

Date: 12 April 2021

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By email only

Dear Mr Kemp,

**TEWKESBURY BOROUGH LOCAL PLAN 2011-2031
TRACKED CHANGE AMENDMENTS: POLICIES RET5 and RET8**

This letter has been produced following the request of Inspector David Reed at the Matter 7 Hearing Session on 17 March 2021 for RPS to produce suggested tracked change versions in respect of draft policies RET5 and RET8 addressed within our January 2021 Hearing Statement (reference MB/JT/24177) submitted on behalf of Robert Hitchens Limited.

At the Hearing Session Tewkesbury Borough Council undertook to make modifications to draft policies RET1, RET3 and RET4 in response to our submissions, but further clarity was sought on the wording changes being requested in respect of draft policies RET5 and RET8. These are therefore set out below to assist the Council in its review and modifications to those policies.

Policy RET5

The most up-to-date version of Policy RET5 is contained in the December 2020 Response to Inspector's Requests (reference EXAM002A). Our concerns were principally that there was seemingly no justification provided by the Council for a 280sqm gross floorspace threshold and that such a threshold could result in a number of sequentially preferable sites being identified in higher order centres for proposals which are intended to serve new residential areas or existing settlements.

During the Hearing discussion the Council clarified the purpose of the policy was to encourage the provision of small shops in existing and new residential areas by removing them from a requirement to satisfy the sequential approach. The 280sqm gross threshold was, we understand, selected to comply with UK Sunday trading laws. Our concern remains however, that relatively small schemes, of say between 280sqm-500sqm gross, will need to satisfy the sequential approach and are unlikely to be able to do so, meaning that provision is unlikely to be forthcoming in the locations subject of this policy.

The Policy is set out below in **blue** with RPS' suggested tracked changes in **red**:

Schemes to establish small single shop units (of no more than 280sm gross floorspace) or small groups of shops (totalling no more than 500sqm gross floorspace of which no single unit shall exceed 280sqm gross floorspace), within retail related uses within new residential areas or existing settlements but outside designated retail areas will be permitted provided that such facilities:

1. Primarily serve the needs of the local community, and are of an appropriate size and scale;
2. Do not cause adverse impact by reason of traffic, parking, or disturbance to living conditions; and

3. Do not adversely affect the vitality and viability of existing retail centres.

~~The sequential approach will not be applied to proposals involving retail related units under 280sq.m gross floorspace (either individually or cumulatively) that meet the policy criteria above. Larger r~~ Retail related proposals which exceed these floorspace thresholds in these locations will be subject to the sequential test set at Policy RET4.

Policy RET8

The most up-to-date version of Policy RET8 is contained in the May 2020 Tracked Change Pre-Submission Tewkesbury Borough Plan (reference CD011b). Our concerns were principally that this draft policy approach to garden centres and farm shops was potentially more onerous than for other out of centre retail developments. In addition to requiring proposals to be considered against Policy RET4 this policy as drafted also states that in all cases other controls will be applied, including outdoor sales/display areas and the ranges of goods.

Limited further discussion took place at the Hearing Session in respect of this policy, other than an exploration of whether this policy should apply to designated retail areas in the countryside.

The Policy is set out below in **blue** with RPS' suggested tracked changes in **red**:

Proposals for new farm shops and garden centres **outside designated retail areas** in the countryside as well as extensions to existing premises, will be permitted where they are directly related and ancillary to an existing agricultural or horticultural business and the majority of the produce/products for sale are produced on the premises or holding.

Proposals for new farm shops that are not in accordance with the first requirement of this policy may be considered favourably where the majority of products sold would be produced in the local area and relate to agriculture, horticulture and other rural industries; where it can be demonstrated that there are no suitable alternative premises/sites in nearby settlements, and where the Council is satisfied that the proposal would not adversely affect the viability or vitality of local shopping facilities.

Consideration will be given to the siting, design and layout of buildings, structures and parking areas. The extent of buildings/ancillary structures, outdoor sales/display areas, and the range of goods which can be sold will be controlled. The scale and scope of any additional services will be restricted to ensure that they are ancillary to the main use.

~~Proposals not in accordance with the provisions set out above will be considered against Policy RET4.~~ In all cases the proposal:

1. Must not result in an adverse landscape impact or harm to the rural character of the area
2. Must be well located in relation to the primary road network, and do not result in any adverse traffic impact
3. Should, where possible and appropriate, involve the conversion and re-use of existing buildings on the site

~~This policy applies to proposals which are directly related and ancillary to existing agricultural/horticultural businesses in the countryside~~ **only**. Proposals not in accordance with the provisions set out above will be considered against Policy RET4.

~~Special attention will be given to the siting, design and layout of buildings, structures and parking areas. The extent of buildings/ancillary structures, outdoor sales/display areas, and the range of goods which can be sold~~

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~~will be controlled. The scale and scope of any additional services will be restricted to ensure that they are ancillary to the main use.~~

Additionally, as set out within our Hearing Statement (reference MB/JT824177), supporting paragraph 6.31 cannot be considered justified or effective. As such, we propose the following amendment to paragraph 6.31:

The Council will seek to restrict, through the use of conditions, the range of goods sold to ensure that they are compliant with this policy. Furthermore, any additional services such as cafes (i.e. Use Class E(b)) will be strictly controlled and will only be permitted where they are ancillary (i.e. $\leq 25\%$ of the total gross floorspace) to the floorspace dedicated to the principal function of the premises for the sale of plants, horticultural goods or food products grown on the property.

We trust this letter comprising tracked change versions of draft Policies RET5 and RET8 is of assistance to the Council in its review and modifications to the policies. Please forward this submission to both the Council and the Examining Inspector for their records. Should additional clarification be required, please do not hesitate to contact me.

Yours sincerely,
for RPS Consulting Services Ltd



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