and then a likely time-scale is considered.
- 13.29 At the discounting stage, policies would also be applied and, taking this approach, there is no reason why land at Leckhampton or Starvehall Farm for example, should not have been included in the unconstrained capacity assessment. As objectors pointed out *Tapping the Potential* does not limit the potential sources of capacity to previously developed land.
- 13.30 My second concern is the extensive use of trend projections in the UCS for which I can find no support in Government guidance. Paragraph 2.11 of the UCS quotes from paragraph 36 of PPG3 which says that "Authorities should make specific allowances for ... windfalls in their plans.", and a similar approach is taken in *Tapping the Potential* on page 19. I am not convinced, however, that this justifies the very extensive use of trend projections in the UCS, which accounts for about 65% of the assessed capacity, and leads to the identification in Table 3 of sites for only about 35% of capacity.
- 13.31 I am also concerned about a lack of consistency between the findings of the UCS and the allocations in the Plan. Two of the identified sites – No 4 Lansdown Road, and No 6 GCHQ Benhall – are not included as allocations in the Plan, whilst the revised Table 7 in Appendix B includes two sites which I cannot find in the UCS. Taking the approach to windfalls set out on page 19 of *Tapping the Potential*, sites which have been identified in the UCS should be allocated, and in Chapter 6 I have recommended this for site No 4, when dealing with objection FD 86.1.
- 13.32 I acknowledge that this makes no difference to overall housing provision. However, it is wholly in keeping with the plan-led approach, and I have recommended accordingly.

Issue (d)            The Plan's methodology

- 13.33 I heard arguments that the methodology in the Plan is flawed, and in particular that it does not meet the advice on the plan monitor and manage approach set out in PPG3. These objections are well illustrated by arguments for the use of non-implementation allowances at various stages of the process. The size of discount varied in these objections, from 5%, to the "traditional" use of 10%. It was argued that allowances should be applied to recognise the general uncertainty of development after the grant of planning permission, and in particular the difficulties of developing sites in an urban area.
- 13.34 In response, the Council cited the advice of the Government Office that this approach is not needed with the introduction of the plan monitor and manage approach, since any shortfall against planned provision will be identified by monitoring, and can be made good, first by addressing the reasons for delay, and then allocating an alternative site.
- 13.35 I agree with this in principle, but in my view this Plan exhibits very little, if any, of the plan monitor and manage approach. There is for example, the very high dependency on trend projections to which I have referred. Most important, however, there is no mechanism to identify and release alternative sites should it be necessary. It seems to me, therefore, that the Council has two choices on the methodology which this Plan should adopt. First, it could continue with what I consider to be its "traditional" approach which, to my mind, would require the use of non-implementation discounting.



- 13.36 Second, it could start again with a full plan monitor and manage approach. I agree with objectors that this would require a greater emphasis on the identification of sites to reflect the “plan” element; clearer indication of what was intended for “monitoring”; and the identification of alternative sites, or at the least setting out a method for identifying them and a mechanism to trigger that process, to allow for the “manage” element if monitoring indicated a shortfall.
- 13.37 The benefits of the plan monitor and manage approach are clear but, given the short life time of this Plan, it seems unrealistic to me to adopt it in full here. I have no doubt, however, that it should be used in the local development documents which will follow. In the circumstances of this Plan, therefore, I have taken the “traditional” approach in dealing with the next issues, and I have recommended this approach, including the use of non-implementation allowances, for the Plan.
- Issue (e) Dwelling requirement
- 13.38 From Table 11 in Appendix A, it can be seen that from the end of March 2004 to the end of the Plan period the net dwelling requirement is 2956: that is, the Structure Plan requirement of 7350, less completions of 4424, but allowing for the loss of 30 units. It appears from the Table and the UCS that the Council has assessed this requirement initially as planning permissions, rather than completions. However, paragraph 3.73 of the UCS recognises the need to allow time to implement permissions by assuming that permission for the 2956 units would have to be granted by mid-2010, requiring permissions for 473 dwellings a year.
- 13.39 To arrive at a residual housing requirement of 759 dwellings to the end of the Plan period, Table 11 shows that the Council has assumed that all commitments – 2167 units – will be completed. This has led to several objections.
- 13.40 First, the “commitments” figure includes 341 units which are the subject of resolutions to grant planning permission, but which await the completion of a S106 agreement or consultation with ODPM. It was argued that without planning permission they should not be recorded as commitments; rather, if they do come forward it should be as windfalls.
- 13.41 To an extent this is an academic argument, particularly if the figure is included in the requirement side of the equation, only to be cancelled out by adding it to the supply side. Apart from a general concern about uncertainty which I deal with below, I have been given no evidence to indicate that the Council’s confidence is not justified. However, since the sites are known, it seems to me to be better practice if they were dealt with as housing allocations.
- 13.42 I acknowledge that this would not alter the overall housing requirement/supply position, but to my mind it would make the Plan clearer and be more in tune with a plan-led approach.
- 13.43 The second objection applies to both sets of figures: that a discount should be applied to recognise uncertainty and the difficulties of developing sites in the urban area. I have discussed this in detail in paragraphs 13.33-13.37 and I have concluded that such an approach is necessary in this Plan. Since I have recommended that the Plan should keep to what I consider to be its essentially “traditional” approach to assessing and meeting its housing requirement, I conclude here that the “traditional” 10% discount should be applied.
- 13.44 Table A sets out the implications of my conclusions to arrive at a residual dwelling requirement.

Table A Dwelling requirement 1991-2011

Structure Plan requirement mid 1991-mid 2011	7350
Net completions to end March 2004	- 4424
Commitments	- 1683
Losses/commitment not coming forward	+ 190
Residual requirement	= 1433

- 13.45 In the table I have not included the 341 units discussed in paragraph 13.40. For commitments, I have applied a 10% discount to the figure of 1426 units shown as not started at 1 April 2004 in

Table 2 of the Council's Residential Land Availability Survey 2004 (core document CBC 017) as the HBF argued. This approach should be taken if the figures are up-dated. The commitments also include the 400 units shown in that table as under construction. I have included the 190 units set out in Table 11 in Appendix A to allow for losses and commitments at GCHQ not coming forward.

13.46 I turn now to consider housing provision.

Issue (f) Housing provision

13.47 All the sites identified in the UCS and shown on Table 7 in Appendix B of this report as allocated in the Plan for housing were the subject of objections. Most related to the uncertainty of the provision: land at Albion Street (UCS No 5), for example, is partly occupied by an existing business which would need to be relocated.

13.48 The sites at St Margaret's Road (UCS No 10) and Portland Street (UCS No 9) are public car parks. It was argued that they are valuable in their own right and that the Council would find it difficult to reduce the amount of parking in the town centre. Land at Welch Road (UCS No 7) is former allotments, which are difficult to release for other uses, and which also requires the acquisition of additional land to create an access.

13.49 To an extent I share these concerns, since there is likely to be an element of uncertainty attached to the development of most sites identified in this way in an urban area such as Cheltenham. Against this, however, I set the Council's ownership of much of the land, and the fact that most are proposed for development after 2007. I note that the Council is preparing a parking strategy which will, among other things, provide a context for decisions on the future level of parking on the relevant sites, and I also note the continuing commitment to park and ride as part of the overall transport strategy.

13.50 I am therefore not persuaded to delete any of these sites from the Plan. In Table B, however, to be consistent with the "traditional" approach which I have recommended, I have applied a 10% non-implementation allowance. I have seen no evidence to convince me that this should be increased to 25-30%, as the HBF argued, where sites are proposed for mixed uses.

13.51 I have included as allocations sites 4-10 from Table 3 of the UCS; the site of Tungum Hydraulics which I recommend in Chapter 6 should be allocated for up to 40 units; and the 341 units awaiting planning permission. It may be that these sites would be better considered as windfalls but, either way, they should be dealt with as an element of provision not commitment, and should be subject to a 10% discount. After applying that discount, I have allowed for the 50 unit loss through the redevelopment of Sites 1-3 in Table 3 of the UCS.

13.52 I turn now to the "constrained windfall" estimates in Table 3 of the UCS. There was some disagreement in places on these figures but, apart from my general concern about the use of trend projections, I heard nothing to convince me that they should be substantially changed. The major differences between the Council's estimates and those of objectors is in the "Identified Sites" category in Table 3 which I have included as allocated sites and discussed in paragraphs 13.47-13.50. Objectors' estimates for windfall sites ranged from 990-1104 which to my mind does not indicate a material difference of view.

13.53 Table B sets out my estimate of dwelling provision.

Table B Dwelling provision 1991-2011

Allocations	851
Constrained Windfalls: large and small sites	1130
Total dwelling provision	1981

13.54 From Tables A and B, therefore, I conclude that the Plan would provide about 548 units above the Structure Plan provision to 2011.

13.55 In addition, I have recommended in Chapter 6 when dealing with objections FD 66.3 and FD 77.1 that the brewery site at St Margaret's Road should be included in the Plan, and that land

at Arle Avenue should be allocated for mixed uses. I do not have any evidence of the extent of housing in these schemes, but it should be included in the housing provision made in this Plan where the Council can make a realistic assessment.

Issue (g) Government guidance

- 13.56 If this Plan is adopted in 2006 it would have a life time of only 5 years in its own terms. However, in practice, because of the transitional arrangements in moving to the new development plan system, it will remain part of the development plan for only 3 years from the date of its adoption (PPS12, paragraph 5.3).
- 13.57 Paragraph 34 of PPG3 says that a plan's proposal map should show sites to accommodate at least the first 5 years of housing development. The Ministerial Statement to which I refer in paragraph 13.17 says that the duration of a plan should be for a period of 10 years from its forecast adoption date, and that it should provide for at least 10 years potential supply of housing.
- 13.58 Clearly the Plan does not meet these aspects of Government guidance. I have no doubt that it should, and in other circumstances I would have so recommended. However, my approach here, as elsewhere in this report, is determined by the Plan's short life span and the wish not to add unduly to the process of plan-making at the expense of delivery, in this case of well located housing sites. There are two reasons for this.
- 13.59 First, with only a 3-year life, this Plan must be adopted quickly: the work needed to extend its life now, and to identify the necessary housing sites, would considerably extend the plan-making period into that 3 years, and delay the adoption of the Plan as a whole. Whilst housing land provision is a vital part of the Plan there are other provisions – employment land for example – which should not be unduly delayed.
- 13.60 Second, it will be replaced by a Plan – or better a housing allocations development plan document – which can meet Government guidance, and take into account emerging strategic guidance for the period beyond the end-date of the current plan. By preparing a housing allocations development plan document it would be possible – using exactly the same methods which are required to put this Plan into conformity with Government guidance – to adopt a new housing allocations policy much earlier than by a traditional review of the Plan as a whole.
- 13.61 This approach would be fully in accord with the emphasis in the new system on plans that provide a quicker and more responsive approach to delivery, and I have recommended accordingly. I note the ways other Inspectors have dealt with this issue, but the approach which I recommend seems to me to fit the particular circumstances of this Plan.

Issue (h) Flexibility

- 13.62 One of the main aims of the plan monitor and manage approach is to ensure that if monitoring shows that supply forecasts are not being met, action is taken, if necessary by the release of additional land. I have already found that this Plan does not take this approach and, bearing in mind its limited life, I have recommended that the Plan should continue its “traditional” approach.
- 13.63 To be fully consistent with this approach I have not recommended that this Plan should identify reserve sites, or set out any mechanism for identifying new sites if monitoring shows the need: that it seems to me can only be done as part of the fully developed plan monitor and manage approach. As I have already found, the time needed to do this would be better spent in preparing a housing allocations development plan document, rather than in modifying this Plan.
- 13.64 I acknowledge that this has all the disadvantages of the “traditional” approach which the approach advocated in PPG3 seeks to overcome, but against this I set the short life time of the Plan and my recommendation for the early adoption of a housing allocations local development document.

Conclusions

- 13.65 Given my finding in paragraph 13.54 that the Plan meets the Structure Plan housing requirement, I conclude that, with its life of little more than three years, it should not identify any additional housing sites. However, I have also found that the Plan does not meet Government guidance on housing provision for 5 years shown on the Proposals Map (PPG3), and on

ensuring a 10 years' supply from the date of its adoption (Ministerial Statement). To achieve both, I have recommended the early preparation and adoption of a housing allocations development plan document.

### RECOMMENDATION

- 13.66 Define a boundary for the Cheltenham principal urban area in accordance with the definition in policy SD.1, as it is proposed to be modified, of the Structure Plan Third Alteration.
- 13.67 In assessing housing supply and provision adopt the approach which I take in paragraphs 13.33-13.54 and Tables A and B, and modify Tables 7 and 11 of the Plan accordingly.
- 13.68 Do not allocate additional sites in this Plan, but take forward for early adoption a housing allocations development plan document based on the approach set out in paragraphs 13.56-13.61.
- 13.69 Note my comments in paragraph 13.55 about the inclusion of other sites.
- 13.70 To ensure consistency, modify other parts of the Plan, including policy PR 1 and any statement of strategy.
- 13.71 Make no other modifications in response to these objections.

### Omission Site: Land at North West Cheltenham

#### Table 11 Dwelling requirement

Objection: SD 170.3 - Barwood Land and Westbury Homes (Holdings) Ltd

#### Issue

- 13.72 The allocation of this land as part of a planned urban extension.

#### Inspector's Reasons

- 13.73 This proposal is for an 85ha urban extension, of which 40ha is within the Borough and the rest in Tewksbury Borough. It is all in the Green Belt. In Chapter 12 I have recommended allocating a small part of it as employment land when considering objection SD 170.2, but the overall proposal is for a range of dwelling types to provide about 2000 units; 15-20ha of employment land; a park and ride site; and shops, school and community facilities.
- 13.74 The objection is made on the basis of a need for additional housing and employment land, in particular to meet the needs of the Structure Plan Third Alteration and to recognize Cheltenham's role as a principal urban area.
- 13.75 A proposal to allocate that part of the site within Tewksbury Borough was made as an objection to the Tewksbury Borough Local Plan. It was not accepted by the Inspector, however, since there was no evidence that the land in this Borough, now the subject of this objection, was likely to be required to meet development needs, and the land in Tewksbury Borough did not represent a sustainable extension on its own.
- 13.76 The Inspector, however, considered that deleting that area from the Green Belt would not compromise the objectives of its designation. She also found that the land could form an urban extension with sustainability merits because of its accessibility by a choice of means of transport to a wide range of facilities in Cheltenham.
- 13.77 I share my colleague's findings in so far as they relate to that part of the overall site which is in Cheltenham. I have also found that there is no need to allocate additional housing land in this Plan, although I have recommended that a housing sites allocation development plan document should be prepared and adopted quickly.
- 13.78 I do not accept the arguments that the Plan should seek to meet the requirements of the Structure Plan Third Alteration to 2016 since it has not been prepared in that context or to that time period. Nor can this Plan take into account recommendations of the Panel who conducted the EiP into the Third Alteration which have not been accepted by the County Council.

- 13.79 I take support for this approach from the advice of the Government Office for the South West in a letter dated 7 October 2004 to the Council (core document OTH 013). This letter advises that the review of the Green Belt, and the consideration of planned urban extensions, should take place within context of the Structure Plan Third Alteration in conjunction with the emerging Regional Spatial Strategy, and the sub-regional work which is currently in progress. As a consequence this Plan should not address growth beyond 2011.
- 13.80 I accept that the Third Alteration has not reviewed the Green Belt or considered the need for planned urban extensions at Cheltenham, despite the recommendations of the EiP Panel. However, the cross-boundary issues in achieving such a review, which must also be taken into account to secure the proper planning of a large and complex site such as this, require an approach beyond the scope of one local plan. To my mind the consideration of these issues is likely to form a major part the sub regional work to which the Government Office refers, and I agree with them and the Council that this is the correct place for this work.
- 13.81 For these reasons I do not accept this objection. Nor do I consider that it would be appropriate for the Plan to acknowledge the principle of an urban extension in this area to meet the long-term housing and employment needs as the objectors argue. Whilst I have accepted that this area has some merits, that must be a matter for wider study to enable all potential sites to be considered and compared.

### **RECOMMENDATION**

- 13.82 Do not modify the Plan in response to this objection.

---

### **Paragraph 13.6 The Structure Plan**

Objection: FD 32.4 - David Wilson Estates

#### **Issue**

- 13.83 Whether housing land should be released in phases.

#### **Inspector's Reasons**

- 13.84 This paragraph is a summary of the Structure Plan not a statement of the Council's policy, and to that extent I do not support this objection. However, since it is a policy which has no bearing on the circumstances in the Borough I see little point in including it here.

