

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF  
43 DWELLINGS AND ASSOCIATED WORKS  
ON LAND ADJACENT TO  
OAKHURST RISE, CHELTENHAM, GLOUCESTERSHIRE, GL52 6JU**

**LIBRARY PROVISION**

**STATEMENT OF COMMON/UNCOMMON GOUND  
DRAFT XX JANUARY 2021**

**INSPECTORATE REFERENCE: APP/B1605/W/20/3261154  
LPA REFERENCE: 20/00683/OUT**

## **1 Introduction**

- 1....1 This Statement Common/Uncommon Ground (the "Statement") sets out matters in relation to library facilities that have been agreed/not agreed between Gloucestershire County Council ("GCC") and William Morrison (Cheltenham) Ltd and The Trustees of the Carmelite Charitable Trust (the "Appellants") in relation to proposed development on Land adjacent to Oakhurst Rise, Charlton Kings, Cheltenham (the "Site"), planning appeal reference APP/B1605/W/20/3261154.
- 1....2 This Statement relates to outline planning application (all matters reserved except access, layout and scale) for development of 43 dwellings ("the Proposed Development").
- 1....3 The Appellants submitted the appeal against the refusal by Cheltenham Borough Council ("CBC") of the planning application for the Proposed Development (under planning application reference 20/00683/OUT) by way of a Decision Notice dated 17 September 2020.
- 1....4 In this Statement, the Parties means GCC and the Appellants.

## **2 Background and Current State of Agreement**

- 2....1 The Parties agree the principle of development providing contributions to mitigate impact where appropriate, properly justified and compliant with the legal requirements imposed by the CIL Regulations. GCC's Local Development Guide (LDG), adopted in 2016, sets out the Council's developer contributions protocol that states how negotiations on contributions with developers will be undertaken.
- 2....2 GCC's consultation response dated 4 June 2020 set out a requirement for a financial contribution towards libraries stated as "38,428.00", based on 43 dwellings at a rate of £196 per dwelling. The parties agree that this was a typo, and that GCC intended the amount to read "£8,428,00".
- 2....3 In response to questions raised by EFM for the Appellants, GCC provided a further response to CBC on 21 December 2020.
- 2....4 The appeal seeks consent in outline and fixes 43 as the maximum number of dwellings in the Proposed Development. Therefore, the Parties agree that the planning obligation should include a mechanism to calculate the contribution due according to GCC by reference to the actual number of qualifying dwellings to be built, and a contribution of £196 per dwelling.
- 2....5 It is agreed that the contribution sought by GCC is based on a benchmark calculation for a standard charge, which is based on the assumption that additional library floorspace should be provided to maintain a certain amount of floorspace per head of population served. It is agreed that GCC's libraries do not provide that amount of floorspace per head of population served, and that GCC does not have a policy to provide additional floorspace.
- 2....6 It is agreed that GCC's contribution calculation provides a standardised way of arriving at an amount of money that GCC expects development to provide for libraries, and that is not based on the additional provision that may be made by GCC in any particular case.
- 2....7 The Parties agree that GCC's Library Strategy ('A Strategy for Library Services in Gloucestershire 2012') states that, "*where development occurs it will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services.*" The Appellants have requested GCC's assessment of the Proposed Development. No details other than the existing floorspace and population figures for the nearest library have been provided. In the absence of further assessment details, the Appellants do not agree that GCC has demonstrated the additional

demand expected as a consequence of the Proposed Development; or that existing provision will be unable to meet that additional demand. The Appellants consider that the increase in the number of potential library users will be lower than the number of residents in new housing, once wider population changes are taken into account.

2....8 GCC has discounted the possibility of extending the nearest library, and clarified that the contribution it seeks would be used to, *“extend the existing library services that new customers from the appeal proposal would be expected to use”* - expressed in its June 2020 response as, *“expansion, increased opening hours/stock and improved facilities”*. The Appellants do not agree that this is a sufficiently precise project, particularly as it appears funding could be used to increase opening hours.

2....9 The following table summarises the areas of agreement and disagreement in relation to the justification for the library contribution sought by GCC:

	Agreed/not agreed
Additional demand	NOT AGREED
Implications of additional demand on existing provision	NOT AGREED
Proposed use of contribution	NOT AGREED

2....10 The role of CIL for funding library infrastructure in this case is not agreed. GCC’s June 2020 response states, *“Please note that on the potential granting of planning permission a decision will be made between the LPA and Gloucestershire County Council (GCC) as to whether the contributions will be secured via S106 or via CIL.”* There is no apparent record of any discussion between the local authorities, or any decision being made on this matter to date.

2....11 The December 2020 further response states, *“No monies from CIL to-date have been awarded to library projects anywhere across the county and as such this cannot and should not be relied upon as a funding stream.”* It is unclear whether any such funding has been sought by GCC from CBC.

### **3 Planning Obligations**

3....1 The parties hope to present a final draft planning obligation agreement for consideration at the appeal. However, if that is not possible the Appellants will present a final draft planning obligation in unilateral form. In either case, the parties agree that provision should be made for the Inspector or Secretary of State to determine whether the contributions should be either, a) in line with GCC’s suggested contribution of £196 per dwelling for library facilities, or b) a lower or no contribution as suggested by the Appellants.

3....2 The Parties agree that any contribution shall be increased using the ‘All-in Tender Price Index’ published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS).

3....3 A signed planning obligation will be provided in due course to enable the necessary planning obligations to be secured and given effect.

#### **4 Ongoing Discussions**

4....1 [The Parties are engaged in ongoing discussion regarding the potential library contribution, and it is hoped that agreement may be reached prior to the appeal.]

Signed on behalf of the Appellants

Jan KINSMAN CEng, MICE, BSc(Eng), ACGI

on behalf of

William Morrison (Cheltenham) Ltd and The Trustees of the Carmelite Charitable Trust

Date: xx 2021

Position: Consultant for Appellants

Signed on behalf of Gloucestershire County Council

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Date: xx 2021

Position: