

Matter 7: Other Policies

Issue: Whether the other policies in the plan are positively prepared, justified, effective, consistent with national policy and, where relevant, the JCS.

Question

7.1 **If relevant, do the other general policies in the TBP apply to the JCS Strategic Allocations in Tewkesbury Borough? If so, are they justified and effective in the context of Gloucester or Cheltenham (as the case may be), and if not, is this clear?**

7.1.1 Upon adoption of the Tewkesbury Borough Plan (TBP), the plan will become a part of the development plan for the Tewkesbury Borough area, therefore any site (of any size) will need to comply with the Gloucester City, Cheltenham Borough and Tewkesbury Borough Joint Core Strategy (JCS), the Tewkesbury Borough Plan and any Neighbourhood Plans made that cover that area. The majority of sites allocated within the JCS are wholly or partly within Tewkesbury Borough and therefore would be subject to the policies within the TBP where relevant. In the case where a site crosses the boundary with another JCS authority, the local authorities involved will continue to work together at officer level to ensure all policy requirements are met and a sustainable development can be delivered.

7.1.2 The individual Borough Plans covering the JCS authorities must be aligned to the policies in the JCS and should not be contrary to any policy within the JCS. Therefore the general policies contained in the TBP can be applied to a strategic allocation (unless it is clearly stated that this should not be the case), or any site/allocation within Tewkesbury Borough, along with those policies of the JCS and enable a sustainable development of high quality design.

7.1.3 All the policies in the Plan would apply to the strategic allocations as a general rule and have been written to accord with the JCS policies. It follows that they will therefore be justified and effective in the context of Gloucester and Cheltenham. In addition, the policies have been consulted on extensively, and have taken into account comments from Cheltenham and Gloucester Councils, and the duty to co-operate has been satisfied.

Question

7.2 **To be effective, should the plan include a policy relating to proposals in the Green Belt based on national policy in the NPPF and to replace Policy GRB1 in the existing 2006 adopted Local Plan?**

No, as Policy SD5 in the JCS superseded this policy and provides the basis for development in the Green Belt.

Question

7.3 **Are the various AGR, TOR, RET, DES, HER, LAN, NAT, ENV, HEA, RCN, COM and TRAC policies in the plan positively prepared, justified, effective, consistent with national policy and, where relevant, the JCS?**

7.3.1 When considering the soundness of a Local Plan the NPPF states that the following should be taken into account:

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

(a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

(b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

(c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

(d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

36. These tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

7.3.2 The Council believes the plan as submitted to be sound when assessed against the national criteria as stated above, this is based on the following reasons:

- i. The Policies in the TBP have been positively prepared in that the Plan seeks to align its policies with the spatial strategy. Furthermore, the joint working between the JCS authorities has meant that needs have either been met or they will be met through plan review; no representations have been received that require Tewkesbury Borough Council to address needs arising outside of the JCS area.
- ii. The policies in the TBP have been informed by evidence prepared both for the JCS and specifically to support the development of the TBP. This has helped to ensure the policies included within the TBP are justified. The Sustainability Appraisal (CD006) has been prepared alongside the

development of the TBP, which has evaluated and assessed reasonable alternatives to the policies contained within the Plan.

- iii. The policies have been further subject to member scrutiny and several consultation exercises, of which comments have been addressed as set out in the consultation statements. (Examination Document CD004). The policies accord with updated NPPF and have used good practice examples to build on policies that have been carried over from the 2006 Borough Plan.

7.3.3 For the reasons given, it is provided that the policies are justified and effective.

7.3.4 **RET1 Maintaining the vitality and viability of the town, borough and local centres**

7.3.5 **Is the Tewkesbury town centre boundary and the extent of the primary shopping frontages justified?**

7.3.6 Yes: Page 99 of the 2006 Local Plan provided: The importance of Tewkesbury town centre in the retail hierarchy and the need to protect its vitality and viability means that prime shopping frontages are defined in the High Street where existing A1 retail outlets are protected. This defined area stretches along High Street from its junction with Sun Street in the north to the junction with Church Street and Barton Street in the south.