### **RECOMMENDATION**

- 13.85 Delete paragraph 13.6, and ensure that the summary of the Structure Plan concentrates on policies which have a bearing on the Plan and its policies.

---

### **Paragraph 13.12 Housing requirements**

Objection: FD 32.7 - David Wilson Estates

Objection: FD 90.11 - House Builders Federation

#### **Issue**

- 13.86 Whether the target for dwellings completed on brownfield sites is realistic.

#### **Inspector's Reasons**

- 13.87 These objections were to the target of 90% completions on brownfield sites in paragraph 10.39A of the Initial Deposit. Paragraph 13.12 of the Revised Deposit Draft sets a target of 80% which, given the way in which housing provision has been estimated in this Plan, seems realistic.

---

**RECOMMENDATION**

13.88 Do not modify the Plan in response to these objections.

---

**Omission Site: Land at Oakley Farm****Paragraph 13.14 - 13.15 Housing requirements**

Objection: FD 59.1 - GCHQ

**Issue**

13.89 The allocation of this land for housing.

**Inspector's Reasons**

13.90 This site is a steeply sloping field in use as pasture. It is in the AONB and fully shares the character and appearance of the wider area of AONB to the east. I have no doubt that, whatever the effect of the development of the GCHQ site to the north, the development of this land would be wholly unacceptable and entirely contrary to both national and local policy to conserve the natural beauty of the AONB.

**RECOMMENDATION**

13.91 Do not modify the Plan in response to this objection.

---

**Paragraph 13.14 - 13.15 Housing commitments**

Objection: FD 86.4 - Gloucestershire Constabulary

Objection: SD 86.7 - Gloucestershire Constabulary

**Issue**

13.92 The need to allocate the Constabulary HQ for housing.

**Inspector's Reasons**

13.93 For the reasons I give in paragraph 13.31, I have recommended that this site should be allocated for housing in Chapter 6 when considering objections FD 86.1 and SD 86.13.

**RECOMMENDATION**

13.94 Note my recommendation in Chapter 6.

---

**Table 11 Dwelling requirement and provision**

Objection: SD 59.6 - GCHQ

**PIC46****Issue**

13.95 Whether this table is arithmetically correct.

**Inspector's Reasons**

13.96 My earlier recommendations will require a revised version of this table, which can take this objection into account. The Council does not oppose the objection as PIC46 indicates.

---

**RECOMMENDATION**

13.97 Do not modify the Plan in accordance with PIC46, but ensure correct and up-to-date figures when Table 11 is modified.

---

**Policy: HS 73(A) Housing development**

Objection: FD 95.38 - Gloucestershire County Council

**Issue**

13.98 The need to amend the wording of Note 4 on density to accord with advice in PPG3.

**Inspector's Reasons**

13.99 In Chapter 4, when dealing with objection FD 64.14, I have recommended that this Note should be set out as a policy since it is a clear statement of policy, not reasoned justification. Clearly, this policy should reflect the advice in PPG3.

13.100 I agree with this objection, however, that by placing the circumstances in which a lower density may be acceptable first, Note 4 does not reflect the approach in paragraphs 54 and 58 of the PPG. It is clear from paragraph 54 that the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas are to be achieved by good design, not by the reduction of density. I can find no support in the PPG3 for the approach taken in the first sentence of Note 4: rather, the emphasis is entirely on the need for good design to deal with the circumstances which it sets out.

**RECOMMENDATION**

13.101 Note my recommendation in Chapter 4 to make Note 4 a new policy.

13.102 Do not include the first sentence of Note 4 in the policy, but ensure that it reflects the advice in PPG3 on good design as I discuss in paragraph 13.100.

---

**Policy: HS 73(A) Housing development**

Objection: FD 77.4 - SecondSite Property Holdings Ltd.

Objection: FD 113.6 - Tungum Hydraulics

**Issue**

13.103 The need for criteria to allow housing development: on sites occupied by an undesirable non-conforming use; where environmental improvement could be achieved; and on windfall sites.

**Inspector's Reasons**

13.104 I see no need for the policy to contain this level of detail, since development of these sites could all be permitted under criterion (b). The removal of a non-conforming use or achieving environmental gain could be material consideration to take into account if any proposal were contrary to other policies in the Plan.

13.105 I am also satisfied that my recommendations in Chapter 12 when dealing with objections to policy EM 67, will enable the criterion dealing with environmental and traffic issues in that policy to be applied to meet the aims of these objections.

**RECOMMENDATION**

13.106 Do not modify the Plan in response to these objections.

---

---

**Policy: HS 73(A) Housing development**

Objection: FD 90.12 - House Builders Federation

**Issue**

13.107 The need for policy references in criterion (b).

**Inspector's Reasons**

13.108 As I have argued throughout this report, there is no need for policy cross-references in the policies themselves since the Plan should be read as a whole. If there is a need for references to significant policies it should be made in the text.

**RECOMMENDATION**

13.109 Delete cross references to policies from criterion (b) and replace them, if necessary, by a reference in the text.

---

**Policy HS 73(A) Housing development**

Objection: FD 92.9 - Haulfryn Group Ltd

**Issue**

13.110 The wording of the policy.

**Inspector's Reasons**

13.111 This objection raises several different points about the policy. I have dealt with its approach to density in paragraphs 13.99-13.100 and I see no need for further modification: the acceptability of density above 50 dwellings per hectare should be considered on a site-by-site basis, not as a policy.

13.112 I see no conflict in the adoption of the definition of previously developed land from PPG3 and criterion (b) of the policy: it seems to me that this would allow for the development of the largely open urban commercial land-uses to which the objector refers.

13.113 For reasons I give elsewhere in this report, I am satisfied that, with the modifications which I recommend, there should be no reference in this policy to the development for housing of employment sites.

**RECOMMENDATION**

13.114 Do not modify the Plan in response to this objection.

---

**Policy HS 76 Mobile Homes**

Objection: FD 92.8 - Haulfryn Group Ltd

**Issue**

13.115 The need for the policy.

**Inspector's Reasons**

13.116 As a principle I do not support the "blanket refusal" approach of this policy because, despite its appearance of strength and clarity, it does not add anything to the Plan and the Council's ability to control development. This is because a decision to refuse permission must always be justified against criteria in a policy. Putting it at its most basic, it can never be a reason for refusal to say simply, and without any justification, that planning permission is refused



because a proposal is contrary to policy X which seeks to prevent that particular type of development.

13.117 In this case the relevant criteria are set out in policies CO 45 and CO 49, and the first part of policy HS 76 adds nothing to the Plan and should be deleted: the Council can rely on policies CO 45 and CO 49 to control development in the Green Belt and the AONB, and deleting policy HS 76 does not in any way weaken its position in defending these areas from unacceptable development. Nor do I see any purpose in the second part of the policy, since other policies can also be relied on.

13.118 In these circumstances I am not convinced that paragraph 13.28 is needed: it is not helpful to pre-judge the outcome of applications, particularly when it is written in an uncertain style with words such as “normally” and “may permit”. This paragraph is therefore contrary to advice in PPG12 about the need for clarity and certainty in local plans.

### **RECOMMENDATION**

13.119 Delete policy HS 76 and paragraph 13.28.

---

### **Policy HS 73B Local housing needs**

Objection: FD 118.4 - Zurich Financial Services

#### **Issue**

13.120 The need for a policy for affordable housing only.

#### **Inspector's Reasons**

13.121 I agree with this objection that this policy should relate only to affordable housing for two reasons. First, paragraphs 13.31-13.38, the notes and criterion (b) already deal only with affordable housing, and this part of the Plan would therefore be much clearer.

13.122 Second, there is no reasoned justification for criterion (a) dealing with housing mix, and thus no explanation of this part of the policy. If criterion (a) is to be retained as a policy, there must be reasoned justification, so that it is clear what the Council is seeking and when planning permission will be granted or not.

13.123 This objection also raises arguments on site size threshold and the role of negotiation in achieving affordable housing, which I deal with below.

### **RECOMMENDATION**

13.124 Delete criterion (a), and replace it as a policy in its own right only if clear reasoned justification for the mix of housing is given.

13.125 Add a new sub heading before paragraph 3.13 “Affordable Housing”, and rename policy HS 73(B) “Affordable Housing”.

---

### **Policy HS 73(B) Local housing needs**

Objection: FD 93.7 - Cheltenham Friends of the Earth

#### **Issue**

13.126 Whether the policy should apply only to sites with easy access to services, facilities and public transport.

#### **Inspector's Reasons**

13.127 As the Council argues in its response to this objection, this part of the policy reflects the advice in paragraph 10 i) of Circular 6/98 *Planning and Affordable Housing*. There are,

however, other criteria in this paragraph of the Circular which are not included in policy HS 73(B), but which are referred to in the notes to the policy or SPG *Affordable Housing*.

13.128 It is not clear to me why this distinction has been made, and to my mind it would be more consistent if the policy set out the requirements for the proportion of affordable housing to be sought and the site size threshold, and the Plan dealt with the other matters from the Circular in the text or, better, SPG. The SPG is not before me, but it should be possible to see a clear link between all the advice in the Circular and the approach to be taken by the Council.

13.129 This objection also seeks an off-site contribution to affordable housing from the development of housing sites which are themselves unsuitable to accommodate such housing. The Council's approach is set out in the SPG – accepting such contributions only in exceptional circumstances – and I support it since it reflects Government guidance.

## RECOMMENDATION

13.130 Delete from policy HS 73(B): “ ... which have easy access ... public transport.”

13.131 Add this provision to SPG.

13.132 Make no other modifications on response to this objection.

## Policy: HS 73(B) Local housing needs

Objection: FD 99.8 - South West RSL Planning Consortium

Objection: SD 101.18 - Network Rail

Objection: SD 95.90 - Gloucestershire County Council

Objection: FD 124.76 - Government Office for the South West

Objection: SD 99.22 - South West RSL Planning Consortium

Objection: FD 32.1 - David Wilson Estates

Objection: FD 90.13 - House Builders Federation

Objection: SD 99.21 - South West RSL Planning Consortium

Objection: FD 86.2 - Gloucestershire Constabulary

Objection: SD 127.8 - Corporate Property Services Gloucestershire County Council

Objection: SD 86.12 - Gloucestershire Constabulary

Objection: FD 49.1 - Cottelsoe Property Co Limited

Objection: SD 124.119 - Government Office for the South West

Objection: FD 41.4 - Robert Hitchins Ltd.

Objection: FD 77.5 - SecondSite Property Holdings Ltd.

Objection: SD 90.27 - House Builders Federation

Objection: FD 90.14 - House Builders Federation

## PIC48 & PIC49

### Issues

- 13.133 (a) The size threshold for qualifying sites.
- (b) The proportion of affordable housing to be sought.
- (c) Whether planning obligations are required in every case.
- (d) The definition of affordable housing.
- (e) Contributions to off-site provision.
- (f) Whether the need for affordable housing justifies the allocation of additional unconstrained sites.

## Inspector's Reasons

### Background

13.134 The Council's approach is based on the findings of a housing needs survey in 2000 which was updated in 2003 (core document OTH 005). There has been no detailed challenge to this work and its findings, and I therefore see no reason not to accept them. The net requirement for affordable housing – that is the overall need less the supply of dwellings available through re-letting – is for 294 dwellings a year for the 5 years to 2008. This requirement must be seen in the context of the provision of affordable housing through the

planning system of 16 units a year for the past 6 years (paragraph 4.10 *Housing Background Paper*, core document CBC 041).

13.135 The Council has published SPG *Affordable Housing* (core document CBC 034) since the Plan was written, which sets out in detail the Council's approach to implementing this policy.

Issue (a)            Size threshold

13.136 As objectors point out, the size threshold which Circular 6/98 applies to Cheltenham for affordable housing are developments of 25 or more units and sites of 1ha or more. This policy, however, applies the lower thresholds – 15 units, sites of 0.5ha – for which the Circular says local authorities must demonstrate “exceptional local constraints”.

13.137 The Council sets out its view of these constraints in paragraph 13.36 of the Plan, and in more detail in paragraph 4.12 of the *Housing Background Paper*: the increase in property prices; the loss of stock through right to buy; and the small size of housing sites likely to come forward. To my mind these amount to the exceptional constraints required by the Circular, particularly against the unchallenged background of need, and the very limited provision made in recent years by the implementation of the existing policy which uses the larger thresholds.

Issue (b)            The proportion of affordable housing

13.138 There are two aspects of this issue raised in the objections: the proportion itself, and the Council's approach in implementing this part of the policy.

13.139 Dealing with the approach first, it is clear to me from Note 1 to the policy, from paragraph 13.38 of the Plan and from the SPG, that the Council proposes to negotiate with developers. It is also clear that the points of concern to objectors – for example, changes over time, site conditions, and impact on viability – will be taken into account. I therefore see no need for further modifications in this respect.

13.140 Some objectors argue that setting a single figure as a proportion for the Borough does not accord with the approach advised in Circular 6/98, of setting the number to be provided throughout the plan area and then setting indicative targets for specific suitable sites. This is true but, given the way housing sites are likely to come forward in the Borough, it seems to me that the Plan's approach is the only practical one to take.

13.141 Turning then to the proportion, the arguments of need and limited supply, with those which I describe in paragraph 13.137, persuade me that the 40% sought in this policy is acceptable, particularly since it is in the context of a negotiated approach.

Issue (c)            The need for planning obligations

13.142 The approach to be taken to the use of planning obligations is set out in paragraph 6.23 of the SPG, and makes it clear that they will be required in cases not involving a Registered Social Landlord. I support this approach, although it could be made clearer in Note 3, and I have recommended accordingly. I also support PIC49 for the added clarity that it will bring.

Issue (d)            The definition of affordable housing

13.143 The Council's definition of affordable housing is set out in SPG, with a reference in Note 2 of the policy. Whilst the SPG is not before me I have two concerns with this approach, and I must include the SPG to ensure consistency with the Plan.

13.144 First, the definition itself does not accord with that in paragraph 9 a) of Circular 6/98 as it does not include low-cost market housing. I understand the reason for this, since the housing needs study shows that this form of housing would not meet Cheltenham's needs. However, I am conscious of the advice in PPG12 that local authorities must have regard to national policy, and ensure that they have given adequate reasons when they depart from it.

13.145 Second, despite the definition, there is a detailed discussion of when low-cost market housing can be acceptable in paragraphs 4.9-4.12 of the SPG. This seems to me to be inconsistent.

13.146 If the Council wishes to retain the present definition of affordable housing, it should set it out in the Plan and, to meet the advice in PPG12, explain and justify there the departure from the definition in Circular 6/98. The Council would then need to ensure that the SPG is consistent

with the Plan. This approach, to my mind, would give the Council the greatest strength in implementing its affordable housing policy if that definition is retained.

13.147 On the other hand, given the detailed discussion in the SPG, it would be equally consistent for the definition to include low-cost market housing, but with the limitations which the Council place on it set out in the SPG. On balance, I recommend this approach and it seems to me to reflect the way the Council proposes to deal with low-cost housing.

13.148 I have also recommended that the definition should be included in the Plan: apart from any added strength as part of the development plan, it is far clearer for users of the Plan to have both policy and definition in one place.

Issue (e) Off-site contributions

13.149 The way the Council proposes to deal this issue will be made clear by PIC48, which adds a new Note 5, that off-site contributions will be accepted only in exceptional circumstances. I support this approach and the PIC, and I have no doubt that it reflects Government guidance on the approach to the location of affordable housing. However, there must be reasoned justification for it.

Issue (f) The need to allocate housing sites

13.150 I have found no need to allocate additional sites in this Plan to meet Structure Plan provision. Whatever my findings, however, I do not accept the principle that additional unconstrained – that it almost certainly greenfield – land should be allocated simply to ensure the provision of affordable housing.

## RECOMMENDATION

13.151 Note 3:

- i. delete “Affordable housing will ... “ and replace it with “Where affordable housing is to ...”; and
- ii. delete from line 2 “to” and replace it with “ ... *obligation* it will *ensure* ... ”.

13.152 Add to the Plan, in the reasoned justification or a note, a definition of affordable housing which fully reflects the definition in paragraph 9 a) of Circular 6/98, and includes a reference to low-cost market housing.

