



**TEWKESBURY BOROUGH PLAN
EXAMINATION**

HEARING STATEMENT

**MATTER 3B: SETTLEMENT BOUNDARIES
OUTSIDE THE GREEN BELT**

ON BEHALF OF THE BURNSIDE TRUSTS

JANUARY 2020

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of the Burnside Trusts by Knights plc. It supplements the Tewkesbury Borough Plan representations submitted on behalf of the Burnside Trusts relating to policy RES1 - Site Allocations, policy RES2 - Settlement Boundaries and in respect of paragraph 3.7 of the Pre-Submission Tewkesbury Borough Plan (October 2019).
- 1.2 The Guidance Note sets relating to the examination sets out that in order to reinforce their representations participants may submit written statements addressing the matters, issues and questions set out in the 'Examination List of Matters, Issues and Questions' document dated 16 December 2020. Accordingly this Hearing Statement is submitted with specific response to the points raised in respect of Matter 3B - 'Settlement Boundaries outside the Green Belt'.
- 1.3 In respect of 'Matter 3B: Settlement Boundaries outside the Green Belt' the Examination List of Matters, Issues and Questions' document, page 8, reads as follows:

"Urban Fringe Settlements

3.8 The TBP defines settlement boundaries for the six Urban Fringe Settlements it identifies (Brockworth, Churchdown, Hucclecote, Innsworth, Longford and Uckington). Would settlement boundaries for any other urban fringe settlements or built up areas on the edges of Gloucester and Cheltenham be justified? (eg land west of Cockroft Lane, north of Grovefield Way, north of Leckhampton Lane).

3.9 What are the criteria that have been used to define the settlement boundaries in the plan and have they been followed consistently? Are the detailed settlement boundaries for the various settlements justified and effective? Would any changes be justified to accommodate any recent planning permissions or for any other reason?"

- 1.4 The land at Burnside referred to in our representations lies to the west of Cockroft Lane and south of Mill Lane, Prestbury and is contiguous with the wider built up area of Cheltenham. Further residential development lies to the south.
- 1.5 The Inspector makes reference to considering whether settlement boundaries for any *"built up areas on the edges of Gloucester and Cheltenham be justified? (eg land west of Cockroft Lane . . ."*. We argued in our representations that that it is evident that that Prestbury should correctly be described as an 'urban fringe settlement' and that under policy RES2 a settlement boundary should be defined for the area of Prestbury that lies within Tewkesbury Borough. As such the issues raised by the Inspector are concerns that are also highlighted by the Burnside Trusts in our representations and we wish to respond directly to the Inspector's questions on this issue.

2. THE TEWKESBURY BOROUGH PLAN AND SETTLEMENT BOUNDARIES

- 2.1 The Tewkesbury Borough Plan (TBP) defines settlement boundaries for Tewkesbury town, the Rural Service Centres and Service Villages in the JCS settlement hierarchy, plus six Urban Fringe Settlements.
- 2.1 Prestbury was not amongst the 75 named settlements in Tewkesbury Borough which have been included within the Joint Core Strategy Rural Area audit (July 2017 Refresh) (**EB011a**). Paragraph 4.7 goes on to explain why this is. Under the heading 'Major urban areas and urban fringe settlements' it states "*The settlements on the fringes of Gloucester and Cheltenham that lie within Tewkesbury Borough may be excluded from the hierarchy on the grounds that, in strategic planning terms, they are part of the immediate hinterland of the major urban areas. Relative to others, these settlements are inherently accessible and well-serviced due to their locations*".
- 2.2 This is therefore not an argument against settlement boundaries in these areas, rather that they are not considered as rural settlements. Indeed Brockworth, Churchdown, Hucclecote, Innsworth, Longford and Uckington have defined settlement boundaries within the TBP and there is an evident inconsistency here as the area of Prestbury that lies within Tewkesbury Borough does not.
- 2.3 The Reasoned Justification to Policy RES 2 does not outline the approach taken to the identification of development boundaries nor have we been able to identify specific commentary within the Council's evidence base that identifies the criteria that have been used to define the settlement boundaries in the TBP.
- 2.4 As a matter of general planning practice however it is noted that local planning authorities apply such boundaries to established cohesive built form to create a clear border to existing development and to indicate where further development may in principle be supported and, by exception, where it would generally not be supported.
- 2.5 When defining settlement boundaries, local planning authorities typically seek to follow clearly identified and defensible boundaries, including features such as walls, watercourses, roads and hedgerows which have a degree of permanence.