7.3.7 The 2006 Plan then defined a mixed use frontage area. This covers a wider area including Barton Street up to its junction with Chance Street, the northern part of High Street and also Church Street up to its junction with Mill Street.

7.3.8 The October 2019 Pre-Submission Tewkesbury Borough Plan proposes two defined areas for the centre: a town centre boundary and primary frontages. The primary frontage area covers the same area as the primary retail frontage whilst the proposed town centre boundary includes all of the mixed use frontage area plus the area between East Street, Oldbury Road and Chance Street (including Spring Gardens). This area is included, as it is an allocated area of the Tewkesbury Town Centre Masterplan¹, and as such is an identified regeneration area.

7.3.9 **Are the boundaries of the other designated retail centres justified?**

7.3.10 The boundaries of the retail centres in Bishops Cleeve and Winchcombe were reviewed and have been modified to incorporate the new Lidl in Bishops Cleeve and adapt to the changes of use in Winchcombe town centre.

7.3.11 **Should the local centres in the strategic allocations be specified?**

¹ [Tewkesbury Town Regeneration Partnership](#)

7.3.12 Yes: The Local Centres provided in the strategic allocations will be subject to policy RET1. At the time of preparation, the strategic allocations had not been delivered and thus it was not possible to accurately define their boundaries. However, in order to provide the necessary protection for the centres, it is proposed that the following main modification be inserted at the end of paragraph 6.8: Once the strategic allocations have been defined through the planning process and built out, they will be considered under policy RET1. (A reference will then be made back to the specified strategic allocations.)

7.3.13 **RET2 Tewkesbury town centre and primary frontages**

Is the policy effective given the changes to the use classes order?

7.3.14 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1st September 2020. This amends the Town and Country Planning (Use Classes) Order 1987. The effect of this is that (inter alia) Class B1 (Business) and Class A (A1 shops, A2 Financial and professional services, A3 Restaurants, and cafés, A4 Drinking establishments and A5 Hot food takeaways) have now been revoked. Classes B1, A1, A2 and A3 are brought within a new Class E 'Commercial Business and Service'. Classes A4 and A5 are now excluded from classification and have become 'sui generis'. These changes have implications for a number of the policies within the 'Town Centres and Retail' sections of the Pre-Submission Tewkesbury Borough Plan. To address this, the Council proposed a number of modifications to the affected policies set out in Appendix 1 to Examination Document Exam002a. This schedule supplements Core Document CD011a 'Schedule of changes PreSubmission Tewkesbury Borough Plan addendum (May 2020)'. They consist of amendments that the Borough Council would like the Inspector to consider through the examination process and may result in proposed modifications to the plan if the Inspector was minded to do so. It is not considered that any of the potential changes go to the heart of soundness of the plan, but instead represent an opportunity at this stage of the plan making process to proactively present further positive improvements and clarifications to the plan.

7.3.15 Further, the policy still protects the primary shopping frontage and retail areas with regard to new applications in this area. However, the changes to the use class order do not allow the protection that was, but the uses that are allowed are not necessarily considered as inappropriate uses for these areas, as they still contribute to the vitality and viability Tewkesbury Town Centre, primary shopping frontage and retail centres.

7.3.16 **RET3 Retail centres**

• Is the policy effective given the changes to the use classes order?

See the response above to 7.3.13.

7.3.17 **RET5 Single or small groups of shops in residential areas**

Is the policy effective and is the 280 sq m figure justified? (DES1 Housing space standards is considered under Matter 7)

7.3.18 The Sunday Trading Laws² set out what a large shop is: one over 280sqm, and by default provides for what a small shop is. This has been used as the justification for this policy

LAN1 Special Landscape Areas

7.3.19 • **Is the policy justified in the light of JCS Policy SD6?**

7.3.20 Policy SD6(1) provides: Development will **seek to protect landscape character** for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing. This is in line with Policy LAN1 where it says: The proposal **would not cause harm** to those features of the landscape character which are of significance.

