

Gloucester City Council

Meetings:	Cabinet Council	Date:	10 December 2014 22 January 2015
Subject:	Local Development Framework Update		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes/No
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Appendices:	1. Local Development Scheme 2. Statement of Community Involvement		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To update the range of documents the Council is obliged to keep and maintain consistent with its legal obligations as the local planning authority and to seek approval to use the Joint Core Strategy Submission Plan (the JCS) as a material consideration in future planning decisions.

2.0 Recommendations

- 2.1 The Cabinet is asked to **RECOMMEND** that :

- (1) the Local Development Scheme (the LDS) at Appendix 1 be approved;
- (2) the revised Statement of Community Involvement (SCI) at Appendix 2 be approved for consultation purposes and
- (3) the Joint Core Strategy (JCS) be endorsed for use as a material consideration in all future planning decisions.

- 2.2 Council is asked to **RESOLVE**:

- (1) that the LDS at Appendix 1 be approved;
- (2) that a public consultation on the SCI be conducted and that authority be delegated to the Head of Planning in consultation with Head of Legal and Policy Development to make any minor changes to this statement arising from comments received during the consultation period;
- (3) the continued use of the Second Stage Deposit Draft Local Plan (2002) and other local planning policy, including the Joint Core Strategy

Submission document (the JCS), as a material consideration in future planning decisions.

3.0 Background and Key Issues

- 3.1 The Planning and Compulsory Purchase Act 2004 (“the Act”) imposes a number of obligations on the Council in connection with its land use planning function. The legislation imposes various obligations on the Council to prepare a Local Development Framework (LDF). In summary, this framework comprises the suite of documents that the Council will rely on for decision making in land use planning matters.

Local Development Scheme

- 3.2 Within the LDF, the Council is obliged under section 15 of the Act to prepare and maintain a scheme of planning documents for their local area. This is known as the Local Development Scheme (LDS). The LDS specifies which local development documents the Council will be preparing over the following three year period. The last LDS was adopted in 2009 and it is now out of date. The updated LDS (shown at Appendix 1) provides a new timetable for the preparation of the JCS which the Council is preparing with Tewkesbury and Cheltenham Borough Councils as well as the emerging Gloucester City Plan. It has also been updated to take account of the work being carried out by the Hempsted Community Forum that may result in the preparation of a Neighbourhood Plan for Hempsted.

Statement of Community Involvement

- 3.3 The Council is also obliged to prepare a Statement of Community Involvement (the SCI) pursuant to Section 18 of the Act. The SCI must explain how the Council will engage with local residents, businesses and statutory bodies in relation to the preparation of new development plan documents and how the Council will consult those persons in connection with planning applications. The Council’s last SCI was adopted in 2005. It is now out-of-date in that the secondary legislation around the preparation of development plan documents has been replaced by the Town and Country Planning (Local Planning) (England) Regulations 2012. The existing SCI does not take account of the Council’s legal obligations under the Localism Act 2011 or other changes in development management practice.
- 3.4 The revised and updated SCI is provided at Appendix 2. The Council is legally obliged to consult on the revisions to this document and seek comment. It is proposed that the SCI will be subject to a six week public consultation running from January to February 2015. This report recommends that the Council delegates authority to the Head of Planning to make any minor changes to the document received as a result of the consultation programme. If major changes are required then the revised document will be referred back to Council for approval.

Progress of the Joint Core Strategy (JCS)