3. LAND WEST OF COCKROFT LANE, PRESTBURY

- 3.1 The Inspector asks “Would settlement boundaries for any other urban fringe settlements or built up areas on the edges of Gloucester and Cheltenham be justified? eg land west of Cockcroft Lane . . .”. This would appear to be a direct reference to the land at Burnside and the built up area to the south of this that also lies within Tewkesbury Borough but outside of any development boundary. We consider that land west of Cockcroft Lane should be identified within a development boundary under policy RES2 - Settlement Boundaries.
- 3.2 The Burnside site comprises a 0.7ha (approx.) plot of land comprising a dwelling ‘Burnside’ and associated garden land. The land is shown with a red boundary in Figure 1 below (and hereafter referred to as ‘the Burnside site’). It is located on the north-eastern edge of Prestbury, at the periphery of the built-up area of Cheltenham.

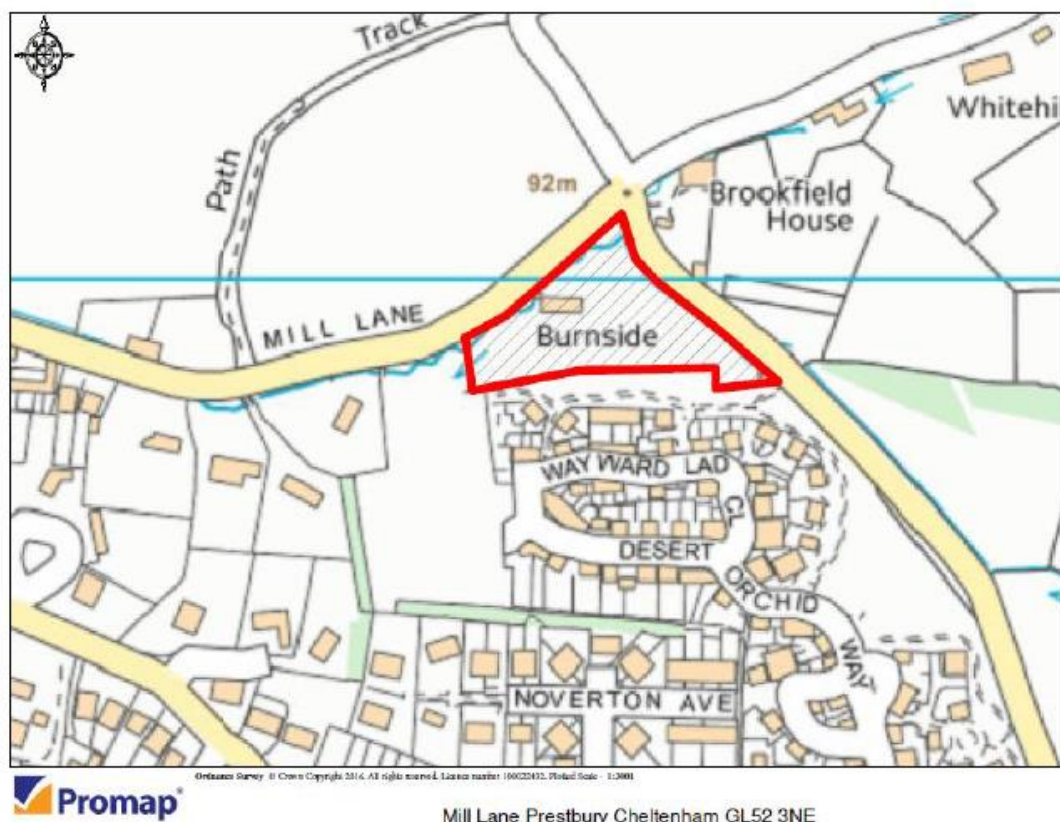


Figure 1 - land at Burnside (west of Cockcroft Lane and south of Mill Lane, Prestbury)