7.3.21

Policy SD6(2) provides: Proposals will have regards to the **local distinctiveness and historic character** of the different landscapes in the JCS area; Similarly Policy LAN1 provides that: the proposal will be permitted providing it: **maintains the quality of the natural and built environment** and its visual attractiveness; or reasonable opportunities for the **enhancement** of landscape character and the local environment are sought.

7.3.22

Similarly Policy SD6 provides that proposals will be required to demonstrate how the development will protect or **enhance** landscape character and avoid **detrimental effects** on types, patterns and features which make a significant contribution to the character, history and settlement setting of a settlement or area. And again Policy LAN1 provides that where a **proposal would result in harm** to the Special Landscape Area the harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the Special Landscape Area will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.

7.3.23

Policy LAN 1 **therefore accords** with JCS Policy SD6 and applies it to those special areas of landscape.

7.3.24 **What is the evidence base for the policy area and how does it relate to the AONB or Gloucestershire Landscape Character Assessment?**

7.3.25 Special Landscape Areas (SLAs) are areas that are not designated as AONB but are of comparable high quality and require special attention in the implementation of planning policy. Identifiable physical features define their boundaries such as: i) breaks of slope and any important foreground setting to a change in slope and or; ii) change of landscape character.

7.3.26 SLAs were proposed in the earlier Structure Plans. The local landscape designation 'Area of Great Landscape Value' (AGLV) was the precursor to both Areas of Outstanding Natural Beauty (AONBs) and Special Landscape Areas (SLAs). Much SLA designation relates to margins of the AONB.

² <https://www.gov.uk/trading-hours-for-retailers-the-law>

7.3.27

SLAs in Gloucestershire were therefore reviewed as a consequence of the Cotswold AONB Boundary Review in 1990. When the AONB boundaries were re-drawn as an outcome of this review, some of the fragmented pockets of AGLVs which had been excluded by the AONB designation review were

7.3.28

designated SLAs.

SLAs, having been protected by local plan policies in all the Plans to date have ensured that these areas remain of considerable, if more localised, importance in the landscape, being areas of discernible local character. This is reflected in both the strategic and local plan strategies.

7.3.29

- **LAN2 Landscape Protection Zone**
- **Is the policy justified in the light of JCS Policy SD6?**

7.3.30

Policy LAN2 seeks to protect the ecology and visual amenity of the river environment. It is a permissive policy but provides a number of criteria for which development should have regard to. In so doing it is justified in the light of Policy SD6 which seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing, as well as being in accordance with paragraph 170 of the NPPF.

7.3.31

What is the evidence base for the policy area and how does it relate to the Gloucestershire Landscape Character Assessment?

7.3.32

Many of the natural landscape features within the LPZ are identified as habitats of principal importance under Section 41 of the Natural Environment and Rural Communities Act (priority habitats). In particular, the LPZ contains large areas of coastal and floodplain grazing marsh; a priority habitat forming part of the Strategic Nature Areas identified on the Gloucestershire Nature Map³; in addition to numerous orchards, lowland meadows and areas of deciduous woodland amongst other priority habitats. The boundaries of the LPZ are also roughly consistent with the Severn Vale Nature improvement Areaⁱ (NIA) adopted by the Gloucestershire Local Nature Partnership. For these reasons the Council considers the LPZ to be a valued landscape having regard to paragraph 170 of the NPPF.