- 3.5 The JCS is a land use plan that sets out the overall development requirements for Gloucester, Tewkesbury and Cheltenham and provides eight strategic allocations for major housing and employment growth as well as a range of strategic development policies that will be used to determine planning applications. It will, for example, set the three councils' approach towards the delivery of affordable housing. This plan was sent to the Planning Inspectorate for examination on 20 November 2014. It is currently anticipated that the Examination in Public (EiP) into this plan will take place during Spring 2015. The three councils are hopeful that this will be found sound towards the end of the Summer of 2015.
- 3.6 The JCS is the most advanced plan the Council has prepared since the 1983 Local Plan was adopted. It has also been prepared having regard to the latest Government guidance in the National Planning Policy Framework and the National Planning Practice Guidance. As such, some weight should be given to this plan although it will not have legal weight until it has been found sound by the Planning Inspectorate and adopted. The third recommendation in this report asks that the Council resolves to use the JCS as a material consideration in future planning applications. It should be noted that the JCS will replace Gloucester's 2006 Local Development Framework. The JCS is more up to date and is at a more advanced stage of plan production.
- 3.7 The Second Stage Deposit Draft Local Plan (2002) still contains a number of detailed development management policies covering matters such as parking standards and the detailed management of uses (for example, changes of uses within designated shopping centres). These policies will be superseded by the Gloucester City Plan when it is adopted. It is, however, appropriate in the interim to retain this draft Local Plan for the purposes of development management although it is accepted that these policies need to be interpreted in the context of the National Planning Policy Framework and other Government policies.

4.0 Alternative Options Considered

- 4.1 This report is concerned with updating some of the documents which the Council is legally obliged to prepare and maintain in connection with its role as a Local Planning Authority. There are no reasonable alternatives to adopting the LDS and SCI.
- 4.2 The consequence of not adopting a revised LDS or SCI or postponing their publication is that the Council could theoretically be exposed to legal challenge about not maintaining these documents. It is timely that the Council revise both documents as it moves to the next phase of the preparation of the City Plan.

5.0 Reasons for Recommendations

- 5.1 This report has been prepared because Council approval is required to update the LDS and SCI.

6.0 Future Work and Conclusions

- 6.1 There is no substantial work required as a result of this report. The Council will have to consult on the SCI and take account of any comments received before it adopts this document.

7.0 Financial Implications

- 7.1 The Council is obliged to advertise the SCI locally and to write to groups which have previously expressed an interest in planning matters. The costs of this advertisement and mail out will be borne within existing resources.

8.0 Legal Implications

- 8.1 This report sets out clearly the Council's obligations in connection with its LDF and the consequences of not complying with them.

9.0 Risk & Opportunity Management Implications

- 9.1 The risk of being judicially reviewed in connection with the out-of-date LDS and SCI is minimal but it is expedient that these documents are updated before the Gloucester City Plan is progressed.

10.0 People Impact Assessment (PIA):

- 10.1 A PIA screening review was undertaken. It identified that the aim of the SCI is to clarify how the Council will consult the public and how local peoples' views will be taken into account in the plan making and planning application decision processes. The solutions identified are both cost effective and appropriate to the various communities in the city, having built on existing local practice.
- 10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 None.

Sustainability

- 11.2 None.

Staffing & Trade Union

11.3 None.

Background Documents:

None.

APPENDIX 1

Gloucester City Council

Local Development Scheme

2014 to 2017

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1. INTRODUCTION

- 1.1 The City Council must prepare and maintain a Local Development Scheme (LDS) as part of its town planning responsibilities. The purpose of the LDS is to describe the planning documents that the Council will prepare that will be used as the basis for setting the planning vision for the City and determining planning applications.
- 1.2 An LDS must:
- Contain a brief description of all local development documents (LDDs) to be prepared and the content and geographic area to which they relate;
 - Explain how different DPDs relate to each other; and
 - Set out a timetable for producing DPDs, with key milestones.
- 1.3 The Council has prepared two previous LDSs. This latest LDS updates the last version adopted by the Council in April 2011. It explains what work the Council will be doing over the next three years in preparing land use plans for the City.
- 1.4 Copies of this LDS are available to download at the Council's website (www.gloucester.gov.uk/planning) at the Council's main offices in the Docks and at all local libraries.

2. BACKGROUND

- 2.1 The adopted Gloucester Local Plan dates back to 1983. A number of policies in this plan were formally 'saved' by the Secretary of State for Communities and Local Government in 2007 (shown in Annex 1). A draft replacement Local Plan was published in 2001 and updated in 2002. This version of the plan, the second stage deposit was approved by the Council for the purposes of development management decision making.
- 2.2 The Council has adopted a number of Supplementary Planning Documents (SPDs) as 'interim supplementary policy' to support existing policies. A schedule of adopted SPDs is provided at Annex 2. The Council anticipates that these SPDs will be reviewed and updated in the near future. Further updates will be made available on the Gloucester City Council website (www.gloucester.gov.uk/planning).
- 2.3 The Council recognises that it needs to adopt a replacement set of land uses plans and this scheme explains what the Council intends to do to ensure this happens.