- 3.3 As shown on the above plan, the Burnside site is triangular in shape, fully enclosed by Cockcroft Lane to the north-east Mill Lane to the north-west and by housing to the south.
- 3.4 This representation refers to the Burnside site and also to the residential development to the south, enclosed by Cockcroft Lane and Noverton Lane (Desert Orchid Road, Tremblant Close, Mill Reef Drive, Wayward Lad Close and Bula Way, comprising in the region of 100 homes). This area is contiguous with the built-up area of Cheltenham and, like the Burnside land, lies within Tewkesbury Borough.

3.5 Cockroft Lane, Mill Lane and Noverton Lane provide clear and permanent boundaries separating both the Burnside site and the residential area to the south from the wider countryside to the north east and south east.

3.1 The countryside to the east, beyond Cockroft Lane, lies within the Cotswold Area of Outstanding Natural Beauty. The land to the north, beyond Mill Lane, is within a Special Landscape Area as defined in the TBP. Figure 2 below is an extract from the TBP Pre-Submission Borough-wide Proposals Map. The AONB is identified by the brown hatching, the Special Landscape Area by the yellow hatching. The area greyed out falls within Cheltenham Borough. The location of the Burnside land is indicated by the addition of a red arrow.

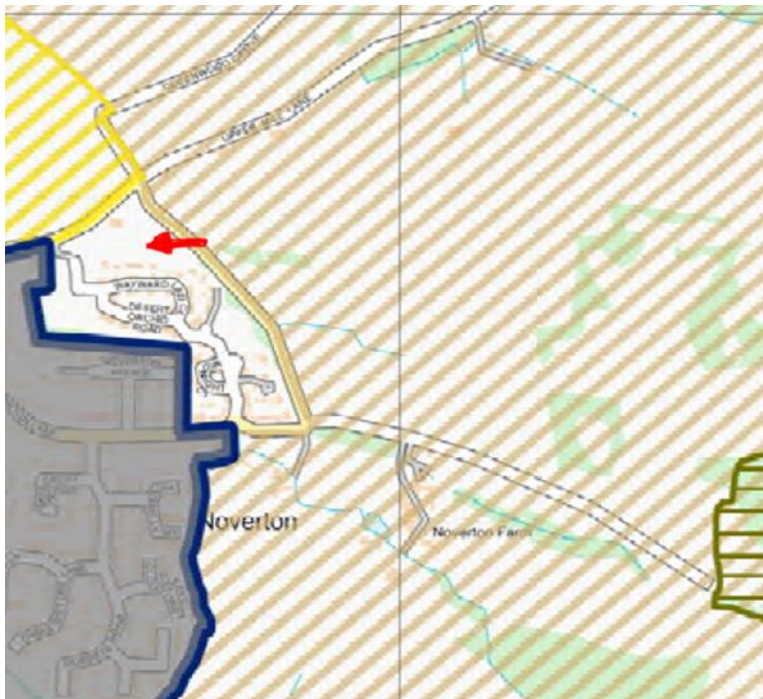


Figure 2 - Extract from CD003 - Pre-Submission Borough-wide proposals map - plate 17

3.2 As can be seen above, neither the AONB nor the SLA designations cover the Burnside site or the residential areas to the south. Applying a settlement boundary to the land here would clearly distinguish this from the wider countryside where development would generally not be supported).

4. CROSS BOUNDARY ISSUES

- 4.1 The Inspector asks whether the approach to development boundaries has been followed consistently. We consider that a significant inconsistency needs to be corrected at Prestbury. This has arisen because cross boundary issues have not been adequately addressed.
- 4.2 The Joint Core Strategy approach to residential development (policies SP2 and SD10) seeks to direct significant new development to the main urban centres and restrict new development in the open countryside. Policy SD10 states that, beyond allocated sites, housing development will be permitted where it is infilling within the existing built up areas of Tewkesbury Borough's towns and villages as well as any other specific exceptions defined in the LPA's development plans.
- 4.3 As shown in Figure 3 below, Tewkesbury Borough wraps around Cheltenham Borough, enclosing it on 3 sides. As acknowledged in the identification of a development boundary for the urban fringe settlement of Uckington on the north-western edge of Cheltenham, there are parts of the wider urban area that fall within Tewkesbury Borough.