13.153 Ensure consistency between the Plan and SPG.

13.154 Modify the Plan in accordance with PICs 48 & 49.

13.155 Add reasoned justification to the text for Note 5 in PIC48.

13.156 Make no other modifications in response to these objections.

---

### Paragraph 13.44 Sheltered and retirement housing

Objection: SD 172.8 - Cheltenham and Tewkesbury Primary Care Trust

#### PIC50

#### Issue

13.157 The purpose of the paragraph.

#### Inspector's Reasons

13.158 This objection, to the title of the Health Authority, would be overcome by PIC50. However, I am concerned that the paragraph is wholly unclear in three ways. First, there is no definition of “undue in-migration”, or justification of what might be considered to be an unacceptable level. Second, there is no indication of how, if at all, the Council is monitoring the level of any in-migration caused by the development of sheltered housing. Third, there is no explanation of what a review of the policy means, how or when it would be carried out, or the relative

weight which could be attached to the new policy against the policy in this Plan which, when adopted, will be the statutory development plan.

13.159 I note that this text is in the adopted Plan, but that does not alter my conclusion that it is wholly unacceptable for its lack of clarity, contrary to guidance in PPG12. For the same reason, it adds nothing to the Council's ability to deal with applications for sheltered housing, even if there is a concern about in-migration. It therefore has no purpose and should be deleted. Reference to in-migration should also be deleted from paragraph 13.43.

13.160 If the Council is concerned about in-migration from sheltered housing and considers that a policy may be needed, I have no doubt that it must: survey all sheltered housing schemes to establish the level of in-migration; determine whether the findings amount to an "undue" level, and if so justify that determination; and include in this Plan a policy accordingly, or a firm commitment to monitoring provision against a level which is determined to be unacceptable.

### **RECOMMENDATION**

13.161 Delete paragraph 13.44, and the reference to in-migration in paragraph 13.43.

13.162 Do not modify the Plan in response to this objection.

### **Policy: HS 79 Elderly Persons Housing**

Objection: SD 172.9 - Cheltenham and Tewkesbury Primary Care Trust

Objection: FD 90.16 - House Builders Federation

#### **Issue**

13.163 The form and content of the policy.

#### **Inspector's Reasons**

13.164 The first objection deals with the accessibility of this form of housing to local amenities which is dealt with by criterion (a) in the Revised Deposit Draft. Whilst the objectors are concerned about the deletion of the first part of Note 1 which refers to restricted mobility, I am concerned that the guidance in the note adds little to the criterion.

13.165 What, for example, is "easy walking distance" or how far is "nearby"? Without this guidance I am not convinced that Note 1 adds materially to the criterion, since it appears that each case will be taken on its merits. Moreover, the inclusion of shops and community facilities in the wider definition of local amenities is self-evident.

13.166 The second objection is to the second criterion (a) in the Initial Draft which has been deleted.

### **RECOMMENDATION**

13.167 Delete Note 1 unless more guidance is given on the acceptable distances from local facilities or bus stops.

### **Paragraph 13.53**

Objection: FD 58.4 - University of Gloucestershire

#### **Issue**

13.168 The need for a policy to permit purpose built or converted student accommodation.

#### **Inspector's Reasons**

13.169 I see no purpose in a policy which refers to a particular form of development, but where the issues which arise are already dealt with in other policies. In the policy proposed by the

objectors the first two criteria are found in other general policies which would be applied to any application which would be made. This part of the policy therefore adds nothing to the Plan. In addition, references to an “appropriate amount” of amenity space or parking are wholly unclear: if separate standards are necessary they should be set out elsewhere in the Plan or in SPG. However, in this form they, too, add nothing to the Plan.

- 13.170 I note the objectors’ argument about the need for Council support. Simply applying criteria from elsewhere to a named form of development does not, to mind, indicate Council support for that form of development. The purpose of policies is, as paragraph 3.14 of PPG12 advises, to set out matters which will provide the basis for considering planning applications. In my view this is a “neutral” process. Support of a more general kind is a matter for the Council to express corporately.

### **RECOMMENDATION**

- 13.171 Do not modify the Plan in response to this objection.

### **Policy HS 77 The loss of residential accommodation**

Objection: FD 100.2 - Mr & Mrs Dingle

#### **Issue**

- 13.172 The need to protect residential areas from changes to non-residential uses.

#### **Inspector's Reasons**

- 13.173 The protection which Mr and Mrs Dingle seek is provided by policy CP 4 and I see no need to modify this policy as a result. As the Council points out, both policies apply throughout the Plan area, not only the conservation areas which are referred to in the text.
- 13.174 I am concerned, however, about criterion (d). First, I am not convinced that uses such as hotels and guest houses can be said to be ancillary to a residential area. Second, the criterion and the note require the uses to be beneficial. I am not convinced that this can be shown for such uses but, in any case, that test is inconsistent with policy CP 4 which refers to “harm”. Third, I can see no way in which a planning permission could ensure reversion to residential use: even if a condition were attached, how could it be implemented?

### **RECOMMENDATION**

- 13.175 Delete criterion (d) and the note.
- 13.176 Do not modify the Plan in response to this objection.

### **Paragraph 13.70 Design and layout of new housing**

Objection: SD 28.38 - Swindon Parish Council

#### **Issue**

- 13.177 The need for the paragraph.

#### **Inspector's Reasons**

- 13.178 The Parish Council wants this paragraph to refer to the “area” rather than “town”. I agree, but I see no purpose in this section of the Plan, since the policy to which it was reasoned justification has been deleted to be replaced by policy CP 7. Much of the text contains cross references to other policies which stand on their own, and policy CP 7 has its own reasoned justification. Deleting this section would, therefore, further the Council’s own aim of preparing a concise plan.

---

**RECOMMENDATION**

13.179 Delete paragraphs 13.70-13.73.

---

**Paragraph 13.70 Design and layout of new housing**

Objection: FD 99.16 - South West RSL Planning Consortium

**Issue**

13.180 The need for a reference to density in the policy.

**Inspector's Reasons**

13.181 I have dealt with the issue of the way the Plan should refer to density in Chapter 6 when considering objection FD 64.14, and earlier in this chapter in paragraphs 13.99-13.102. These recommendations will ensure that the Plan reflects the advice in PPG3, including the reference to higher densities in accessible areas to which the objectors refer.

**RECOMMENDATION**

13.182 Do not modify the Plan in response to this objection.

---

**Omission Site: Land at Starvehall Farm**

**Policy HS 72 Provision for housing development** (Deleted from Initial Draft)

**Policy HS 73(A) Housing development**

Objection: FD 127.2 - Corporate Property Services Gloucestershire County Council

Objection: FD 127.1 - Corporate Property Services Gloucestershire County Council

**Issue**

13.183 The need to allocate this land for housing.

**Inspector's Reasons**

13.184 I have dealt with this issue in Chapter 6 when considering objection FD 127.3, and my recommendation here reflects those findings.

**RECOMMENDATION**

13.185 Do not modify the Plan in response to these objections.

---

**Council Action HS A64 Housing for people with disabilities** (Deleted from the Revised Deposit Draft)

Objection: FD 99.9 - South West RSL Planning Consortium

Objection: FD 99.10 - South West RSL Planning Consortium

Objection: FD 90.17 - House Builders Federation

**Issue**

13.186 The application of the Action.

---

**Inspector's Reasons**

13.187 This Action has been deleted and is therefore no longer before me. However, in Chapter 5 when considering objection SD 28.9 I have recommended that the Council should consider the need for policies dealing with access for people with disabilities.

**RECOMMENDATION**

13.188 Do not modify the Plan in response to these objections.

---

**Policy HS 81 Design and layout of new housing** (Deleted from the Revised Deposit Draft)

Objection: FD 100.1 - Mr & Mrs Dingle

Objection: FD 84.1 - Tufnell Town and Country Planning

Objection: FD 92.7 - Haulfryn Group Ltd

Objection: FD 85.9 - Sport England

Objection: SD 172.10 - Cheltenham and Tewkesbury Primary Care Trust

**PIC51****Issue**

13.189 The need for this policy.

**Inspector's Reasons**

13.190 This policy has been deleted from the Revised Deposit Draft and is no longer before me. I have not, therefore, considered those objections to its detailed wording, since they are not part of the Plan which I must consider. Moreover, I see no need for it since it duplicates other policies, for example CP 7 on design, and as the cross-references in criteria (c)-(f) make clear. I have already recommended that the accompanying text should be deleted, and it follows that I do not support PIC51.

**RECOMMENDATION**

13.191 Do not modify the Plan in response to these objections.

13.192 Do not modify the Plan in accordance with PIC51.



---

## 14 RETAILING

### General

Objection: FD 97.3 - Sainsbury's Supermarkets Ltd.

### Issue

14.1 The need to define a district centre at the Gallagher Retail Park.

### Inspector's Reasons

14.2 This area clearly has a retail function, with the existing supermarket, non-food retail and other shops. At the same time it does not meet the Plan's definition of district centres. Rather more important, however, is the policy which would apply to a defined centre: policy RT 85 which is generally permissive. In this light, I have no doubt that policy RT 88 is the appropriate policy for the Gallagher Retail Park, given its out-of-town location, and the clear Government guidance about the location of new retail development.

### RECOMMENDATION

14.3 Do not modify the Plan in response to this objection.

---

### General

Objection: FD 108.4 - SPA (Chartered Surveyors)

### Issue

14.4 The need to include within the Core Shopping Area the Municipal Buildings and properties in Clarence Parade and Crescent Terrace.

### Inspector's Reasons

14.5 I do not support this objection. It seems to me that these areas are – and should remain – important as commercial and service areas on the edge of the Core Shopping Area. I can see no benefit in extending the boundary of that area to include them.

### RECOMMENDATION

14.6 Do not modify the Plan in response to this objection.

---

### General

Objection: FD 64.20 - Mr Pollock

### Issue

14.7 The need to define the town centre.

### Inspector's Reasons

14.8 This objection has been overcome by the addition of paragraph 14.18 to the Revised Deposit Draft.

---

**RECOMMENDATION**

14.9 Do not modify the Plan in response to this objection.

---

**General**

Objection: SD 172.11 - Cheltenham and Tewkesbury Primary Care Trust

**Issue**

14.10 The need to consider smoke-free areas in shopping centres.

**Inspector's Reasons**

14.11 I agree with the Council that this is not a land-use matter, and it is therefore beyond the scope of this Plan.

**RECOMMENDATION**

14.12 Do not modify the Plan in response to this objection.

---

**General**

Objection: SD 97.4 - Sainsbury's Supermarkets Ltd.

**PIC67****Issue**

14.13 The need to define a District Centre at Priors Road to reflect the outline planning permission.

**Inspector's Reasons**

14.14 This objection has been overcome by PIC67 which I support.

**RECOMMENDATION**

14.15 Modify the Plan in accordance with PIC67.

---

**Paragraphs 11.11D - 11.11F Future retail capacity** (Initial Deposit)

**Paragraphs 14.10 - 14.12 Future retail capacity** (Revised Deposit Draft)

Objection: FD 83.2 - B&Q Plc.

**Paragraph 11.11E Future retail capacity** (Initial Deposit)

**Paragraph 14.11 Future retail capacity** (Revised Deposit Draft)

Objection: FD 80.2 - B & Q Plc.

**Paragraph 11.11F Future retail capacity** (Initial Deposit)

**Paragraph 14.12 Future retail capacity** (Revised Deposit Draft)

Objection: FD 80.3 - B & Q Plc.

**Issue**

14.16 Whether the Plan's retail strategy should define sites for new retail development.

**Inspector's Reasons**

- 14.17 Although these objections vary in detail they raise this broad issue in my mind. No detailed evidence has been put forward to challenge the Donaldson's study on which the Plan's strategy is based. However, since no new retail allocations are proposed, it is necessary to be sure that the policies which will guide retail development are appropriate and reflect Government advice.
- 14.18 I have considered objections to policy RT 82 below and found that it generally reflects Government guidance. I have also found that, in a plan-led system, the Plan should have made provision for the requirement identified in the Donaldson's study. However, I have not recommended that this Plan should be modified given its short life span: rather this work should be carried out as part of the review of the Plan.
- 14.19 Objections FD 80.2 & 3 seek to reflect the commitment to a bulky goods store by making an allocation in the Plan. I see no need for this, particularly as the store has now been built.

**RECOMMENDATION**

- 14.20 Do not modify the Plan in response to these objections.

**Policy RT 82 Location of future retail development**

Objection: FD 108.3 - SPA (Chartered Surveyors)

**Issue**

- 14.21 Whether High Street West End Shopping Area should be included in the sequence of retail locations in policy RT82(b).

**Inspector's Reasons**

- 14.22 From my visits to the area I agree with this objector that this area should not be included within the location sequence for retail development. I saw that it is a disparate mix of small shops, cafes, and other non-retail uses, with evidence of shops closing and being converted to residential use. In my view it has little retail character and, given the limited size of the buildings, it presents little opportunity for redevelopment on any scale. It should therefore not be identified as a priority location for new shopping.
- 14.23 It is certainly not in any way comparable to Montpellier, which has the same position in the sequence, but which has a clearly defined character as a specialist shopping area with restaurants and other services in an historic setting. There is also far less retail use than in the length of High Street to the east, which may, as the Council argued, benefit from the development of the former brewery site.

**RECOMMENDATION**

- 14.24 Delete from policy RT 82(b) " or the High Street West End Shopping Area ..".
- 14.25 Delete references to this area in the text and from the Proposals Map.

**Policy RT 82 Location of retail development**

Objection: FD 63.2 - Tilemania Ltd.

**Issue**

- 14.26 The need to reflect the requirements of mixed retail, light industrial and warehouse uses.

**Inspector's Reasons**

- 14.27 I can find no support in PPG6 *Town Centres and Retail Development* for the addition of a qualification to Note 2 of this policy to take account of operational requirements. To my mind

---

this is taken into account in paragraph 1.11 of the PPG by the reference to the availability of suitable sites in town centres. A developer could, therefore, make this argument when seeking permission for an out-of-centre site,

**RECOMMENDATION**

14.28 Do not modify the Plan in response to this objection.

---

**Policy RT 82 Location of retail development**

Objection: FD 97.2 - Sainsbury's Supermarkets Ltd.

Objection: FD 83.3 - B&Q Plc.

**Issue**

14.29 Whether the policy reflects Government guidance on the sequential test.

**Inspector's Reasons**

14.30 The first objectors argue that the sequential test in this policy should follow precisely the test in paragraph 1.11 of PPG6, that is town centre, edge-of-centre, district and local centre and out-of-centre. I accept that, even with my recommendation in paragraph 14.24 to delete High Street West End from criterion (b), the policy is more detailed than the guidance in PPG6. However, I agree with the Council that this is an acceptable application of broad national guidance in a local situation. Certainly it does not depart from the main thrust of the sequential test. I therefore do not support this objection.

14.31 The second objector argues that there is no support in Government guidance for the reference in Note 2 to size within the sequential approach, but that the sequential approach must first have regard to need. I agree. Paragraph 1.10 of PPG6 makes it clear that need is the starting point for the application of the sequential text, and I can find no reference to size in this context. Clearly size is important, and it is referred to in paragraph 1.13 of the PPG within the context of the impact of proposals. I have therefore recommended that this note should be deleted.

**RECOMMENDATION**

14.32 Delete Note 2 to policy RT 82, but make no other modifications in response to these objections.

---

**Policy RT 82 Location of retail development**

Objection: SD 46.34 - Prestbury Parish Council

**Issue**

14.33 The need for criterion (e) to be extended to include regular means of transport from all areas of the town.

**Inspector's Reasons**

14.34 I agree with the Council that it is unrealistic for sites to be equally accessible from all parts of Cheltenham. Whilst the policy does not refer to accessibility only from the town centre, in reality it is the main routes which will be best served. The purpose of this part of the policy is to ensure that sites which are developed are the most accessible.

**RECOMMENDATION**

14.35 Do not modify the Plan in response to this objection.

---

**Policy RT 82 Location of retail development**

Objection: FD 44.6 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

**Issue**

14.36 The need to retain Prestbury Road as a neighbourhood centre.

**Inspector's Reasons**

14.37 This objection has been overcome by a change in the Revised Deposit Draft – Plan 30, core document CBC 013.

**RECOMMENDATION**

14.38 Do not modify the Plan in response to this objection.

---

**Paragraph 11.21B Retail development (Initial Deposit)****Paragraph 14.34 Retail development (Revised Deposit Draft)**

Objection: FD 124.84 - Government Office for the South West

**Issue**

14.39 The need to adopt a plan-led approach by identifying future retail sites.

**Inspector's Reasons**

14.40 Paragraph 14.11 of the Plan says that the Donaldson report found a need for between 9,900 sq m and 11,800 sq m of additional floorspace in the town centre within the plan period. I note the finding that the requirement will be towards the end of that period, and the recommendation to allow commitments to “settle down” before further major development is undertaken. Nevertheless, I agree with this objection that, in a plan-led system, the Plan should have set out to show where that provision should be made, given the extensive lead times to any development in a sensitive built-up area such as the town centre.