Planning regime post-2004

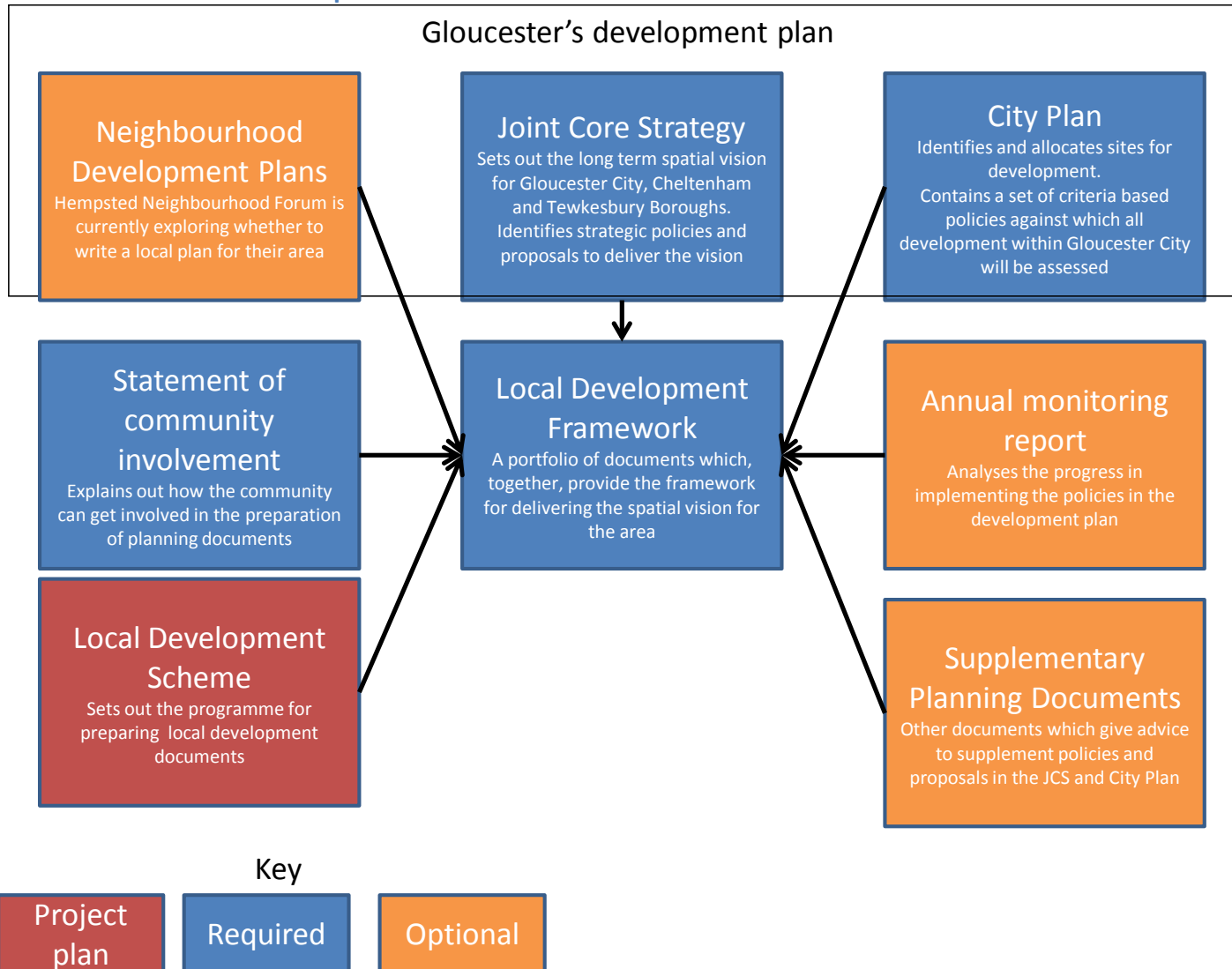
- 2.4 In 2004, the Government introduced the Planning and Compulsory Purchase Act. This law replaced the old system of Local Plans with a new system, called a Local Development Framework (LDF). An LDF is different in form, consisting of a 'portfolio' of local development documents (LDDs) that can be updated more easily. These documents must have a 'spatial' dimension. This means they must not only deal with

the physical use of land, but also consider the wider social and economic implications of developing land too.

