

Town and Country Planning Act 1990

Section 78 Appeal

Summary Proof of Evidence:

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on behalf of Cheltenham Borough Council

December 2018

Appellant: Hinton Properties (Grovefield Way) Ltd

Appeal Site: Land at North Road West and Grovefield Way, Cheltenham

Appeal 1: APP/B1605/W/18/3200395 LPA Reference: 16/02208/FUL

Appeal 2: APP/B1605/W/18/3214761 LPA Reference: 18/01004/FUL

1 Summary and Conclusion

1.1 These appeals relate to a hybrid proposal of B1 office uses, a nursery, supermarket and drive-through café. My evidence deals with the urban design aspects of the Reasons for Refusal in particular:

- a issues of character and quality in the business environment raised in RfR1 for both Appeal 1 and Appeal 2; and
- b the quality of the layout and its visual impact on the surrounding area and street scene, raised in Appeal 1 RfR3.

Notwithstanding this separation of the issues, it is apparent through my analysis that matters raised in support of RfR3, often have an impact on character and quality. As such the considerations cannot be considered totally independently.

1.2 In Section 3 I describe the site, on the western edge of Cheltenham's built up area. It is bounded by the A40, North Road West (a severed rural lane), Grovefield Way (part of a route around Cheltenham's south west edge), and the access to the site and a BMW dealership. The site falls gently to the north and west, though slightly more steeply in the east, away from Grovefield Way. It is bounded by mature hedges and trees except where fenced on the Grovefield Way boundary. There is nearby housing at Shakespeare Cottages, on North Road West and Elm Farm, on the western edge of the site. Residential estates are located opposite on Grovefield Way, set behind high mature hedges.

1.3 The NPPF includes a well-design environment in one of its three interdependent and overarching objectives of the planning system. It states at paragraph 130 that "*Permission should be refused for development of poor design ...*". National and local policy and guidance indicate that design quality can be affected by many factors combining. Over a number of years and various iterations, they have pointed to a consistent set of factors are and how they should be addressed. The factors variously include, delivering developments that function well; considering local character, landscape and topography; creating a sense of place; the value of street-scene; and creating attractive places in which to live and work.

- 1.4 Policy EM3 of the emerging Cheltenham Plan (CD 13.5) states that the site can provide a *“modern business environment”*.
- 1.5 In Section 5 I briefly addresses the relevant design planning history. The 2007 appeal inspector (CD16) clearly stated his view that “B1 uses” could be accommodated on the site without being unnecessarily intrusive if there is an appropriate detailed design and layout and suitable landscape scheme, especially on the southern boundary. Notably he did not address non-B1 uses. The applicant, in the DAS cites the influence on the appeal schemes of previously approved masterplans (see my Appendices 2, 3 & 4).
- 1.6 In Sections 6 and 7 I describe the proposal in Appeal 1 and changes introduced in Appeal 2. I undertake an analysis against the Reasons for Refusal and policy. The main area for concern for the Council is in the non-B1 area on the eastern third of the site.
- 1.7 There is no clear definition of the characteristics a high-quality business park or modern business environment in either the planning applications or Policy EM3. Mr Athey cites research for the JCS which recommends adopting locational characteristic designed to address shortcomings in the local economy. These include campus style, high-amenity sites and place-making. In my view the characteristics of a high-quality business park cannot be simply the presence somewhere on the site of some “high-quality” business space. The character must be highly visible and legible, both beyond the site and in the sense of place. Business must be the prominent feature. There should be clarity of function and quality in the arrival sequence to help establish an understanding of place, both on approach to and further into the site; the layout should provide opportunity for interaction and cross-fertilisation of ideas and business; public realm and support uses must make the park a place that is pleasant to work in. If this as is suggested by applicants and the Cheltenham Plan, this site is a gateway, it is surely a very important gateway, the first view of Cheltenham’s business environment on the busiest approach to the town. Consequently, design quality is extremely important, not just for the site, but for the town.
- 1.8 In my view both schemes fail to deliver the level of design which local and national policy and guidance is demanding. A number of the factors which the DAS claims to have dealt with successfully have not been adequately addressed – notably topography

(a constraint), frontage development and high-quality public realm (both opportunities). The suitable landscape scheme which the 2007 appeal inspector required is compromised, because the design has been led by the building and car parking design process; landscape is dealing with the spaces left over after the rest of the process is complete, rather than informing them. There is scant evidence of the influence of the earlier approved masterplans which the applicant claims to have incorporated. Furthermore, the majority of the design “problems” arise in areas of non-B1 uses – a typology not considered by the appeal inspector when he applied special circumstances to release the site.

1.9 I conclude that, as RfR 1 states, the character of the site as a business park is diluted by the location and amount of land given over to non-B1 uses. They are prominently located along the length of the public face of the site (Grovefield Way) and at considerable depth into the site – taking a third of its total area. As such they are important in establishing and promoting the character of the site as a whole, and the initial impression will not be a high-quality business image. In my opinion the design fails to deliver a clear statement of function, through the public face and the site’s arrival sequence. A concern compounded by B1 uses being visible only as glimpses from outside the site and by the prominent presence also of the BMW dealership, another non-B1 use, on the neighbouring Grovefield Way frontage. Additionally, the non-B1 uses here are in a separately accessed enclave and have characteristics markedly different the B1 buildings – notably frontage access, active edges, height, service arrangements and access and car parking. Changes introduced through Appeal 2, particularly the replacement of the café by offices, are welcome and point to a possible design solution, but a prominent 26% of the site remains in non-B1 use, including a considerable proportion of the Grovefield Way frontage and a significant depth into the site. They are insufficient to overcome Reason for Refusal 1.

1.10 I further conclude that the quality of the layout and its visual impact on the surrounding area and street scene is poor. The supermarket dominates the non-B1 area and its requirements drive both the design and the new levels in this part of the site. Car parking is prominent throughout, the supermarket building itself sits behind the parking and is pushed to the rear of the site, at odds with the main design thrust for the site

which is, with varying degrees of success, to align buildings with the road frontages. The supermarket's location and requirements in particular lead the landscape scheme – fragmenting the landscape treatment and layout of the car park. Additionally, whilst the changes in Appeal 2 introduce a denser native buffer either side of the supermarket on the southern boundary, there is no opportunity to increase density across the rear of the building. The arrangement of parking across the Grovefield Way frontage will adversely impact on the site's surroundings. The café layout is dominated by drive-through access and parking, so that it is unable to adequately address the junction or either of the streets which it abuts. There is a particularly unsatisfactory relationship across the spine road between the nursery, on its plinth, and the extensive blank frontage enclosing the BMW car park. The potential impact of the indicative layout of car parking for Unit 3 on Elm Farm and the associated landscape treatment in the south west corner of the site will have an additional adverse visual impact on surroundings. These failings lead to a poor-quality design, as described in Reason for Refusal 3. Issues such as the impact of the supermarket car parking also have influence character and in my view aid Reason for Refusal 1.

1.11 The NPPF and the development plan are consistent both in their requirement for high quality design and in their assessment of how that might be achieved. I have demonstrated that the proposal has significant failings that are not compliant with this requirement. In my view the proposals are incompatible with the delivery sustainable development. The Inspector is invited to dismiss both appeals.