14.41 I have not recommended that this Plan should be modified for reasons I have given elsewhere, acknowledging its short life-time, and the need to adopt it quickly to allow work to be carried out under the new development plan system. However, I have no doubt that, if the advice on need remains the same, the next generation of Plans will need to consider as a matter of urgency how provision can be made.

**RECOMMENDATION**

14.42 Do not modify the Plan in response to this objection.

---

**Paragraph 11.41 Bath Road (Initial Deposit)****Paragraph 14.51 Bath Road (Revised Deposit Draft)**

Objection: FD 119.8 - Cheltenham Cycle Campaign

**Issue**

14.43 The need to refer to problems for cyclists at this shopping centre.

**Inspector's Reasons**

14.44 In its response to this objection the Council says the purpose of the paragraph is to describe the character of the district centres. It is therefore not the reasoned justification for the policy which follows and I see no need for it. I agree with the objector that, if other problems and

opportunities are to be included, cycling should be referred to. However, this would not relate to the policies of the Plan and shows clearly to my mind the dangers of including purely descriptive material in the Plan. For consistency I have recommended that all the text which describes the centres should be deleted, which would also accord with the Council's aim of preparing a concise plan.

### **RECOMMENDATION**

14.45 Delete paragraphs 14.50-14.55, and only replace them with text which forms the reasoned justification for policy RT 85.

---

### **Policy RT 85 Retail development in local shopping centres**

Objection: FD 60.1 - Wm Morrison Supermarkets PLC

#### **Issue**

14.46 Whether the limitation on scale in criterion (a) reflects the guidance in PPG6.

#### **Inspector's Reasons**

14.47 The objectors argue that this criterion does not recognise that the role and function of centres can change over time, and that it is therefore contrary to the advice in paragraph 1.5 of PPG6. I see no reason to doubt that the Council has taken this approach in defining the hierarchy of centres in the Plan. Once it has done so, however, it seems to me that the advice in paragraph 3.5 of PPG6 applies, and this is clearly reflected in the policy.

14.48 I am concerned, however, that the text does not justify this, or indeed any of the criteria, which reinforces my recommendation in paragraph 14.45.

### **RECOMMENDATION**

14.49 Do not modify the Plan in response to this objection.

---

### **Policy RT 85 Retail development in local shopping centres**

Objection: FD 64.27 - Mr Pollock

#### **Issue**

14.50 The need to make it clear that this development assessed under this policy must also meet other relevant policies in the Plan.

#### **Inspector's Reasons**

14.51 Mr Pollock points out that the equivalent policy in the adopted Plan included the words " ... subject to other relevant Local Plan policies ...". There is no need for these words, however, since the Plan must be read as whole, and all development will be subject to all relevant policies as a matter of course.

### **RECOMMENDATION**

14.52 Do not modify the Plan in response to this objection.

---

### **Policy RT 88 Retail development in out of centre locations**

Objection: SD 95.86 - Gloucestershire County Council

Objection: FD 83.5 - B&Q Plc.

---

**Issue**

14.53 The need for criteria (c) and (d).

**Inspector's Reasons**

14.54 These objections contain arguments for and against criterion (c). I see no need for it in either its present or its earlier form since, as I have argued elsewhere, the Plan must be read as a whole. If reference is needed to other policies it should be in the text as part of the reasoned justification for policy RT 88.

14.55 I agree with the Borough Council that criterion (d) is not necessary since it repeats policy CP 7. However, this suggests to me an inconsistency in the Council's approach in referring to named policies in criterion (c) since policy CP 7 is not included. This reinforces my approach to references in policies, the acceptance that the Plan must be read as a whole, and that other policies will apply whether they are referred to or not.

**RECOMMENDATION**

14.56 Delete criterion (c) and make references to other policies in the text as part of the reasoned justification for policy RT 88.

14.57 Make no other modifications in response to these objections.

---

**Policy RT 88 Retail development in out of centre locations**

Objection: FD 63.3 - Tilemania Ltd.

**Issue**

14.58 The need for criterion (a) to make an exception for bulky goods.

**Inspector's Reasons**

14.59 I agree with the Council that criterion (a) fully reflects the advice in both PPG6 and the subsequent Ministerial statement.

**RECOMMENDATION**

14.60 Do not modify the Plan in response to this objection.

---

**Paragraphs 14.62 - 14.64 The provision of employment land within the Borough**

Objection: SD 95.85 - Gloucestershire County Council

**Issue**

14.61 The need to retain these paragraphs to reinforce the need to resist change of employment land to retail uses.

**Inspector's Reasons**

14.62 I acknowledge the principle behind these paragraphs, but I have no doubt that they should be part of the reasoned justification for policy EM 67, as I recommend in Chapter 12 that it should be modified, which protects employment land. The Council's approach should, therefore, be clear from Chapter 12 and the requirements of that policy. It is enough in this Chapter for a cross-reference to policy EM 67 in the reasoned justification for policy RT 88.

**RECOMMENDATION**

14.63 Note my recommendation in Chapter 12 on the form of policy EM 67, and include a cross-reference to this policy in the text as part of the reasoned justification for policy RT 88.

---

---

14.64 Make no other modifications in response to this objection.

---

### **Policy RT 89 Individual convenience shops**

Objection: FD 119.9 - Cheltenham Cycle Campaign

#### **Issue**

14.65 The need to make provision for cyclists at convenience shops.

#### **Inspector's Reasons**

14.66 For new development the provision of cycle parking will be ensured under policy TP 130 which implements the parking standards set out in Table 17. As the Council argues in its response to this objection more detailed schemes for improving provision for cycling and cyclists will be carried out under the Local Transport Plan. I therefore see no need for further reference here.

14.67 To be consistent I have recommended that references to other policies should be deleted from RT 89 and set out in the text.

#### **RECOMMENDATION**

14.68 Do not modify the Plan in response to this objection.

14.69 Delete references to other policy in policy RT 89 and replace them with a reference, including reasoned justification, in the text.

---

### **Policy RT 90 Car sales**

Objection: SD 28.39 - Swindon Parish Council

#### **Issue**

14.70 The need for a specific policy controlling the development of car sales and showrooms.

#### **Inspector's Reasons**

14.71 I agree with the Borough Council that all the matters of concern to the Parish Council can be dealt with by the application of other policies in the Plan. As with many other forms of development, therefore, I see no need for a specific policy.

#### **RECOMMENDATION**

14.72 Do not modify the Plan in response to this objection.

---

### **Policy RT 91 Amusement arcades and food and drink**

Objection: FD 51.3 - Tidy Cheltenham Group

#### **Issue**

14.73 The need to seek financial contributions to the overall cost of street cleaning when planning permission is granted.

#### **Inspector's Reasons**

14.74 Whilst I can appreciate the Group's concerns, I have no doubt that the approach which they suggest of using planning obligations to secure contributions would not meet the advice in Circular 1/97 *Planning Obligations*. Paragraph B14 of the Circular, for example, makes it clear that recurrent expenditure should normally be borne by the authority. In my view, it would also



be impossible when assessing a contribution to something as widespread as cleaning streets in the town centre, to ensure that any contribution was “related in scale and kind to the proposed development”, as paragraph B12 requires.

14.75 I have recommended modifications to the policy to be consistent with other recommendations about the inclusion of cross references in policies and, for the reasons I give in paragraph 14.80, about the use of criteria,

### **RECOMMENDATION**

14.76 Do not modify the Plan in response to this objection.

14.77 Delete cross references to policies and replace them with criteria dealing with those matters which must be addressed when applications are made, ensuring that there is full reasoned justification for them in the text.

---

### **Policy RT 92 Upper floors of commercial premises**

Objection: FD 64.28 - Mr Pollock

#### **Issue**

14.78 The need to make it clear that proposals must comply with other policies in the Plan.

#### **Inspector's Reasons**

14.79 I do not accept this objection for the reasons I give in paragraph 14.51 when considering a similar objection to policy RT 85. However, I am not convinced that in its present form, stating baldly that a particular form of development will be permitted, the policy adds anything to the Plan.

14.80 If there are matters to be taken into account, and which might lead to the refusal of permission if not dealt with, they should be set out as criteria in the policy. Other policies may deal with the same matters in general terms, but in this form the policy would apply general concerns to a particular type of development. All the criteria should be justified in the text which at present is descriptive, but otherwise not helpful in identifying and justifying the matters to be taken into account.

14.81 Unless the policy is modified in this way it should be deleted along with paragraphs 14.75-14.80, and I have recommended accordingly.

### **RECOMMENDATION**

14.82 Either:

delete policy RT 92 and paragraphs 14.75-14.80.

14.83 Or:

set out as criteria to policy RT 92 the matters to be addressed when applications are made, and ensure that there is full reasoned justification for them in the text.

14.84 Do not modify the Plan in response to this objection.

---

### **Paragraph 11.51 The provision of employment land within the Borough (Initial Deposit )**

### **Paragraph 14.62 The provision of employment land within the Borough (Revised Deposit Draft)**

Objection: FD 83.4 - B&Q Plc.

#### **Issue**

14.85 Whether there is a need to repeat here the protection of employment land.

**Inspector's Reasons**

14.86 This objection has been overcome by the deletion of paragraphs 14.62-14.64 in the Revised Deposit Draft.

**RECOMMENDATION**

14.87 Do not modify the Plan in response to this objection.

## 15 CULTURE AND RECREATION

### General

Objection: FD 116.1 - Campaign for Real Ale (Gloucestershire Branch)

Objection: FD 103.3 - Mr Brentnall

### Issue

15.1 The need for a policy to protect public houses from changes of use.

### Inspector's Reasons

15.2 The absence of a policy would not prevent the Council from seeking to retain a public house if it considered the circumstances justified a refusal of planning permission: it is not necessary or practicable for a plan to contain a policy to cover every eventuality. I note from the Council's response that there has been little pressure of the loss of public houses, despite the first objector's concern in a particular case, and I therefore do not consider that a policy is necessary.

### RECOMMENDATION

15.3 Do not modify the Plan in response to these objections.

---

### General

Objection: FD 78.5 - Ms Robertson

### Issue

15.4 The need for a policy on open space provision to meet the guidance in PPG17 *Planning for Open Space, Sport and Recreation*.

### Inspector's Reasons

15.5 It seems to me that the Council is working towards meeting the guidance in PPG17. Policy RC 97 deals with youth and adult outdoor playing facilities and the Plan also sets out standards. Policies which might be needed following the Council's Green Spaces Strategy should be included in the next generation of Plans: as I have argued elsewhere in this report the short life time of this Plan, and the need to move on to the new development plan system, do not justify modifying this Plan, or awaiting the completion of other studies before it is adopted.

### RECOMMENDATION

15.6 Do not modify the Plan in response to this objection.

---

### General

Objection: FD 85.10 - Sport England

### Issue

15.7 The need to recognize the importance of formal sport and informal recreation.

**Inspector's Reasons**

15.8 I have argued in several places in this report that the text of the Plan is too descriptive and not focused enough on providing reasoned justification for its policies. The kind of support sought here would add to my concerns, and should be expressed corporately by the Council through other means.

**RECOMMENDATION**

15.9 Do not modify the Plan in response to this objection.

---

**Paragraphs 15.10 – 15.20 Cultural and Recreational Facilities**

Objection: FD 94.1 – Ms C Chambers

Objection: FD 94.2 – Ms C Chambers

**Issue**

15.10 The Plan's role in securing the provision of public meeting rooms.

**Inspector's Reasons**

15.11 In my view, these objections are to the Council's corporate approach to these matters and the use of the powers that it may have, rather than to the Plan itself. Certainly, I see no place in this Plan for a policy dealing directly with a detailed issue such as this. However, the objections raise in my mind the wider concern of the need for much of this section of the Plan. There is little reasoned justification for policies, and there is instead a detailed reporting of Council corporate policy. I have therefore recommended that this section be reconsidered in this light, to help meet the Council's own aim of preparing a concise Plan.

15.12 The matters of concern to Ms Chambers can be taken forward with the Council corporately and that process will be unaffected by this recommendation.

**RECOMMENDATION**

15.13 Delete paragraphs 15.10-15.20 and replace them with text which concentrates on the reasoned justification for policies, with a brief explanation or cross reference to Council corporate policy.

---

**Paragraph 15.11 Cultural and Recreational Facilities**

Objection: SD 28.40 - Swindon Parish Council

**PIC53****Issue**

15.14 The wording of the paragraph.

**Inspector's Reasons**

15.15 This objection would be overcome by PIC53, but that needs to be considered in the light of my recommendation in paragraph 15.13.

**RECOMMENDATION**

15.16 Modify the Plan in accordance with PIC53 only in the light of my recommendation in paragraph 15.13.

---

**Policy CS 115A Existing community facilities**

Objection: SD 28.41 - Swindon Parish Council

**Issue**

15.17 The need to consider the impact on existing facilities when new facilities are proposed.

**Inspector's Reasons**

15.18 It seems to me that this objection relates to commercial entertainment venues which are not the subject of this policy.

**RECOMMENDATION**

15.19 Do not modify the Plan in response to this objection.

---

**Paragraph 15.28 Indoor sports facilities**

Objection: FD 85.11 - Sport England

**Issue**

15.20 The need to seek contributions from housing developers towards sport and recreation.

**Inspector's Reasons**

15.21 I have dealt with this issue in Chapter 7 of this report when considering objection FD 85.5. My recommendation here reflects those findings.

**RECOMMENDATION**

15.22 Do not modify the Plan in response to this objection.

---

**Policy RC 95A Restaurants, Night Clubs and Licensed Premises**

Objection: FD 78.3 - Ms Robertson

Objection: FD 66.1 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issue**

15.23 The form and content of the policy.

**Inspector's Reasons**

15.24 The first objection seeks to extend the area protected by criterion (b) of this policy from residential areas to the town centre as a whole. The Council's response is that this is covered by policy CP 4, but it seems to me that that policy also applies to residential areas. In any case, I agree with the objection. Moreover, the application of the criterion to the town centre appears to be supported by the wording of paragraph 15.24 of the Plan, where there is reference to deterring visitors. I have two other concerns with policy RC 95A.

15.25 First, criterion (a) refers to access to public transport and taxis, both of which are services outside the control of the planning authority and both of which could change at any time. In addition, whilst there is reference to this in paragraph 15.26, there is no reasoned justification or explanation of what might be required. Second, criterion (c) is a cross reference to other policies, which I have argued elsewhere should be in the text not policy, but which is unnecessary here anyway since policies are also referred to in the note to the policy.

15.26 I do not accept the second objection that the policy and its text are unacceptably negative, although I agree that the Plan would be clearer if the area to which it applied were defined. For

example, to return to the first objection, the text refers in several places to the “town centre” yet criterion (b) seeks to protect residential areas. This is also important since a different approach could well be taken to a proposal in the town centre with its essentially commercial character and a residential area elsewhere in the town.

15.27 Taking all these points together, I consider that a policy which applies the general approach of the core policies to the specifics of these uses could be justified. However, such a policy must take into account:

- the need to define the area to which it applies;
- the different characteristics of the uses to which policy RC 95A applies: restaurants likely to be smaller and with a regular flow of customers; licensed premises with a distinct pattern of customer dispersal at closing time; and nightclubs with their later hours and a similar dispersal pattern;
- the need to acknowledge more clearly, as paragraph 15.24 does in passing, the range of controls available to the Council and other bodies to put the Plan’s policies in a wider context; and
- the need to limit the policy to land-use planning controls, raising in my mind the concern that paragraph 15.25 says that the Council will not permit proposals likely to give rise to a list of problems which includes “anti-social behaviour”. Whilst I fully understand concerns about such behaviour, it does not seem to me that the Plan through its land-use policies, can seek to refuse planning permission on the basis that people using particular premises may behave badly once they have left the building and joined others in the streets.

15.28 All these matters must be addressed if the Council is to have a policy on which it can rely to support a reason for refusal or the imposition of planning conditions; if potential operators are to be aware of what it required of them; and if the public is to be reassured about what can be achieved through the Plan and its policies in the wider context of other controls and the actions of other bodies. I have no doubt that policy RC 95A does not fulfil that purpose for the reasons I have given, even supported by other policies in the Plan, and I have recommended accordingly.

### **RECOMMENDATION**

15.29 Delete policy RC 95A and paragraphs 15.23-15.27.

15.30 If a separate policy is considered necessary replace it with a policy and reasoned justification taking account of my comments in paragraphs 15.24-15.27 of this report.