- 2.5 There are two types of local development documents (LDDs) that the Council must or may choose to prepare. The first type are Development Plan Documents (DPDs). These documents can only be adopted once have been scrutinised independently. They have what is called “development plan” status. This means the Council and other decision makers must legally have regard to them when assessing planning applications.
- 2.6 The second type of LDDs are called Supplementary Planning Documents (SPDs). These are typically advice notes clarifying how specific types of planning applications will be assessed or suggesting how key sites could be developed. The difference between SPDs and DPDs is that SPDs are not subjected to independent scrutiny. SPDs do not have development plan status but considerable weight should be given to them when determining planning applications. A list of the Council’s current SPDs is set out in Annex 2. The DPDs and SPDs together comprise the LDF.
- 2.7 For Gloucester, the two DPDs that the Council is currently working on are:
 - The Joint Core Strategy with Cheltenham and Tewkesbury Borough Councils; and
 - The Gloucester City Plan.
- 2.8 Together, these two plans will comprise the “development plan” for Gloucester. This means, that all development must be built in accordance with these plans unless there are material considerations that would indicate otherwise.
- 2.9 In preparing these DPDs, the Council must consult the public on these plans in accordance with an agreed Statement of Community Involvement. The Council adopted a Statement of Community Involvement in 2005 and approved a Consultation Statement in 2011 with Cheltenham and Tewkesbury Borough Councils to cover how the three Councils will consult people in connection with the JCS.
- 2.10 Separate from the Council’s work, the Hempsted Neighbourhood Forum is investigating whether it will prepare its own Neighbourhood Development Plan. If it proceeds with a Neighbourhood Development Plan, this too will have to be independently scrutinised. If it is adopted, it will have development plan status too. Other Neighbourhood Development Plans may come forward in time.
- 2.11 Figure 1 explains how the different documents in an LDF relate to one another.

Figure 1

Gloucester's Local Development Framework



The Joint Core Strategy DPD

- 2.12 The Council has been working on this plan with Cheltenham and Tewkesbury Borough Councils since 2008. The Joint Core Strategy (the JCS) will provide a spatial vision for the local authority areas of Gloucester, Cheltenham and Tewkesbury covering up to the year 2031. It will set out in broad terms how many houses and jobs we will need and where these could be accommodated. The JCS must be consistent with the Government policy and backed by local evidence.
- 2.13 The JCS is at an advanced stage of preparation, having gone through the following stages:
- Scoping report published – October 2008
 - Stakeholder engagement – June 2008 to November 2009
 - Developing the preferred option – December 2011 to February 2012
 - Preferred option consultation – October to December 2013
 - Pre-submission consultation - June to August 2014
 - JCS submitted to Planning Inspectorate for independent scrutiny November 2014
- 2.14 The three Councils have jointly considered comments received during the various rounds of consultation and have amended various drafts of the JCS where it has been appropriate and reasonable to do so as a way of ensuring the soundness of this document.

Gloucester City Plan DPD

- 2.15 The Gloucester City Plan (the City Plan) will be a development plan document that sits beneath the JCS. It will explain how the Council will implement the spatial vision and strategic objectives in the JCS up to the year 2031 and provide criteria that it will apply when considering planning applications for different types of buildings or other development. It will identify and allocate land in the City that could accommodate some of our forecast growth in housing, employment and shopping needs. The various proposals in the City Plan will be shown on a comprehensive proposals map.
- 2.16 The Council anticipates the City Plan will have four interlinking parts, as follows:
- Part 1 will set out the overarching development challenges and development principles;
 - Part 2 will set out policies that will be used for assessing planning applications (also called development management policies);
 - Part 3 will set out a locally based approach to places and site opportunities; and
 - Part 4 will deal with site delivery and infrastructure provision.
- 2.17 A number of City Plan consultations have already been undertaken. These include:
- City Plan scope published – March 2011
 - Consultation on City plan scope, that is, the things it must cover - May to August 2011
 - Consultation on City Plan Part 1 – March to April 2012