7.3.33

The Landscape Protection Zone is considered in the JCS Landscape Characterisation Assessment and Sensitivity Analysis (Examination Document EB016) in the following landscape areas in Tewkesbury:

- River Leadon Corridor
- Maisemore Ham and surrounding floodplain
- Minsterworth Ham
- Lassington and Rodway Hills
- Maisemore Hillock

³ [Nature Map | Gloucestershire LNP \(gloucestershirenature.org.uk\)](https://www.gloucestershirenature.org.uk)

- West of M5. Knightsbridge to Down Hatherley
- Tewkesbury Park Hotel and Golf Course and Southwick Park
- Forthampton Court to Cork's Hill
- Severn Ham to Bushley
- Marina to Fleet Lane
- The Mythe to Shuthonger Common

- 7.3.34 Chapter 5.3 of the Gloucestershire Landscape Character Assessment (Examination Document EB030) describes the landscape character type as floodplain farmland. This area described relates well to the Landscape Protection Zone set out in the Tewkesbury Borough Plan, as both follow the River Seven.
- 7.3.35 **LAN3 Strategic Gaps**
Are the identified gaps and the policy justified?
- 7.3.36 Strategic gaps are required in order to help to protect a separate identity, character, and landscape setting of a number of settlements between which there is open land that may be subject to development pressures.
- 7.3.37 **Bishops Cleeve and Gotherington:** With regard to the land between Bishops Cleeve and Gotherington, the Landscape and Visual Sensitivity Study for the Rural Service Centres and Service Villages (Examination Document EB020) identifies that this area (parcels Bish-01 and Goth-01) is overlooked from elevated advantages including national trails, popular viewpoints and the heritage railway, and finds the path would be of high visual sensitivity due to its important role in separating Bishops Cleeve from Gotherington.
- 7.3.38 **Twyning and Church End:** with regard to land between Twyning and Church End, Policy ENV2 of the Twyning Neighbourhood Plan (2011-2031) requires that development proposals should ensure the retention of the open character of the countryside between Twyning Village and Church End and not detract from this open and undeveloped character. Furthermore, it is considered that this area contributes to the open rural character of Church End's Conservation Area.
- 7.3.39 **Winchcombe and Greet:** With regard to land between Winchcombe and Greet, the Landscape and Visual Sensitivity Study for the Rural Service Centres and Service Villages, finds the landscape character sensitivity of this area to be high as it provides a sense of openness between the two settlements. Further to this the Winchcombe Town Landscape Sensitivity Study (Examination Document EB019) finds that new development within this area would have an important adverse effect on local landscape character and an important adverse effect on visual receptors as it would reduce a sense of separation between Greet and Winchcombe.
- 7.3.40 For the reasons stated above it is considered to be important to protect the identified gaps from development which would adversely affect their open,

undeveloped character; reduce the separation between the named settlements; and harm their landscape setting.

7.3.41 Whilst the policies elsewhere in the plan provide some control of development in the countryside, they do allow for exceptions such as rural exception sites, certain forms of employment development and tourism -related development to name a few.

7.3.42 As such there is a risk that, without the added protection of strategic gaps, separate identity, and character of the settlements, and/or their landscape setting, would be significantly adversely affected. There would particularly be a risk of gradual incremental development, where the gap is narrow, there would be a potential risk of coalescence of the settlements.

7.3.43 **COM3 Telecommunications**

Is the reference to health justified?

7.3.44 Paragraph 116 of the NPPF provides: Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

7.3.45 Policy COM3 provides that proposals for development involving telecommunications equipment will be permitted provided that there are no unacceptable adverse impacts on the surrounding environment or amenity and health of neighbouring properties.

7.3.46 The policy is ensuring that operators comply with the relevant legislation to ensure the health of neighbouring properties are safeguarded. This element of the policy was provided to address Members' concern in this area.

7.3.47 • **TRAC2 Cycle network & infrastructure**

Is a reference to e-bike charging infrastructure justified?

7.3.48 During the Pre-Submission Consultation, a comment was received by Gloucestershire County Council which provided: *Support for Safeguarding of routes in TRAC 2 is welcome, though this overall policy could be expanded to include e-bike infrastructure/charging etc.*

7.3.49 Accordingly, given that the response was in accordance with NPPF paragraph 104d and in general conformity with JCS Policy INF1, a proposed modification was provided in the Schedule of Changes.

ⁱ [Nature Improvement Areas | Gloucestershire LNP \(gloucestershirenature.org.uk\)](https://www.gloucestershirenature.org.uk)