15.31 Make no other modifications in response to these objections.

---

### **Policy RC 95A Restaurants, Night Clubs and Licensed Premises**

Objection: FD 51.4 - Tidy Cheltenham Group

#### **Issue**

15.32 The need to seek a contribution to street cleaning when planning permission is granted.

#### **Inspector's Reasons**

15.33 I have dealt with this issue in Chapter 14 when considering objection FD 51.3, and my recommendation here reflects those findings.

### **RECOMMENDATION**

15.34 Do not modify the Plan in response to this objection.

---

**Paragraph 15.48 Youth and adult outdoor playing space**

Objection: FD 85.14 - Sport England

**Issue**

15.35 The need to seek contributions from development to provide new and enhanced sports and recreation facilities.

**Inspector's Reasons**

15.36 I have dealt with this issue in Chapter 7 of this report when considering objection FD 85.5. My recommendation here reflects those findings.

**RECOMMENDATION**

15.37 Do not modify the Plan in response to this objection.

---

**Policy RC 97 Youth and adult outdoor playing facilities**

Objection: FD 87.3 - The Governors of St Benedicts Catholic College

**Issue**

15.38 The need for an additional criterion to allow for the development of compensatory indoor sports and recreation provision.

**Inspector's Reasons**

15.39 I acknowledge the value of indoor sports facilities. However, it seems to me that outdoor provision should be protected in its own right and not lost to indoor provision unless – as criteria (a) – (c) of the policy would allow – the outdoor provision has itself limited value. I note that paragraph 15(iv) of PPG 17 would allow an indoor sports facility of sufficient benefit to outweigh the loss of a playing field, but that is in advance of an assessment of need. In this case, however, the Council has carried out an assessment and I therefore do not support this objection.

**RECOMMENDATION**

15.40 Do not modify the Plan in response to this objection.

---

**Policy RC 97 Youth and adult outdoor playing facilities**

Objection: FD 85.15 - Sport England

**Policy RC 98 Outdoor playing facilities in educational use**

Objection: FD 85.16 - Sport England

**Issue**

15.41 The need to identify all playing fields on the Proposals Map.

**Inspector's Reasons**

15.42 I support the Council's approach of identifying playing fields to which there is public access as public open space. To my mind this meets the guidance in PPGs 12 and 17, and I agree that the Plan would not be helped by seeking to identify all playing fields since policies RC 97 and RC 98 would apply whether a site has been identified or not.

**RECOMMENDATION**

15.43 Do not modify the Plan in response to these objections.

---

---

**Policy RC 97 Youth and adult outdoor playing facilities**

Objection: SD 167.1 - Tewkesbury Borough Council

**PIC66****Issue**

15.44 The need for an explanation of the "Travel to Play Area".

**Inspector's Reasons**

15.45 This objection is overcome to my mind by PIC66 and the addition of an appendix to the Plan.

**RECOMMENDATION**

15.46 Modify the Plan in accordance with PIC66.

---

**Policy RC 98 Outdoor playing facilities in educational use**

Objection: FD 87.4 - The Governors of St Benedicts Catholic College

**Issue**

15.47 The need to allow the release of operational land for an indoor sports facility or to cross-subsidise indoor sports.

**Inspector's Reasons**

15.48 It seems to me that this need is recognised in paragraph 15.56, and could be allowed under criterion (a) of the policy. However, neither text nor policy is clear, and the reference in this context to land with poor townscape value further muddies the water since this policy deals with the recreational value of open space. I have recommended that this should be made clearer.

**RECOMMENDATION**

15.49 Modify the Plan by:

- i. setting out in paragraph 15.56 precisely the Council's approach to the loss of school playing fields in relation to other school development projects;
- ii. ensuring that this is clearly reflected in the policy; and
- iii. clearly distinguishing between the townscape and recreational value of any land involved.

15.50 Make no other modifications in response to this objection.

---

**Policy RC 101 Development of amenity space**

Objection: FD 87.2 - The Governors of St Benedicts Catholic College

Objection: FD 84.2 - Tufnell Town and Country Planning

**Issues**

- 15.51 (a) The need for a definition of "amenity space".
- (b) Whether the policy is more restrictive than policy GE 37.

**Inspector's Reasons**

15.52 On issue (a), there is a definition in the Glossary and this is made clear in the note to the policy. On issue (b) I do not agree that this policy is more restrictive than policy GE 37, as I recommend in Chapter 9 that it should be modified. Rather, that policy deals with the



environmental aspects of open areas, and policy RC 101 deals with their recreational value. To reinforce this distinction, however, I have recommended that criterion (b) should be deleted, since it duplicates the provisions of policy GE 37.

### **RECOMMENDATION**

15.53 Delete criterion (b) of policy RC 101 and rely on policy GE 37 as I recommend that it should be modified in Chapter 9.

15.54 Make no other modifications in response to these objections.

---

### **Policy RC 102 Play space in residential development**

Objection: FD 85.17 - Sport England

#### **Issue**

15.55 The need to seek contributions from development to provide new and enhanced sports and recreation facilities.

#### **Inspector's Reasons**

15.56 I have dealt with this issue in Chapter 7 of this report when considering objection FD 85.5. My recommendation here reflects those findings.

### **RECOMMENDATION**

15.57 Do not modify the Plan in response to this objection.

---

### **Policy RC 102 Play space in residential development**

Objection: FD 86.5 - Gloucestershire Constabulary

### **Policy RC 102 Play space in residential development**

**Paragraphs 12.56 - 12.61** (Initial Deposit)

Objection: FD 90.19 - House Builders Federation

#### **Issue**

15.58 Whether the play space standard is excessive.

#### **Inspector's Reasons**

15.59 Paragraph 6 of PPG17 says that open space standards should be set locally. The Council has done this after carrying out an assessment and there is no detailed evidence to convince me that the standard is too high. The first objectors also argue that the standard should be treated as a guideline not an absolute requirement. I do not agree that this requires any modification to the Plan since flexibility is ensured by the ability to argue that there are material considerations in any particular case to depart from the standard.

15.60 The first objectors' final point has been overcome by the addition of affordable housing as an exception to Note 1 in the Revised Deposit Draft.

15.61 I do not accept the HBF's objection in principle, but to my mind the Plan is wholly unclear on what will be required of housing developers. Paragraphs 12.56-12.61 of the Initial Deposit have been deleted and replaced with paragraph 15.74 in the Revised Deposit Draft and its reference to SPG *Play Space in Residential Development*. The detail set out there answers many of the HBF's criticisms on the application of the policy, and in particular distinguishes between the provision of play space, which could be within a housing scheme, and pitches, which are more likely to be provided elsewhere.

15.62 I support the approach of the SPG which was written after the Plan and which, in my view, meets the advice in Circular 1/97. However, more reasoned justification based on its provisions is necessary to support and explain the application of policy RC 102.

### **RECOMMENDATION**

15.63 Add reasoned justification to policy RC 102 based on SPG *Play Space in Residential Development* to explain and justify the application of the policy. In particular, distinguish between the provision to be made on-site for play space, and the provision to be made elsewhere for pitches.

15.64 Make no other modifications in response to these objections.

---

### **Policy RC 102A Amenity space in housing developments**

Objection: SD 124.120 - Government Office for the South West

#### **PIC54**

**Objection PIC 244.4** - Charlton Kings Parish Council

**Objection PIC 244.5** - Charlton Kings Parish Council

#### **Issue**

15.65 The need to define amenity space.

#### **Inspector's Reasons**

15.66 The first objection is overcome by PIC54 which adds a definition to the policy as Note 2. I support it with the correction noted in the first of the Parish Council's objections. I also note the Parish Council's concern about playing on amenity space, particularly since it includes highway land. However, the difference between amenity and play space is clear in the definitions and the context of the Plan as a whole.

### **RECOMMENDATION**

15.67 Modify the Plan in accordance with PIC54, but delete "viability" from the final line and replace it with "visibility".

15.68 Make no other modifications in response to these objections.

---

### **Paragraph 15.86 Exmouth Arms Garden, Bath Road**

Objection: SD 132.2 - Cheltenham Civic Society

Objection: SD 64.34 - Mr Pollock

#### **PIC57**

#### **Issue**

15.69 The way in which the Plan should deal with this land.

#### **Inspector's Reasons**

15.70 This site is private land mostly used as the garden to the Exmouth Arms. From my visits to the area I have no doubt that its openness contributes significantly to the character and appearance of the area but, as private land, it makes no contribution to public recreation space. To my mind the Council can deal with the site in two ways. First, it should seek to retain its openness as an important feature and, in my view, it does so through policies elsewhere in the Plan.

---

15.71 Second, it could seek to use the area as public play space as the deleted Council Action RC A83 proposed if, as paragraph 15.86 says, this is an area with a shortage of such space. At the inquiry, however, I heard that the Council has no such corporate policy and, as a result, I have no doubt that the Council was right to delete the Action.

15.72 Without the Action, and an associated corporate policy to seek public use of the land, I see no point in retaining paragraph 15.86 in the Plan. It is not the reasoned justification for a policy, since the area is protected for its openness by policies elsewhere. Moreover, the discussion on open space deficiency is pointless without a policy to make it good. From what I heard at the inquiry I understand the concerns of local people, but it seems to me that this is a matter to be resolved with the Council corporately, not through the Plan.

### **RECOMMENDATION**

15.73 Delete paragraph 15.86, and make no other modifications in response to these objections.

15.74 Do not modify the Plan in accordance with PIC57.

---

### **Paragraph 15.88 Allotments**

Objection: SD 46.35 - Prestbury Parish Council

Objection: FD 46.3 - Prestbury Parish Council

Objection: FD 3.2 - Cheltenham & District Allotment Holders Association

### **Policy RC 106 Allotments**

Objection: FD 46.4 - Prestbury Parish Council

Objection: FD 79.1 - Mr Minshull

Objection: FD 78.4 - Ms Robertson

Objection: FD 93.14 - Cheltenham Friends of the Earth

### **Issues**

15.75 (a) Whether the policy provides adequate protection for allotments.

(b) Whether there is a need for additional allotments.

### **Inspector's Reasons**

15.76 On issue (a), it seems to me that existing allotments are adequately protected by this policy with the additions made to the Revised Deposit Draft, in particular in criterion (c) to ensure compensatory provision, and the reference to the allotments strategy in criterion (a). The visual importance of sites is dealt with by the application of policy GE 37 referred to in Note 1.

15.77 On issue (b), the Plan can only reflect the Council's corporate policy, and I note that an allotments strategy is being prepared. If that strategy proposes new allotments I have no doubt that they should be included in the development plan. If proposals are made before the adoption of this Plan it may be possible to include them here. If not, they should be included in any review of this Plan.

### **RECOMMENDATION**

15.78 Do not modify the Plan in response to these objections.

---

### **Council Action RC A85 Allotments**

Objection: FD 46.5 - Prestbury Parish Council

**Issue**

15.79 The need for inspections

**Inspector's Reasons**

15.80 This Council Action has been deleted from the Revised Deposit Draft and is, therefore, no longer before me. In any case, the objection deals with a management matter which has no place in this Plan.

**RECOMMENDATION**

15.81 Do not modify the Plan in response to this objection.

---

**Policy RC 107 Recreation and sport in the countryside**

Objection: FD 54.6 - Cotswolds AONB Partnership

**Issue**

15.82 The form and content of the policy.

**Inspector's Reasons**

15.83 Since the Plan was written the Cotswolds AONB Partnership has been replaced by a conservation board and any references to it should be up-to-date. This would overcome the objection. More important, however, is the reference in criterion (a) of the policy to criteria adopted by the Board. This is not acceptable for two reasons.

15.84 First, and crucial, policies can only be subject to the Plan's own criteria, since only they are part of the development plan for the purposes of the Act: the criteria of other bodies may be material considerations, but they cannot carry the same weight as criteria in the development plan. Nor can this weight be attributed to these criteria by a cross-reference in a policy. Second, the reference to "one or more" leads to uncertainty about what will be required.

15.85 The Plan should either include the criteria as its own, or delete the policy reference to them and deal with them as material considerations explained and justified in the text.

**RECOMMENDATION**

15.86 Either:

delete from policy RC 107(a) line 3 "... and satisfies ... (note 1); and" and make it clear in the reasoned justification that these criteria will be material considerations in dealing with any applications.

15.87 Or:

add the criteria set out in Note 1 to the policy.

15.88 Ensure the use of the up-to-date title for the Conservation Board.

15.89 Support the policy with full reasoned justification, making clear the meaning of "one or more".

15.90 Make no other modifications in response to this objection.

---

**Paragraphs 15.105 - 15.107 Access to the Countryside**

Objection: FD 119.18 - Cheltenham Cycle Campaign

Objection: FD 70.5 - Mr Alexander

Objection: FD 129.1 - Cheltenham & County Cycling Club

---

**Issue**

15.91 The purpose of this section of the Plan.

**Inspector's Reasons**

15.92 Paragraph 3.14 of PPG12 says that policies in development plans should concentrate on those matters which are likely to provide the basis for considering planning applications. In that context, paragraphs 15.107-15.109 clearly deal with the Council's corporate aims for establishing new routes and they should therefore not be included in this Plan. This is particularly so since the Council Action to which they refer has been deleted. I note the objectors' concerns, but they should be taken forward with the Council through other channels.

15.93 There is, of course, a purpose for a policy to protect existing rights of way from development, or to protect the lines of any new routes which are proposed and which would comply with the advice on realism in PPG12. However, this distinctive purpose is not clear from the present wording of policy RC 109. I have two other concerns. First, the provisions of Note 1 should be in the policy not the text since it is a clear statement of policy. Second, whilst the policy is in a section of the Plan dealing with countryside, the protection of rights of way from development must surely apply throughout the Borough. I have recommended accordingly.

**RECOMMENDATION**

15.94 Delete policy RC 109, and replace it with a policy which:

- i. protects rights of way from the effects of development;
- ii. protects new routes which may have been identified and which comply with the advice in paragraph 5.22 of PPG12;
- iii. covers the Borough as a whole;
- iv. includes the requirements of Note 1; and
- v. which is fully supported by reasoned justification distinguishing the Council's planning powers from any corporate action.

15.95 Delete paragraphs 15.107-15.109.

15.96 Make no other modifications in response to these objections.

---

**Policy CS 115 Community facilities (Initial Deposit)**

Objection: FD 71.1 - Mr Antrobus

**Council Action RC A71 Cultural and recreational facilities**

Objection: FD 71.2 - Mr Antrobus

**Issue**

15.97 The approach of the Plan to the need for sites for places of worship.

**Inspector's Reasons**

15.98 The Plan's approach to the provision of new community facilities is set out in paragraph 15.20 as the reasoned justification originally for policy CS 115, but now as part of the reasoned justification for policy CP 8, which deals broadly with the provision of infrastructure. I find this to be a satisfactory approach, complying with the advice in PPG12 to which Mr Antrobus refers, and I see no need for the more detailed references proposed in the objection. However, it would help, in my view, if the paragraph referred specifically to places of worship.

15.99 Mr Antrobus also proposes a policy commitment by the Council to help finding sites. This is wholly a matter between the Council and any group seeking a site, but it is also a procedural matter which should not be including in a policy.

---

15.100 Council Action RCA 71 has been deleted from the Revised Deposit Draft and is no longer before me.

**RECOMMENDATION**

15.101 Include a reference to places of worship in paragraph 15.20, but make no other modifications in response to this objection.

---

**Paragraph 15.81 Midlands Electricity Sports Ground, Hester's Way Road**

Objection: FD 85.19 - Sport England

**Issue**

15.102 The use of this land.

**Inspector's Reasons**

15.103 This paragraph has been deleted from the Revised Deposit Draft and is no longer before me.

**RECOMMENDATION**

15.104 Do not modify the Plan in response to this objection.

---

**Council Action RC A71 Cultural and recreational facilities**

Objection: FD 39.1 - The Friends of Cheltenham Gym Centre

Objection: FD 30.1 - The Cheltenham School of Gymnastics

Objection: FD 14.1 - Cheltenham Gym Club Action Committee

**Issue**

15.105 The need to make provision for the Cheltenham Gym Club

**Inspector's Reasons**

15.106 I heard at the inquiry of the work which the Gym Club does and of their hopes for acquiring and developing a site. It is clear, however, that this process is in its very early stages, both in identifying a site and in putting the necessary finance in place. The Council corporately may well wish to work with the Club to help in both respects, but that is a matter between the Club and the Council and I see no function for the Plan at this stage. I note from the Council's evidence that whilst a reference in the Plan may provide lottery distributors with supporting evidence of need, that is only one of many key factors in lottery funding assessment.