- Consultation on City Plan Part 3 – May to July 2013

2.18 An indicative timetable for the preparation of the rest of this document is set out below. The Council recognises that any delay in the adoption of the JCS will result in knock on delays to the delivery/ adoption of the City Plan.

3. TIMETABLE FOR DELIVERING THE JCS AND THE CITY PLAN

3.1 The JCS and City Plan timetables are set out below.

Table 1 Timetable for delivering the JCS

Milestone	Date
Adoption of JCS	October 2015

Table 2 Timetable for delivering the City Plan

Milestone	Date
Review and publish comments and responses arising from the 2013 consultation	Spring 2015
Prepare Part 2 (development management policies) and Part 4 (delivery and infrastructure) of the Plan and consult on them	Autumn 2015
Prepare and consult on a Draft City Plan (that is, Parts 1-4), including reports that identify representations on previous consultations	Winter 2015
Publish Pre Submission draft of City Plan	Summer 2016
Submit City Plan to Planning Inspectorate for independent scrutiny	Autumn 2016
Adoption of City Plan	Summer 2017

3.2 The delivery of this indicative City Plan timetable is dependent on achievement of an adopted JCS in October 2015 and there being sufficient resources available. These resources relate to funding of key pieces of evidence to ensure production of a sound City Plan as well as sufficient staff resources.

4 FURTHER INFORMATION AND HOW TO PARTICIPATE IN THE PLAN MAKING PROCESS

4.1 The Council's Planning Policy Team is responsible for maintaining this LDS and for preparing the various documents that form Gloucester's LDF.

4.2 If you have any queries concerning this work, please contact:

Planning Policy Team
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Email: spatialplanning@gloucester.gov.uk

Websites:

www.gloucester.gov.uk/planning (for City Plan)

www.gct-jcs.org (for JCS)

Telephone: 01452 396836

Annex 1 SAVED POLICIES FROM GLOUCESTER LOCAL PLAN 1983



GOVERNMENT OFFICE
FOR THE SOUTH WEST

SCHEDULE

POLICIES CONTAINED IN CITY OF GLOUCESTER LOCAL PLAN 1983

Policy No.	Name
E1	Release of industrial land sufficient for five years requirement
E2	Release of land for office development sufficient for five years requirement
H1	Release of land for residential development to cater for 5 years requirement
H1.c	Provision of additional housing sites to those in H.1a will be encouraged in the city centre
H1.d	H1.d - Presumption against development of other sites except minor infill other than those identified in H.1a and H.1c
H1.e	Density and quality of housing development.
H3	Preservation and revitalization of older housing stock.
H3.f	The conversion of residential properties to non-residential uses will be opposed in certain areas (sites identified)
H4	Housing provision for those whose needs are not met by the private sector
H4.b	Provision of grants for adaptation of homes for the registered disabled
A1.a	Heights of buildings and protection of views
A2	Particular regard will be given to the city's heritage in terms of archaeological remains, listed buildings, and conservation areas
A2.d	Demolition of listed buildings in Conservation Areas
A3.a	Investigation and resolution of environmental problems caused by traffic on Bristol Road and Barton Street
A4.e	Development on or around Robinswood Hill will not be permitted except where there are exceptional circumstances
A5.a	The inclusion of tourist-orientated uses within the comprehensive redevelopment of the Docks area will be encouraged
A5.c	Conservation and maintenance of structures and settings of City's historic fabric (various sites)
A5.d	Redevelopment of Blackfriars as a tourist attraction.
A5.e	Use of Llanthony Priory for leisure uses will be supported
A6.a	Provision of Coach parking facilities at Westgate Street and the Docks
A7	Encourage provision of an adequate level and mix of accommodation to satisfy visitor demand
A7.a	Provision of appropriate self-catering accommodation, Conference Centre and central area hotels