Figure 3 - Extract from figure on page 11 of Tewkesbury Borough Plan Pre-Submission Draft Oct 2019, titled "Tewkesbury borough and adjacent areas".

- 4.4 Prestbury falls largely within Cheltenham District and is contiguous with Cheltenham as a whole. The Cheltenham Plan (adopted July 2020) defines a Principal Urban Area (PUA) (see Figure 2 below) that extends up to the borough boundary. The Cheltenham Plan says at paragraph 12.42. *"The Principal Urban Area (PUA) marks the limits of Cheltenham town, being the dividing line between built-up/urban areas (the settlement) and non-urban or rural areas (the countryside), to define where planning policies apply"*.

- 4.5 Prestbury forms part of a wider built-up area that clearly lends itself to having a settlement boundary. Notwithstanding paragraph 12.42 of the Cheltenham Plan however, the PUA boundary does not serve as the dividing line between the built-up area and the countryside in respect of the area west of Cockcroft Lane. Figure 4 below is an extract from the Cheltenham BC proposals map. The brown cross hatching denotes the Principal Urban Area which ends at the Borough boundary.

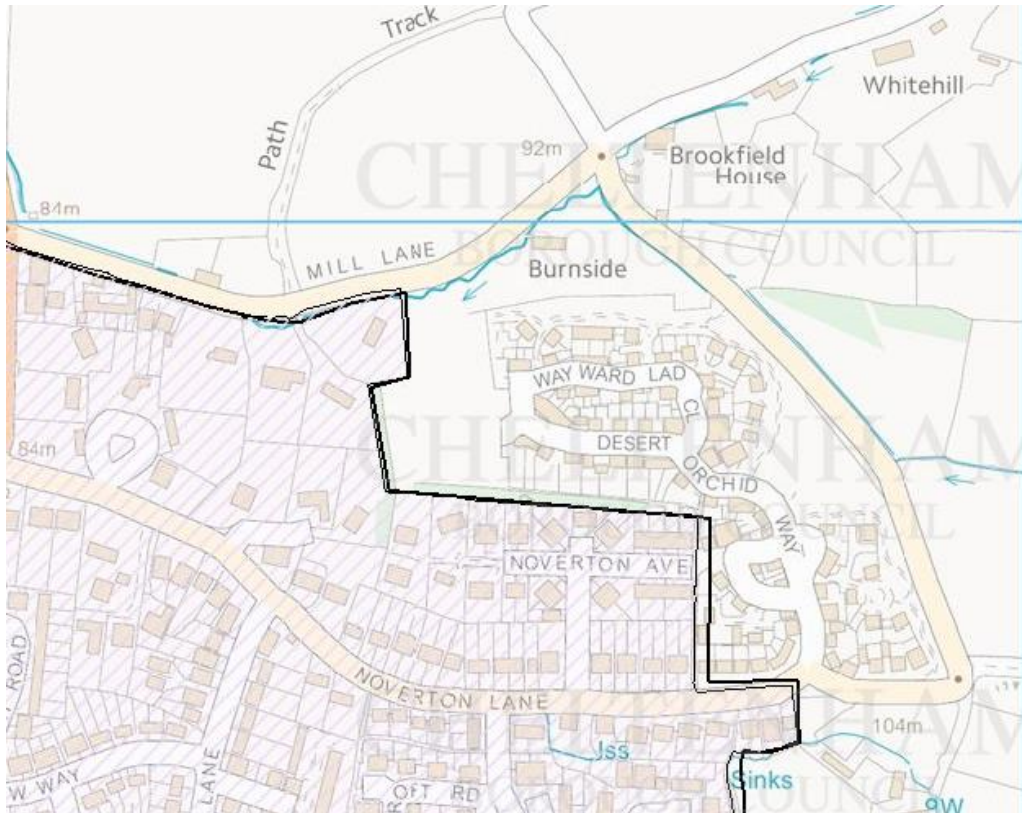


Figure 3 - Extract from Cheltenham BC proposals map (brown cross hatching denotes the Principal Urban Area).