**RECOMMENDATION**

15.107 Do not modify the Plan in response to this objection.

---

## 16 TOURISM

### **Paragraph 13.6A Access for Tourists** (Initial Draft)

Objection: FD 119.10 - Cheltenham Cycle Campaign

### **Policy TO 111**

Objection: FD 92.3 - Haulfryn Group Ltd

### **Paragraph 13.31**

Objection: FD 91.5 - Friends of Leckhampton Hill

### **Paragraphs 13.32-13.35**

Objection: FD 92.6 - Haulfryn Group Ltd

### **Policy TO 112**

Objection: FD 92.4 - Haulfryn Group Ltd

### **Inspector's Reasons**

16.1 These sections of the Initial Draft have been deleted and are therefore no longer before me

### **RECOMMENDATION**

16.2 Do not modify the Plan in response to these objections.

---

### **Paragraph 13.17 Touring Caravans** (Initial Draft)

### **Paragraph 10.76 Touring Caravans** (Revised Deposit Draft)

Objection: FD 92.5 - Haulfryn Group Ltd

### **Issue**

16.3 The need to add a site at *Briarsfield*, Gloucester Road to the paragraph.

### **Inspector's Reasons**

16.4 This objection has been overcome by a change to the Revised Deposit Draft.

### **RECOMMENDATION**

16.5 Do not modify the Plan in response to this objection.

---

# 17: UTILITIES INFRASTRUCTURE

## General

Objection: FD 81.6 - Environment Agency

### Issue

17.1 The need for a policy to require provision to be made for waste and recycling facilities.

### Inspector's Reasons

17.2 I agree with the Council that this issue is covered by policies in other plans and by other legislation and that it would, therefore, be contrary to advice in PPG12 to duplicate those provisions in this Plan.

### RECOMMENDATION

17.3 Do not modify the Plan in response to this objection.

---

## Policy UI 118 Development in flood zones

Objection: FD 92.1 - Haulfryn Group Ltd

### Issue

17.4 The need to show the flood zones on the Proposals Map.

### Inspector's Reasons

17.5 I agree with the Council that this information is better shown in SPG to allow for changes to be made. For clarity, however, there must be a reference to this in the Plan.

### RECOMMENDATION

17.6 Do not modify the Plan in response to this objection, but ensure that there is a reference to any relevant SPG in the text.

---

## Policy UI 118 Development in flood zones

Objection: FD 90.20 - House Builders Federation

### Issue

17.7 The need for the 600mm difference between the 1 in 100 year flood level and the lowest floor level of any buildings.

### Inspector's Reasons

17.8 In broad terms I consider that the Plan reflects the guidance in PPG25 *Development and Flood Risk*, in particular the advice in Table 1 for developed areas of high risk. However, as I have argued elsewhere, the Plan must contain the Council's own policies and justify them if they are to be accorded the weight due to development plan policies. I note that in its response to this objection the Council says that the 600mm difference is the advice of the Environment Agency, although I can find no explanation of it in the Plan.

17.9 I support the purpose of the provision but I have recommended alternative ways forward, one of which must be followed to overcome my concerns.



**RECOMMENDATION**

- 17.10 Delete Note 2 of policy UI 118.
- 17.11 If the provisions of Note 2 are Council policy include them in Policy UI 118 and give full reasoned justification for them in the text.
- 17.12 If they are not Council policy, make it clear in the text that they are the advice of the Environment Agency which will be treated as a material consideration in considering any applications.
- 17.13 Make no other modifications on response to this objection.

**Paragraphs 17.25 - 17.26 Sustainable drainage**

Objection: FD 89.5 - Gloucestershire Wildlife Trust

Objection: FD 90.22 - House Builders Federation

**Issue**

17.14 The Plan's approach to sustainable drainage.

**Inspector's Reasons**

- 17.15 I can see no purpose for this section of the Plan – or of the SPG dealing with sustainable drainage – unless there is a policy setting out the Council's requirements and approach. It is not enough to include text such as that in paragraph 17.26 that the Council "expects": the lack of a policy is clearly at odds with the advice in paragraph 3.15 of PPG12 that SPG should "supplement other specific policies". Nor would that lack have been overcome by retaining Council Action UI 101A which was not a policy.
- 17.16 I therefore support the first objection, whilst I have no doubt that the more detailed concerns of the HBF can be addressed in SPG. I have recommended alternative ways forward, one of which must be taken

**RECOMMENDATION**

- 17.17 Either:
- add a policy to the Plan dealing with sustainable drainage to provide the basis for SPG as PPG12 advises.
- 17.18 Or:
- delete paragraphs 17.25-17.28 and withdraw the SPG.
- 17.19 Make no other modifications on response to these objections.

**Policy UI 119 Maintenance strips for water courses**

Objection: FD 90.21 - House Builders Federation

Objection: FD 92.2 - Haulfryn Group Ltd

**Issue**

17.20 The need for a definition of watercourse and flexibility in the policy.

**Inspector's Reasons**

- 17.21 The first objection has been overcome in part by the addition of definitions to the Glossary. However, I have no doubt that paragraph 17.32 would be much clearer if the two main rivers were named there. The dimensions must also be justified, not simply stated, bearing in mind

---

what I have said earlier that the policy is the Council's, not the Environment Agency's. I have no doubt that flexibility is ensured by the ability to argue the existence of other material considerations when any application is made.

**RECOMMENDATION**

17.22 Define the main rivers in paragraph 17.32 and provide reasoned justification for both the dimensions.

17.23 Make no other modifications in response to these objections.

---

**Paragraph 17.34 Culverting of watercourses**

Objection: FD 81.3 - Environment Agency

**Issue**

17.24 The need to require mitigation measures when culverting is permitted.

**Inspector's Reasons**

17.25 This requirement is part of the Agency's own policy on culverting and I see no reason for policy UI 119A to contain different provisions. I have recommended accordingly.

**RECOMMENDATION**

17.26 Add to policy UI 119A:

"Where exceptionally culverting is permitted adequate mitigation must be provided."

17.27 Ensure that this requirement is fully explained and justified in the text.

---

**Policy UI 121A Renewable energy**

Objection: FD 32.8 - David Wilson Estates

Objection: FD 55.20 - South West Regional Development Agency

**Issue**

17.28 The need for further information.

**Inspector's Reasons**

17.29 Both these objections have been overcome by changes to the Revised Deposit Draft.

**RECOMMENDATION**

17.30 Do not modify the Plan in response to these objections.

---

**Paragraph 17.60 Masts, antennas and base stations**

Objection: SD 172.12 - Cheltenham and Tewkesbury Primary Care Trust

**Issue**

17.31 The need to refer to densely populated areas.

---

**Inspector's Reasons**

17.32 I agree with the Council that such a reference would be out of place in this paragraph which deals with rural areas.

**RECOMMENDATION**

17.33 Do not modify the Plan in response to this objection.

---

**Policy UI 120 Sewage and effluent disposal** (Deleted in the Initial Draft)

Objection: FD 81.7 - Environment Agency

**Issue**

17.34 The need for the policy.

**Inspector's Reasons**

17.35 I agree with the Council that there is no need for this policy since it duplicates the provisions of other legislation contrary to the advice in PPG12.

**RECOMMENDATION**

17.36 Do not modify the Plan in response to this objection.

---

**Policy UI 122A Determination of prior approval for telecommunications permitted development** (Deleted from the Revised Deposit Draft)

Objection: FD 98.4 - Hutchinson 3G UK Ltd.

**Issue**

17.37 The need for the policy.

**Inspector's Reasons**

17.38 This objection has been overcome by deleting this policy from the Revised Deposit Draft.

**RECOMMENDATION**

17.39 Do not modify the Plan in response to this objection.

---

**Policy UI 123 Telecommunications installations**

Objection: FD 114.1 - Vodafone Ltd.

Objection: FD 98.1 - Hutchinson 3G UK Ltd.

Objection: FD 98.2 - Hutchinson 3G UK Ltd.

Objection: FD 74.1 - Orange Personal Communications Services Ltd.

Objection: FD 101.12 - Network Rail

Objection: FD 98.3 - Hutchinson 3G UK Ltd.

**Issues**

- 17.40 (a) Whether criterion (a) should recognise the need for the technical suitability of alternative sites.
- (b) The need for criterion (c).
- (c) The need for criterion (e).

**Inspector's Reasons**

- 17.41 On issue (a), the need for technical suitability is recognised in paragraph 7.5(c) of SPG *Telecommunications Masts, Antennas and Base Stations* (core document CBC 027), and technical constraints are also referred to in paragraph 17.63 of the Plan. In the circumstances it is clear that such constraints will be taken into account and I see no need to modify the policy itself.
- 17.42 Turning to issue (b), I see no need for criterion (c) since the Plan must be read as a whole and there are policies which protect the interests of acknowledged importance listed in Note 3 elsewhere in the Plan. This criterion should therefore be deleted and paragraph 17.60 of the Plan modified to refer to the policies which will be applied. This is the approach taken throughout the Plan and I see no reason to depart from it here.
- 17.43 In passing, the reference to green belts in Note 4 should be corrected. Very special circumstances are needed in green belts to justify inappropriate development, but they do not, as this note suggests, make that development "appropriate".
- 17.44 Finally on issue (c), I see no reason why the Plan should not take noise into account, although I note that it is not a matter dealt with in PPG8 *Telecommunications*. If, as some objectors argue, there is no significant noise, there will be no need to refuse permission. However, although it is not directly before me, I am concerned that Section 5 of the SPG gives no guidance on the level of noise likely to be unacceptable. The Council should consider setting this out to give operators clearer guidance on the approach to be taken.
- 17.45 Other objections to wording of the policy have been overcome by changes to the Revised Deposit Draft.

**RECOMMENDATION**

- 17.46 Delete criterion (c) and add any necessary references to other policies to paragraph 17.60 of the Plan.
- 17.47 Consider adding to Section 5 of SPG guidance on noise levels sought.
- 17.48 Delete Note 4 and replace it with text which follows the advice in PPG2.
- 17.49 Make no other modifications in response to these objections.

**Policy UI 123 Telecommunications installations**

Objection: SD 28.17 - Swindon Parish Council

**Issue**

- 17.50 Whether the policy is unacceptably positive.

**Inspector's Reasons**

- 17.51 The wording of the policy was changed in the Revised Deposit Draft to a more positive form in response to some of the previous objections. I agree with the Borough Council that this reflects the general advice in PPG8. However, I disagree with the Parish Council that this form of words in any way alters the basis on which applications will be considered: it does not provide a presumption towards approval and, by statute, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

---

**RECOMMENDATION**

17.52 Do not modify the Plan in response to this objection.

---

**Policy UI 123 Telecommunications installations**

Objection: FD 34.5 – English Heritage

**Issue**

17.53 The need to include Historic Parks and Gardens in Note 3.

**Inspector's Reasons**

17.54 This objection has been overcome by changes to Note 3 in the Revised Deposit Draft.

**RECOMMENDATION**

17.55 Do not modify the Plan in response to this objection, but note my recommendation in paragraph 17.46.

---

**Council Action UI A106 Public conveniences**

Objection: SD 28.18 - Swindon Parish Council

**Inspector's Note**

17.56 This objection is said to be to this deleted Council Action yet it refers to changes dealing with the erection of masts. The text for the objection is the same as for SD 28.17 and I have dealt with it there.

**RECOMMENDATION**

17.57 Note my comments and recommendation in paragraphs 17.51-17.52.

# 18 TRANSPORT

## General

Objection: FD 33.1 - Stratford Rail Transport Group

Objection: SD 167.6 - Tewkesbury Borough Council

## Issue

18.1 The need to safeguard the Honeybourne Line for heavy rail services.

## Inspector's Reasons

18.2 I have considered this issue in Chapter 5 when dealing with objection FD 33.2, and my recommendation here reflects those findings.

## RECOMMENDATION

18.3 Do not modify the Plan in response to these objections.

---

## General

Objection: FD 64.17 - Mr Pollock

## Issue

18.4 The need to include the central parking zone map in the Plan to enable objections to be made to the boundary.

## Inspector's Reasons

18.5 I agree with the Council that this is a matter of traffic management which should be dealt with through the Local Transport Plan.

## RECOMMENDATION

18.6 Do not modify the Plan in response to this objection.

---

## General

Objection: FD 101.6 - Network Rail

## Issue

18.7 The need for a policy to promote the improvement of public transport.

## Inspector's Reasons

18.8 In the light of the advice in paragraph 3.14 of PPG12 that policies in development plans should concentrate on those matters likely to provide the basis for considering planning applications, there is no place in the Plan for a directly promotional policy of this kind. The promotion of public transport could, however, be a corporate function for the Council to be taken forward in other ways. I agree with the Council that there are policies which will encourage public transport when planning applications are made.

**RECOMMENDATION**

18.9 Do not modify the Plan in response to this objection.

---

**General**

Objection: FD 76.2 - Chelsea Building Society

**Issue**

18.10 The need for improved public transport around the general hospital.

**Inspector's Reasons**

18.11 This is a matter for the Local Transport Plan or Council corporate action.

**RECOMMENDATION**

18.12 Do not modify the Plan in response to this objection.

---

**General**

Objection: SD 167.5 - Tewkesbury Borough Council

**Issue**

18.13 The need for a policy to set out the sequence to be followed in selecting park and ride sites.

**Inspector's Reasons**

18.14 Tewkesbury Borough Council is concerned that, in the search for park and ride sites, priority is given to sites in the urban area, before sites in the Green Belt. I agree. However, I have no doubt that policies in the Plan, and the advice in Annex E of PPG13, will ensure that this is the case, without the need for a specific policy.

**RECOMMENDATION**

18.15 Do not modify the Plan in response to this objection.

---

**Paragraph 16.11A Sustainable Transport (Initial Draft )****Paragraph 18.11 Sustainable Transport (Revised Deposit Draft)**

Objection: FD 53.5 - Stagecoach West

Objection: FD 53.4 - Stagecoach West

**Issue**

18.16 The need for a policy to support enhanced bus facilities and the implementation of bus and public transport systems.

**Inspector's Reasons**

18.17 In the light of the advice in paragraph 3.14 of PPG12 that policies in development plans should concentrate on those matters likely to provide the basis for considering planning applications there is no place in the Plan for a directly promotional policy of this kind. Rather, these are matters for the Local Transport Plan and for the Council to take forward corporately and, in this respect, I heard at the inquiry about the Council's Civic Pride initiative.

**RECOMMENDATION**

18.18 Do not modify the Plan in response to these objections.

---

**Paragraphs 18.17 - 18.18 Transport Assessment** (Deleted from the Revised Deposit Draft)

Objection: SD 28.19 - Swindon Parish Council

**Issue**

18.19 The need for these paragraphs.

**Inspector's Reasons**

18.20 I agree with the Council that the matters covered in these paragraphs are now included in policy CP 5 and that there is no need for any additional references to that policy in this part of the Plan.

**RECOMMENDATION**

18.21 Do not modify the Plan in response to this objection.

---

**Paragraph 18.19 Travel Plans** (Deleted from the Revised Deposit Draft)

Objection: SD 28.20 - Swindon Parish Council

**Issue**

18.22 The need for the paragraph.

**Inspector's Reasons**

18.23 I agree with the Council that the matters covered in this paragraph are now included in policy CP 5 and that there is no need for any additional references to that policy in this part of the Plan.

**RECOMMENDATION**

18.24 Do not modify the Plan in response to this objection.

---

**Paragraph 18.28 Changes to the highway network**

Objection: FD 44.4 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

Objection: FD 118.15 - Zurich Financial Services

Objection: FD 32.3 - David Wilson Estates

**Issue**

18.25 The need to safeguard a route for a north-western bypass.

**Inspector's Reasons**

18.26 I have dealt with this issue in Chapter 5 when considering objection FD 64.9 and my recommendation here reflects those findings.

**RECOMMENDATION**

18.27 Do not modify the Plan in response to these objections.

---



**Policy TP 127 Development and highway safety**

Objection: FD 64.29 - Mr Pollock

**Issue**

18.28 The need to reword criterion (b) as “on-street parking”.

**Inspector's Reasons**

18.29 I agree with this objection, and it seems to me from Council’s response that the criterion simply refers to on-street parking by another name. In any case, there should be reasoned justification and explanation in paragraph 18.33 to make clear what the criterion refers to, and I can find none at present.