A7.b	Encourage Guest House developments along main radial routes and the city centre
T1.e	Pedestrian priority within traffic management measures
T1.f	Provision for pedestrians in the City Centre outside the main shopping area.
T2.d	Measures to facilitate rear access servicing
T3	Introduction of traffic regulation and control measures along Bristol Road and Southgate Street
T3.a	Access to existing and future industrial premises will be assisted by traffic management or other measures
T3.b	Consideration will be given to traffic management along Bristol Road
T4.a	Differential charging of short and long stay car parks to discourage inappropriate use
T4.k	Provision of car parking at private development in accordance with the Councils car parking standards
T5.b	Early introduction of new bus services with new residential development
T6	Measures will be introduced to encourage cycling
T6.c	Encourage cyclist-only routes
S1	Maintain and strengthen Gloucester's role as a sub-regional shopping centre and concentrate comparison shopping in the City Centre except in special circumstances
S1.a	Major comparison shopping will not usually be permitted outside the main shopping area
S1.e	Conversion of shops to other uses at ground floor level will not normally be allowed in the main shopping area
S2.b	Major convenience shopping facilities will not normally be allowed outside the main shopping area
S3	Continued provision of shopping facilities to meet local needs outside the City Centre will be encouraged
S3.a	Neighbourhood shopping facilities will be encouraged and sometimes required in developing residential areas
S3.b	The City Council will seek to maintain the existing neighbourhood shopping provision in the City
L1	Retain public open space, provision with new development, and attempt provision where a shortfall has been identified
L1.a	Retain existing areas of public open space
L1.c	In new developments new public open space will be provided in accessible, centralised locations. They must be no less than half an acre in size
L1.d	Where public open space already exists or there is a need for recreational facilities other than open space we will consider the provision of alternative leisure facilities at the cost of the developer
L1.e	Financial contributions from developers for maintenance of public open space that has been adopted by the Council
L2.b	Seek to provide additional sports facilities on public open space in new developments
L3.c	Inclusion of leisure facilities within the docks redevelopment and financial contribution towards the cost of transferring the British Waterways museum to Gloucester
L3.d	Maintenance and protection of Robinswood Hill Country Park

Annex 2 SCHEDULE OF SPDs ADOPTED AS INTERIM SUPPLEMENTARY POLICY

The Council has produced a number of SPDs to supplement policies. A schedule of SPDs adopted as 'interim supplementary policy' is set out below. Further information can be found at www.gloucester.gov.uk/planning and clicking on 'Supplementary Planning Documents'.

SPG1: Sustainable Urban Drainage Systems (interim adoption November 2004)
SPG2: Travel Plans (interim adoption November 2004)
SPG3: Standards for the Sub-division of Houses (interim adoption November 2004)
SPG5: Lifetime Homes (interim adoption November 2004)
SPG6: New Housing and Open Space (interim adoption November 2004)
Views of Robinswood Hill and Other High Ground from Hempsted (1996)
Telecommunications Development (interim adoption August 2008)
Development Affecting Sites of the Historic (Archaeological) Environment (interim adoption August 2008)
Home Extension Guide (interim adoption August 2008)
Designing Safer Places (interim adoption August 2008)
Heights of Buildings (interim adoption August 2008)
Gloucester Docks Planning Brief (interim adoption January 2006)
Great Western Road Planning Brief (interim adoption July 2004)
Kwiksave Site (Northgate Street) Planning Brief (interim adoption May 2004)
Industrial Sites (Bristol Road and Tuffley Crescent) (interim adoption March 2003)
Relocation of Court Sites to Great Western Road Planning Brief (interim adoption 2004)
Railway Corridor (interim adoption 2011)
Land East of Waterwells Business Park Planning Brief (interim adoption 2009)
Greater Greyfriars (interim adoption 2010)
Greater Blackfriars (interim adoption 2010)
Fleece Hotel Concept Statement (interim adoption February 2012)
Kings Quarter Concept Statement (interim adoption January 2013)