- 4.6 As the plan at Figure 2 above shows, although Burnside and the residential areas to the south are clearly part of a consolidated form contiguous with Cheltenham, the part of the built up area of Prestbury that lies within Tewkesbury Borough is identified as open countryside in the TBP.
- 4.7 When the TBP and Cheltenham proposals maps are viewed together it is evident that that the settlement boundary has been defined by local government boundaries, rather than at a logical and defensible point. This lack of a development boundary in the TBP is inconsistent with the approach taken to other urban fringe settlements.

5. BENEFITS OF DEFINING DEVELOPMENT BOUNDARIES AT LAND WEST OF COCKROFT LANE

- 5.1 Policy RES2 Settlement Boundaries states that within the defined settlement boundaries “*the principle of residential development is acceptable subject to the application of all other policies in the Local Plan*”.
- 5.2 For local people, settlement boundaries are commonly understood policy tool for guiding development. They gives some clarity and certainty, defining areas which will be considered more acceptable for development. They provide a firm basis for protecting the countryside from unnecessary encroachment.
- 5.3 Settlement boundaries may also reduce potential issues relating to consistency of decision making and making robust decisions.
- 5.4 The Cheltenham Plan states at para 12.43 that a settlement boundary can serve the purpose of “defining the logical boundary between areas with different features and purposes, e.g. between areas with environmental or landscape designations and those suitable for development”. Given Cockroft Lane Mill Lane and Noverton Lane provide clearly defined permanent boundaries beyond which the wider countryside is designated as AONB and Special Landscape Area, applying a settlement boundary to enclose the area west of Cockroft Lane would assist in achieving this purpose.
- 5.5 In particular settlement boundaries can support the delivery of housing figures within a plan area through facilitating the release of development of smaller sustainable located sites which would not otherwise be identified as allocations. To quote from the Cheltenham Plan (para 12.44) settlement boundaries “*can allow a presumption in favour of development of sites that are too small to be identified as formal allocations in a local plan*”.
- 5.6 The site at Burnside lies around 500m from Prestbury High Street and 2.5km from the centre of Cheltenham. Key local facilities in Prestbury include: Prestbury St. Mary’s Church of England Infant School and Prestbury St. Mary’s Church of England Junior School, Bouncers Lane (1.1 km), Prestbury Village Stores, High Street (650m), Seven Posts Doctors’ Surgery, Prestbury Road (1 km) and Prestbury Library, The Burgage (0.9km).
- 5.7 Public transport provides connections with the centre of Cheltenham in 11 minutes and Bishops Cleeve in 42 minutes. The nearest train station is at Cheltenham Spa, 4km west of the site, providing connection with Gloucester (11 minutes) and Birmingham New Street (40 minutes). Therefore, the site has access to a good range of facilities in Prestbury and Cheltenham both in reasonable proximity and a good availability to local bus services. Wider employment opportunities are available in Cheltenham and further afield
- 5.8 The Burnside site is a dwelling and garden land in single ownership with a landowner who wishes to see residential development brought forward on the land.

6. CONCLUSION

6.1 The Inspector in Matters, Issues and Questions' document asks "Are the detailed settlement boundaries for the various settlements justified and effective?"

6.2 In respect of the Burnside site and the residential area to the south, for the reasons set out in this statement the Council's proposed approach does not meet the tests of soundness set out in paragraph 35 of the NPPF, namely:

- The proposed approach is not '*justified*' as it is not an appropriate strategy given the case set out above for enclosing the Burnside site and adjacent land to the south within a development boundary.
- The proposed approach is not '*effective*', as it is not "*based on effective joint working on cross boundary strategic matters*".
- The proposed approach is also not '*positively prepared*' as it does not seek to meet the area's objectively assessed needs for housing and instead seeks to frustrate the development of a sustainably located area land for much needed housing.

6.3 A modification to the TBP should therefore be made to Policy RES2 Settlement Boundaries to define a settlement boundary for the area of Prestbury west of Cockcroft Lane that lies within Tewkesbury Borough.

Knights plc
January 2020