**RECOMMENDATION**

18.30 Delete from criterion (b) “short-stay” and replace it with “on-street”.

18.31 Ensure that there is full reasoned justification for the policy in the text.

---

**Policy TP 129 Development and highway safety**

Objection: FD 124.99 - Government Office for the South West

**Issue**

18.32 The need to take account of environmental considerations.

**Inspector's Reasons**

18.33 This objection has been overcome by changes to the Revised Deposit Draft.

**RECOMMENDATION**

18.34 Do not modify the Plan in response to this objection.

---

**Paragraphs 18.36 - 18.38 Traffic Management**

Objection: FD 119.11 - Cheltenham Cycle Campaign

**Issue**

18.35 The need for a reference to measures benefiting cyclists.

**Inspector's Reasons**

18.36 In the Initial Draft this text was followed by Council Action TP A120 which has been deleted from the Revised Deposit Draft. I see no need for the text in this section to remain since it is not the reasoned justification for any policies, and the Council’s aim of preparing a concise Plan which is met by deleting all the Actions will be furthered by deleting this text. It follows that I do not support the objection, since further discussion unrelated to its policies has no place in the Plan.

**RECOMMENDATION**

18.37 Delete paragraphs 18.36-18.39.

18.38 Do not modify the Plan in response to this objection.

---

**Paragraph 18.40 The town centre**

Objection: FD 64.15 - Mr Pollock

**Issue**

18.39 The need to reinstate Plans 30, 31 and 33 from the adopted Plan.

**Inspector's Reasons**

18.40 This objection has been overcome by the inclusion of these Plans in the Revised Deposit Draft.

**RECOMMENDATION**

18.41 Do not modify the Plan in response to this objection.

---

**Paragraph 18.43 The town centre**

Objection: FD 119.22 - Cheltenham Cycle Campaign

**Issue**

18.42 The need to take cyclists into account in pedestrian schemes.

**Inspector's Reasons**

18.43 This need is made clear on paragraph 18.43. Council Action TP A117 to which this objection was also addressed has been deleted and is no longer before me.

**RECOMMENDATION**

18.44 Do not modify the Plan in response to this objection.

---

**Paragraph 18.46 The main highway network****PIC59**

Objection PIC 244.3 - Charlton Kings Parish Council

**Issue**

18.45 The need to ensure that restraint in traffic growth will not stifle the growth of local business.

**Inspector's Reasons**

18.46 Restraint in traffic growth is a major feature of both national and local policy, and does not mean that local business growth will be impaired. The PIC simply up-dates the text and I support it.

**RECOMMENDATION**

18.47 Do not modify the Plan in response to this objection.

18.48 Modify the Plan in accordance with PIC59.

---

**Paragraph 18.64 Town centre parking policy**

Objection: SD 95.80 - Gloucestershire County Council

**Issue**

18.49 Whether the increased number of off-street parking spaces shown in Table 16 is consistent with the objective of retaining the current number of spaces.

**Inspector's Reasons**

18.50 This section of the Plan describes the Council's corporate parking strategy. Any apparent inconsistency needs to be resolved there and is not a matter before me. As in other places in this report, however, I am concerned about the length and detail of the description, most of which is unrelated to policies in the Plan. The Council should rely on other sources for details of parking strategy, for example the Local Transport Plan, in its meeting its aim here of preparing a concise plan.

**RECOMMENDATION**

18.51 Reconsider the section of the Plan headed "Parking" to ensure that it is primarily the reasoned justification for policies, with a brief discussion to place them in the context of corporate policy.

---

**Paragraph 18.66 On-street parking in the town centre**

Objection: FD 93.15 - Cheltenham Friends of the Earth

**Issue**

18.52 The need for further information to enable monitoring of the parking strategy.

**Inspector's Reasons**

18.53 I agree with the basis of this objection, since monitoring the Plan's strategy is clearly vital. It is not necessary, however, for all the information which may be used in monitoring to be included in the Plan. The Council's response to this objection refers to a parking strategy being prepared with the County Council and I would expect the level of detail needed for monitoring to be set out as part of that.

**RECOMMENDATION**

18.54 Do not modify the Plan in response to this objection.

---

**Paragraph 18.67 18.72 Off-street parking in the town centre**

Objection: FD 66.7 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

Objection: FD 44.5 - Cheltenham Chamber of Commerce (Planning & Transport Committee)

**Issue**

18.55 Whether the Plan allows for enough off-street parking in the town centre.

**Inspector's Reasons**

18.56 The first objection sought the provision of 800 spaces in the St Margaret's area of the town centre at a time when the future of some of the sites there was unresolved. I have seen no evidence to support this figure, although I have dealt elsewhere with the allocation partly for housing of some of the sites. I also note that the Council is preparing a parking strategy with the County Council and to my mind the precise numbers of spaces should be set out there. The concerns of the second objector, which include the retention of on-street parking, should also be addressed in such a strategy

---

**RECOMMENDATION**

18.57 Do not modify the Plan in response to these objections.

---

**Policy TP 125A Long-stay car parking**

Objection: FD 93.17 - Cheltenham Friends of the Earth

Objection: FD 118.13 - Zurich Financial Services

**Issue**

18.58 The form and content of the policy.

**Inspector's Reasons**

18.59 I agree with the Council in its response to the first objection that the policy in its present form reflects the advice in PPG6 *Town Centres and Retail Developments*. I therefore do not support the argument that it should apply to short-term parking. The second objection has been overcome by changes to the policy in the Revised Deposit Draft.

**RECOMMENDATION**

18.60 Do not modify the Plan in response to these objections.

---

**Council Action TP A130 Park and ride**

Objection: FD 95.29 - Gloucestershire County Council

**Issue**

18.61 The need for consistent references to park and ride.

**Inspector's Reasons**

18.62 This Action has been deleted and is no longer before me. I agree with the principle of the objection, and leave it to the Borough Council to ensure consistency in the Plan. I also agree, however, that references can quickly become out-of-date and they should therefore not be too detailed.

**RECOMMENDATION**

18.63 Ensure consistency in the Plan's references to park and ride, without setting out detail which may become out-of-date.

---

**Council Action TP A130 Park and ride**

Objection: FD 62.5 - Highways Agency

**Issue**

18.64 Whether this Action is acceptable until the effect of proposals can be determined.

**Inspector's Reasons**

18.65 This Council Action has been deleted from the Revised Deposit Draft and is therefore no longer before me.

---

**RECOMMENDATION**

18.66 Do not modify the Plan in response to this objection.

---

**Paragraph 18.79 - 18.83 Park and ride**

Objection: FD 118.16 - Zurich Financial Services

**Issue**

18.67 The need to consider further park and ride sites to balance the loss of long-term parking in the town centre.

**Inspector's Reasons**

18.68 It is clear to me from what I heard at the inquiry that further sites are being considered.

**RECOMMENDATION**

18.69 Do not modify the Plan in response to this objection.

---

**Paragraph 16.95 Park and ride (Initial Deposit)****Paragraph 18.84 Park and ride (Revised Deposit Draft)**

Objection: FD 66.8 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issue**

18.70 Whether seeking contributions from developers for park and ride sites not yet identified would meet the guidance in Circular 1/97.

**Inspector's Reasons**

18.71 I do not accept this objection in principle but I am, nevertheless, concerned about the way contributions might be sought. A considerable level of detailed information is needed to guide developers in these circumstances and I note that it is set out in SPG *Planning Obligations: Transport*, which was adopted after the Plan and this objection were written. Section 3 includes references to park and ride provision and sets out how contributions will be calculated. The detail of the SPG is not before me in considering objections to the Plan, but I have two concerns raised by this objection.

18.72 First, paragraph 3.15 of PPG12 says that SPG should supplement specific policies in the Plan, yet there is no specific policy for park and ride. The Council may wish to rely on policy CP 5, in which case this should be made clear in the text of this part of the Plan.

18.73 Second, the park and ride sites have not been identified yet, and may not have been identified when the Council wishes to seek a contribution. In these circumstances it seems to me that a planning obligation would have to contain a provision for repaying any contribution if it were not used within a specified time. This is not an unusual provision and I have recommended that the Council should consider it.

**RECOMMENDATION**

18.74 Ensure that the policy to which the SPG relates is clearly set out in the text to ensure compliance with advice in PPG12.

18.75 Consider the need for a repayment clause in planning obligations, recognising that park and ride sites have not yet been identified, and consider adding this provision to SPG.

18.76 Make no other modifications in response to this objection.

---

**Paragraphs 18.86 - 18.89 Parking standards**

Objection: FD 119.21 - Cheltenham Cycle Campaign

**Issue**

18.77 The need for a higher standard for cycle parking.

**Inspector's Reasons**

18.78 I note that the cycle parking standards are set out in the Local Transport Plan and I have seen no detailed evidence to challenge them.

**RECOMMENDATION**

18.79 Do not modify the Plan in response to this objection.

---

**Policy TP 130 Parking provision in development**

Objection: SD 138.1 – Councillor M Stennett

**Issue**

18.80 The way the parking standards should be applied to small developments.

**Inspector's Reasons**

18.81 The parking standards in Table 17 reflect the standards in the Local Transport Plan (LTP). There is a difference in approach to the application of standards for small development between the LTP and the national standards set out in PPG13: the PPG, as Councillor Stennett points out, sets a size limit for applying the standards whilst the LTP does not. Paragraph 53 of PPG13, however, makes it clear that local authorities should use discretion in their approach to standards for small development to reflect local circumstances.

18.82 Councillor Stennett's later statement seeks the discretion to require off-street parking for small developments to protect the interests of local people who must rely on the availability of on-street parking. To my mind, this is precisely what the Plan's approach, with no lower size limit for the application of the standards, will allow. In any case, flexibility in making planning decisions is ensured by the statutory requirement to consider whether material considerations indicate a decision other than in accordance with the development plan.

**RECOMMENDATION**

18.83 Do not modify the Plan in response to this objection.

---

**Paragraph 18.91 Public transport**

Objection: SD 95.60 - Gloucestershire County Council

**Issue**

18.84 The need for specific policies to reflect the importance of public transport.

**Inspector's Reasons**

18.85 I have dealt with the issue of promotional policies in the Plan in paragraphs 18.8 and 18.9 and found that they have no place in the Plan since they do not reflect the advice in PPG12 about the role of development plan policies. The County Council does not suggest the topics for the policies which it says are necessary, but I have no doubt that, in the light of the advice in the PPG, they must relate to the determination of planning applications, and should not be included in the Plan simply because public transport is important.

---

18.86 This objection, however, raises in my mind the point of including this section in the Plan since it is not the reasoned justification for policies, but rather describes the Council's corporate approach to a range of matters which do not fall within the scope of land-use planning. I share the Borough Council's concern to prepare a concise Plan, and I have no doubt that this could be achieved here by a shorter text with less description and a focus on the links between the topics and the land-use policies of the Plan. I have recommended accordingly.

### **RECOMMENDATION**

18.87 Do not modify the Plan in response to this objection.

18.88 Delete paragraphs 18.91-18.104 and replace them, if necessary, with brief text as the reasoned justification for any relevant policies in the Plan.

---

### **Paragraphs 18.94 & 18.95 Bus services**

Objection: FD 53.2 - Stagecoach West

#### **Council Action TP A134 Bus Services** (Deleted from Revised Deposit Draft)

Objection: FD 53.3 - Stagecoach West

### **Issue**

18.89 The need for a commitment to increase the use of public transport.

### **Inspector's Reasons**

18.90 I agree with the Council that this Plan is not the place to make such a commitment since it is a corporate matter not within the scope of land-use planning. I have no doubt that the Community Plan and the Local Transport Plan offer the correct opportunity to deal with this issue.

### **RECOMMENDATION**

18.91 Do not modify the Plan in response to these objections.

---

### **Paragraph 18.102 Rapid public transport system**

Objection: FD 33.3 - Stratford Rail Transport Group

18.92 The need to safeguard the Cheltenham-Stratford railway line for heavy rail services.

### **Inspector's Reasons**

18.93 I have considered this issue in Chapter 5 when dealing with objection FD 33.2, and my recommendation here reflects those findings.

### **RECOMMENDATION**

18.94 Do not modify the Plan in response to these objections.

---

### **Paragraphs 18.103 - 18.104 Rail services**

Objection: FD 101.4 - Network Rail

### **Issue**

18.95 The need for these paragraphs.

**Inspector's Reasons**

18.96 The objectors seek a reference here to the need for proposals to be technically, operationally and commercially viable. However, I see no need for these paragraphs since they are not the reasoned justification for any policy, but a statement of corporate intent. Deleting them will help meet the Council's aim of preparing concise plan, particularly after the deletion of the Council Action which they supported.

**RECOMMENDATION**

18.97 Delete paragraphs 18.103-18.104.

18.98 Do not modify the Plan in response to this objection.

**Paragraph 18.105 Cycling**

Objection: FD 119.12 - Cheltenham Cycle Campaign

Objection: FD 119.14 - Cheltenham Cycle Campaign

Objection: SD 172.13 - Cheltenham and Tewkesbury Primary Care Trust

Objection: SD 95.68 - Gloucestershire County Council

**Paragraph 18.106 Cycling**

Objection: FD 70.6 - Mr Alexander

Objection: FD 119.13 - Cheltenham Cycle Campaign

**Paragraph 18.108 Cycling**

Objection: FD 119.15 - Cheltenham Cycle Campaign

**Paragraph 18.109 Cycling**

Objection: SD 46.36 - Prestbury Parish Council

Objection: FD 119.16 - Cheltenham Cycle Campaign

**Policy TP A139 Cycling (Deleted from the Revised Deposit Draft)**

Objection: FD 70.7 - Mr Alexander

Objection: FD 70.4 - Mr Alexander

**PIC64****Issue**

18.99 The purpose of this section of the Plan.

**Inspector's Reasons**

18.100 These objections seek a range of changes to the text of this part of the Plan. I see no purpose in this section of the Plan, however, since it is not the reasoned justification for any policies. Rather, it describes the Council's corporate approach to a range of matters which do not fall within the scope of land-use planning. Council Action TP A139 has already been deleted and is not before me.

18.101 The County Council argues that there should be policies, but does not indicate any topics which need a policy in the form set out in paragraph 3.14 of PPG12 to provide the basis for considering planning applications. I do not support those objections which would lead to additional purely descriptive material in the Plan, whilst others deal with management issues which are outside the scope of land-use planning.

18.102 These objections, therefore, raise in my mind the point of including this section in the Plan. I share the Borough Council's concern to prepare a concise Plan, and I have no doubt that this could be achieved here by a shorter text with less description and a focus on the links between the topics and the land-use policies of the Plan. I have recommended accordingly.

**RECOMMENDATION**

18.103 Do not modify the Plan in response to these objections.

18.104 Delete paragraphs 18.105-18.110 and replace them, if necessary, with brief text which is the reasoned justification for policies in the Plan.

18.105 Do not modify the Plan in accordance with PIC64.



---

**Paragraph 18.110 Pedestrians**

Objection: SD 46.37 - Prestbury Parish Council

Objection: SD 95.66 - Gloucestershire County Council

**Issue**

18.106 The need for this section of the Plan.

**Inspector's Reasons**

18.107 I recommend that this section should be deleted for the same reasons as my recommendations to delete earlier section in paragraphs 18.88 and 18.104. It follows that I do not support these objections.

**RECOMMENDATION**

18.108 Delete paragraphs 18.110 and 18.111.

18.109 Do not modify the Plan in response to these objections.

---

**Table 17 Parking standards**

Objection: FD 93.21 - Cheltenham Friends of the Earth

Objection: FD 93.20 - Cheltenham Friends of the Earth

**Issue**

18.110 Whether the car parking standard is too high and the cycle parking standard too low.

**Inspector's Reasons**

18.111 I agree with the Council's response to these objections that the approach set out in paragraph 55 of PPG13 is important, since it is clear that measures to minimise the need for parking will be considered alongside the application of parking standards. To my mind this approach meets the concerns in these objections, but it must be set out in the Plan as part of the reasoned justification for policy TP 130. Whilst I acknowledge the objector's concerns about meeting the aims of the Local Transport Plan, I note that the standards here reflect those set out in that Plan.

**RECOMMENDATION**

18.112 Add a reference to paragraph 55 of PPG13 to the reasoned justification for policy TP 130.

18.113 Make no other modifications in response to these objections.

---

**Table 17 Parking standards**

Objection: FD 118.14 - Zurich Financial Services

**Issue**

18.114 Whether standards that are more restrictive than those in PPG13 are justified.

**Inspector's Reasons**

18.115 Paragraph 53 of PPG13 makes it clear that local planning authorities may adopt more rigorous standards than those set out in its Annex D. I have seen no evidence to support the argument the Plan's standards in general – particularly those set out in the Local Transport Plan – need further justification, and I therefore do not support this objection.

---

**RECOMMENDATION**

18.116 Do not modify the Plan in response to this objection.

---

**Table 17 Parking standards**

Objection: FD 99.17 - South West RSL Planning Consortium

**Issue**

18.117 The need for a lower parking standard for affordable housing to recognise the lower car ownership rate.

**Inspector's Reasons**

18.118 The objectors point out that paragraph 14 of Circular 6/98 advises flexibility on car parking standards for affordable housing. As the Council argues in its response, paragraph 51 of PPG13 says that developers should not be required to provide more spaces than they themselves wish, but I have no doubt that there should be a reference in the Plan to the advice in the Circular and the Council's approach to it. This should be set out in Chapter 13 as part of the reasoned justification for policy HS 73(B).

**RECOMMENDATION**

18.119 Add to Chapter 13 as reasoned justification for policy HS 73(B) a reference to the provisions of paragraph 14 of Circular 6/98 on flexibility on parking standards for affordable housing, and add a note to Table 17 to the same effect.

---

**Table 17 Parking standards**

Objection: FD 59.2 - GCHQ

**Issue**

18.120 The need for greater flexibility to recognise that different locations have different levels of accessibility.

**Inspector's Reasons**

18.121 I acknowledge the arguments in this case that a site such as GCHQ on the edge of Cheltenham is not as accessible by public transport as a site in the town centre. I have no doubt, however, that this can be overcome if the advice in paragraph 54 of PPG13 is followed: this would allow developers to argue for higher parking provision as an exception to the general standard on the basis of a comprehensive transport assessment. I have recommended in paragraph 18.127 that there should be a reference to this approach in the reasoned justification for the policy TP 130.

18.122 I do not accept the argument that the standards should be replaced by those set out in PPG13 or RPG10, since paragraph 53 of the PPG makes it clear that local authorities can adopt more rigorous standards. This does raise one further point in my mind: whether the standards should be in the Plan or SPG. In my experience practice varies between local planning authorities, but the benefit of setting them out in SPG is that they can be changed more readily if, for example, changed standards are set out in a review of a local transport plan. I leave this for the Council to consider.

**RECOMMENDATION**

18.123 Do not modify the Plan in response to this objection.

18.124 Consider the benefit of setting out the parking standards in SPG to enable easier amendment.

**Table 17 Parking standards**

Objection: FD 109.4 - NHS Estates South

**Issue**

18.125 The deletion of the standard for Class C1 hospitals.

**Inspector's Reasons**

18.126 I acknowledge that there is no standard for hospitals in PPG13. However, a new hospital would be a major development with considerable highway and travel implications and it seems entirely right to me that there should be a parking standard. Flexibility is ensured by the advice in paragraph 54 of PPG13, although the approach set out there should be referred to as part of the reasoned justification for policy TP 130.

**RECOMMENDATION**

18.127 Do not modify the Plan in response to this objection, but add to the reasoned justification for policy TP 130 a reference to the approach in paragraph 54 of PPG13.

**Table 17 Parking standards**

Objection: FD 60.2 - Wm Morrison Supermarkets PLC

Objection: FD 97.1 - Sainsbury's Supermarkets Ltd.

Objection: FD 66.9 - Salmon Harvester Properties Ltd. & Interbrew UK Ltd.

**Issues**

18.128 (a) Whether the departure of the retail parking standard from national guidance is justified.

(Objections FD 60.2 & FD 97.1)

(b) Whether the requirement that parking should be located at basement or semi-basement level is too inflexible.

(Objections FD 60.2 & FD 66.9)

**Inspector's Reasons**

18.129 On issue (a), paragraph 53 of PPG13 makes it clear that local authorities can adopt more rigorous standards and, since the standards in this Plan reflect those in the Local Transport Plan, I accept them, both for car and cycle parking. I therefore do not support these objections.

18.130 On issue (b) I share the objectors' concern about this provision for several reasons. First, as a note to Table 17 its status is not clear: is it a requirement or a material consideration to be taken into account? Second, there is no reasoned justification for it. Third, it seems to me to be essentially a matter to be decided on a site-by-site basis, since there will be very different site requirements and constraints for a town centre or an out-of-town location. I note the Council's concern about design, but I have no doubt that other policies in the Plan can be applied to ensure control of the design of schemes.

18.131 I have therefore recommended that this note should be deleted. One way in which this point could be made, and my concerns overcome, would be to include a discussion on design matters in the SPG for parking standards which I suggest in paragraph 18.124.

**RECOMMENDATION**

18.132 Delete from Table 17 "car parking should ... visually undesirable."

18.133 Consider including design considerations, linked to the Plan's policies, in the SPG which I recommend in paragraph 18.124.

---

18.134 Make no other modifications in response to these objections.

---

### **Table 17 Parking standards**

Objection: SD 46.38 - Prestbury Parish Council

Objection: FD 64.30 - Mr Pollock

#### **Issue**

18.135 Whether the residential standard is too low.

#### **Inspector's Reasons**

18.136 The Plan meets the clear advice in paragraph 62 of PPG3 that development with more than 1.5 off-street parking spaces is unlikely to reflect the Government's emphasis on securing sustainable residential environments. Paragraph 3.3 of PPG12 says that local authorities should have regard to national policies unless there are adequate reasons for not doing so.

18.137 I note the Parish Council's concerns about the level of public transport, but I have seen no evidence to convince me that this is a reason to depart from such clear national guidance on residential parking standards. Moreover, I do not share Mr Pollock's concerns that the parking standard would lead to higher density development in the central conservation area. Rather, I agree with the Council view at the inquiry, that a higher standard would be more likely to lead to development dominated by parking areas.

#### **RECOMMENDATION**

18.138 Do not modify the Plan in response to these objections.

---

### **Plan 33 Cycle Route Network (Initial Deposit)**

### **Plan 12 Cycle Route Network (Revised Deposit Draft)**

Objection: SD 171.1 - Mr Johnson

#### **Issue**

18.139 The suitability of Bath Road and Old Bath Road as cycle routes.

#### **Inspector's Reasons**

18.140 This objection deals in detail with the line of a cycle route. This is not a matter for me in dealing with the land-use policies in this Plan: Plan 12 records the cycle routes but it is a matter for the Borough and County Councils to determine the routes themselves through other means. I note the Council's willingness to investigate such a route.

#### **RECOMMENDATION**

18.141 Do not modify the Plan in response to this objection.

---

### **Policy TP 126 Accessibility to development (Deleted from the Revised Deposit Draft)**

Objection: FD 118.17 - Zurich Financial Services

#### **Issue**

18.142 Whether the policy is too prescriptive.

**Inspector's Reasons**

18.143 This objection has been overcome by deleting the policy from the Revised Deposit Draft.

**RECOMMENDATION**

18.144 Do not modify the Plan in response to this objection.

---

**Council Action TP A112 External influences**(Deleted from Revised Deposit Draft)

Objection: FD 62.3 - Highways Agency

**Council Action TP A111 External influences** (Deleted from Revised Deposit Draft)

Objection: SD 62.10 - Highways Agency

Objection: FD 62.4 - Highways Agency

Objection: SD 28.21 - Swindon Parish Council

**Issue**

18.145 The need for this section of the Plan.

**Inspector's Reasons**

18.146 These Actions have been deleted and are therefore no longer before me. However, I see no need for this section of the Plan since it is not the reasoned justification for policies, and paragraph 18.25 in particular simply reports the Council's corporate view. Deleting references of this kind in the Plan does not weaken the Council's case in its discussions with the Highways Agency. It will, however, help to meet the Council's own aims of preparing a concise Plan with text focused on providing reasoned justification for policies.

**RECOMMENDATION**

18.147 Delete paragraphs 18.23-18.25.

18.148 Do not modify the Plan in response to these objections.

---

**Council Action TP A120 Traffic management** (Deleted from Revised Deposit Draft)

Objection: FD 119.23 - Cheltenham Cycle Campaign

**Issue**

18.149 The wording of the Action.

**Inspector's Reasons**

18.150 This Action has been deleted from the Plan and is no longer before me. I have also recommended in paragraph 18.37 that the accompanying text should be deleted.

**RECOMMENDATION**

18.151 Do not modify the Plan in response to this objection.

---

**Council Action TP A126 Off-street parking in the town centre**(Deleted from Revised Deposit Draft)

Objection: SD 28.22 - Swindon Parish Council

**Issue**

18.152 The need for well designed car parks.

**Inspector's Reasons**

18.153 This Action has been deleted from the Revised Deposit Draft and is no longer before me. Whilst I agree with the aims of the objection, the quality of design and management of car parks is a corporate matter for the Council. They have no place in a local plan whose policies should, as paragraph 3.14 of PPG12 advises, be the basis for considering planning applications. As a result, and to further the Council's aim of producing a concise Plan, I have recommended that paragraphs 18.71-18.72 should be deleted since they are not the reasoned justification for any policies.

**RECOMMENDATION**

18.154 Do not modify the Plan in response to this objection and delete paragraphs 18.71-18.72.

---

**Council Action TP A130 Park and ride** (Deleted from Revised Deposit Draft)

Objection: SD 28.23 - Swindon Parish Council

Objection: FD 54.14 - Cotswolds AONB Partnership

**Issue**

18.155 How the Plan should deal with the environmental implications of park and ride proposals.

**Inspector's Reasons**

18.156 This Council Action has been deleted from the Revised Deposit Draft and is no longer before me. These objections, however, raise the wider issue of the uncertainty about possible sites, when the most likely areas of search are adjoined by AONB or Green Belt. From what I heard at the inquiry it is not possible to identify a site or sites at this stage, and I have dealt in paragraph 18.14 with arguments that a policy is needed to set out the sequence to be followed in locating sites. I see no need for such an approach, and I am satisfied that the application of policies in the Plan, taken with national guidance, will provide adequate protection for the AONB and Green Belt.

**RECOMMENDATION**

18.157 Do not modify the Plan in response to these objections.

---

**Council Action TP A141 Pedestrians** (Deleted from Revised Deposit Draft)

Objection: SD 28.24 - Swindon Parish Council

**PIC65**

**Objection PIC 244.2** - Charlton Kings Parish Council

**Objection PIC 171.3** - Mr Johnson

**Issue**

18.158 The need for this Council Action.

**Inspector's Reasons**

18.159 This Action has been deleted from the Revised Deposit Draft and in paragraph 18.108 I have recommended that the accompanying text should also be deleted since it does not form the

---

reasoned justification for a policy. It follows that the Plan should not be modified in accordance with PIC65 which is a statement of corporate action with no place in this Plan.

18.160 The objections all deal with management issues which the Council may wish to take forward through other means, but which have no place in this Plan.

#### **RECOMMENDATION**

18.161 Do not modify the Plan in response to these objections.

18.162 Do not modify the Plan in accordance with PIC65.

---

#### **Council Action TP A142 People with a mobility handicap** (Deleted from Revised Deposit Draft)

Objection: SD 28.25 - Swindon Parish Council

#### **Issue**

18.163 The way the Plan deals with policies for people with a mobility handicap.

#### **Inspector's Reasons**

18.164 I support the deletion of this Action since it is a statement of the Council's corporate approach to highway design, not the reasoned justification for a land-use planning policy. However, I have dealt with the Plan's approach to meeting the needs of disabled people in Chapter 5 when considering objection SD 28.9 by the Parish Council.

#### **RECOMMENDATION**

18.165 Do not modify the Plan in response to this objection, but note my recommendation in Chapter 5.

## 19 PROPOSALS MAP

### Proposals Map

Objection: FD 92.15 - Haulfryn Group Ltd

#### Issue

19.1 The need for an up-to-date base Map showing commitments and constraints.

#### Inspector's Reasons

19.2 The base map should be the most up-to-date possible, but that does not alter the purpose of the Proposals Map which is to illustrate the application of the Plan's policies. For this reason I do not accept that it should show commitments or constraints, unless they are the subject of a policy in the Plan.

#### RECOMMENDATION

19.3 Do not modify the Plan in response to this objection.

---

### Proposals Map

Objection: SD 101.13 - Network Rail

#### Issue

19.4 The need for the Proposals Map to identify Network Rail's requirements.

#### Inspector's Reasons

19.5 I agree with the Council that Network Rail's requirements will be made clear since they are a statutory consultee. The information is too detailed to be shown on the Proposals Map which is, in any case, a means of setting out the Council's policies, not the requirements of other bodies unless they are in a policy in the Plan. I therefore do not support this objection.

#### RECOMMENDATION

19.6 Do not modify the Plan in response to this objection.



## 20 MISCELLANEOUS

### Miscellaneous

Objection: FD 20.1 - Mr Huber

### Issue

20.1 The need for the Plan to deal with litter and graffiti.

### Inspector's Reasons

20.2 I have dealt with this issue in Chapter 3 when considering objections by the Tidy Cheltenham Group, who were represented at the inquiry by Mr Huber.

### RECOMMENDATION

20.3 Do not modify the Plan in response to this objection.

---

### Miscellaneous

Objection: FD 118.3 - Zurich Financial Services

Objection: SD 95.70 - Gloucestershire County Council

### Issue

20.4 The form and content of the Plan.

### Inspector's Reasons

20.5 I have some sympathy with these objections. I have sought to make the Plan clearer and more positive in my recommendations, in particular on the form of Chapters 4 and 5 to set out a clear strategy, linked to objectives and policies, and to avoid duplication with later chapters. However, I also recognise that this Plan has a short life and that it will be replaced quite quickly by Plans of a different style. As a result I have not recommended substantial rewriting where the Plan's policies are not at issue.

### RECOMMENDATION

20.6 Do not modify the Plan in response to these objections.

## Appendix A

<b>TABLE 11 DWELLING REQUIREMENT 1991-2011 AND PROVISION AT END OF MARCH 2004</b>	
<b>Structure Plan requirement mid 1991 – mid 2011</b>	<b>7,350</b>
Net completions mid 1991 – end March 2004	4,424
Commitments	2,167
<b>Total: completions and commitments</b>	<b>6,591</b>
<b>Residual requirement</b>	<b>759</b>
<b>Provision for housing lost to demolition / change of use</b>	<b>30</b>
<b>Commitments unlikely to come forward before mid 2011</b>	<b>-190</b>
<b>Planning permissions required</b>	<b>979</b>
<b>Windfall provision to 2011 (Urban Capacity Study estimate)</b>	<b>1,700</b>
<b>Potential oversupply</b>	<b>721</b>

Source: Residential Land Availability Report (April 2003) and Urban Capacity Study (August 2004), Cheltenham Borough Council

## Appendix B

<b>TABLE 7 SITES ALLOCATED FOR DEVELOPMENT</b>				
<b>Site</b>	<b>Area (ha)</b>	<b>Current land use</b>	<b>Proposed land use</b>	<b>Timescale</b>
Land at Welch Road	1.40	former allotment land, now derelict	market housing (anticipated 55 units)	<del>pre-end</del> post-end 2007
Land at Albion Street	0.60	garage / car sales (Haines & Strange)	commercial, housing (anticipated minimum <del>60</del> 180 units, including <del>20</del> 70 affordable dwellings)	pre-end 2007
Land at St. Margaret's Road	1.13	public car park (North Place)	housing (anticipated minimum 100 units, including 50 affordable dwellings) and public car parking ( + other possible public uses)	post-end 2007
Land at St. George's Place / St. James' Square	1.00	car park (Chelt Walk), vacant land and buildings	commercial, housing (anticipated minimum 8 units)	post-end 2007
Land at Portland Street	0.69	public car park (Portland Street)	public open space, housing (anticipated minimum 80 units, including 50 affordable dwellings. Gross residential density 120 dph)	post-end 2007
Cheltenham Spa Railway Station	3.30	railway land, car parking, unused	commercial, housing (scope dependent on nature of scheme on a site with a number of constraints)	post-end 2007
Midwinter area	30.0	active and derelict allotments, playing fields, amenity land, land formally allocated for recreational use	allotments, housing (anticipated 55 units, including 25 affordable dwellings), playing fields, leisure uses	post-end 2007

The urban capacity study 2004 – 2011 (August 2004) provides the current data in regards to urban capacity, density of identified sites and phasing. This data updates Table 7 (sites allocated for development) of Cheltenham Borough Local Plan Second Review Revised Deposit) resulting in two amendments, as listed below and shown in the table above.

- Land at Albion Street – capacity increased from 60 dwellings to 180 dwellings
- Land at Welch Road – change in phasing from pre 2007 to post 2007