

**Town and Country Planning Act 1990**

**Section 78 Appeal**

**Proof of Evidence:**

**David Wilfrid Tomaney BA(Hons) DipUD MRTPI**

**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**

## CONTENTS

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1.0 Authorship.....	Page 3
2.0 Scope and Structure of Evidence.....	Page 4
3.0 The Site.....	Page 7
4.0 Policy and Guidance.....	Page 10
5.0 Relevant Planning History.....	Page 16
6.0 The Appeal Proposal.....	Page 17
7.0 Analysis.....	Page 25
8.0 Conclusion.....	Page 42
Appendix 1 .....	Page 46
Appendix 2 .....	Page 50
Appendix 3 .....	Page 51
Appendix 4 .....	Page 53
Appendix 5 .....	Page 54

# 1 Authorship

- 1.1 My name is Wilf Tomaney, I am Town Planner and Urban Designer. I hold an Honours Degree in Urban and Regional Planning from Oxford Polytechnic and a Post-Graduate Diploma in Urban Design from Oxford Brookes University. I have been a Chartered Member of the Royal Town Planning Institute since 1983 and a Member of the Urban Design Group since 2003.
- 1.2 I worked in various local authorities between 1981 and 2017, across a range of planning disciplines, including Urban Design, Planning Policy, Development Management, Economic Development and Highways and Transportation. Between December 2003 and March 2017, I was the Urban Design Manager at Cheltenham Borough Council (CBC). My duties included advising Council Officers, developers and the public on urban design issues. In 2014 I was the Council's urban designer in the team which won the RTPI Award for Planning Excellence (Exemplary Planning to Deliver Housing). I have been involved in previous planning applications on this site and briefly commented on the earliest submitted iteration of this Planning Application, shortly before I left the Borough Council.
- 1.3 In March 2017 I retired from local government and set up in private practice, operating on a part-time basis. My clients come from Private, Public and Charity sectors and commissions have included housing layout advice; neighbourhood planning; public art; public realm advice; and walking strategy advice. I am a member of the South West Design Review Panel, the Gloucestershire Design Review Panel and the committee of the RTPI West Midlands Urban Design Forum. I volunteer for Sustrans.
- 1.4 I was commissioned by CBC in September 2018 as an expert urban design witness for this Inquiry.
- 1.5 The evidence which I have provided for this appeal is true and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions. I confirm that I have no conflicts of interest other than any already disclosed in my report.

## 2 Scope and Structure of Evidence

### Scope of Evidence

2.1 These appeals follow Cheltenham Borough Council's refusal to grant planning permission for two hybrid planning applications, which include 'full' and 'outline' elements.

#### Appeal 1

2.2 The first appeal comprises a supermarket, nursery, a drive-through café and offices. It was refused by the Council in December 2017. This proof of evidence considers the following:

That part of Reason for Refusal (RfR) 1 highlighted below which states:

*"The proposed non B1 uses will result in a reduction in the amount of the site available for B1 office development along with the high quality jobs this would provide. The amount of the site given over to non B1 uses in combination with the prominent position they would occupy on the site would result in a dilution of the character and function of the site as a business and represent in inappropriate balance between B1 and non B1 uses." (my emphasis).*

And RfR3 which states:

*"The proposed layout of the site results in a predominance of hardstanding and retaining structures which result a poor appearance and do not create an attractive streetscape or strong sense of place which responds to the character of this transitional location. The position of buildings including the 'Drive thru' coffee shop and supermarket, close to the edges of the site give the layout a cramped and contrived appearance exacerbated by exterior features such as the 'drive thru' lane and external yards. The proposal is therefore harmful to the surrounding area by reason of its visual impact and also fails to create a high quality business environment in this edge of town location. For these reasons the proposal is considered to be contrary to policy SD 4 of the Joint Core Strategy and CP7 of the Local Plan."*

2.3 Reason for Refusal 1 omits the word “park” after business – an omission which is obvious. The remainder of RfR1 and RfR2 are dealt with by other witnesses for the Council.

#### Appeal 2

2.4 The second appeal comprises a similar scheme the main difference being removal of the cafe and its replacement with an office building. It was refused by the Council in October 2018. This proof of evidence considers the following:

That part of the RFR1 highlighted below which states:

*“These proposed non-B1 uses will result in a reduction in the amount of the site available for B1 office development, for which this has been allocated, along with the high quality jobs this would provide. The amount of the site given over to non-B1 uses in combination with the prominent position they would occupy on the site would result in a dilution of the character and function of the site as an employment site and represent an inappropriate balance between B1 and non B1 uses. For these reasons the proposal is considered to be contrary to policy SD1 of the Joint Core Strategy, policy EM2 of the adopted Local Plan and emerging policy EM3 of the Cheltenham Plan (Pre-submission version, December 2017).”*

2.5 The remainder of RfR1 is dealt with by other witnesses for the Council.

#### **Structure of Evidence**

2.6 My evidence focuses on the urban design issues of the case and will consider the following:

Issue 1: the character and quality in the business environment raised in Appeal 1 RfR1 and RfR3 and Appeal 2; and

Issue 2: the quality of the layout and its visual impact on the surrounding area and street scene, raised in Appeal 1 RfR3.

2.7 Each of these issues has at their root a consideration of design quality, which is a key factor in national and local policy. My evidence will consider those elements which design policy indicates make up high quality design in order to assess the suitability of the proposed layout.

- 2.8 The evidence is presented in four sections. First, I describe the site and its context. Second, I describe how national and local policy and guidance help assess design quality in this case. Third, I describe the relevant parts of the proposal. Fourth, I analyse the effect of the proposals against the urban design issues identified in the refusal reasons.
- 2.9 I conclude by summarising my findings.
- 2.10 The Council's objections to the schemes relate principally to the effect of the proposed non-B1 uses. Throughout my proof, I deal with Appeal 1 proposals before addressing, where necessary, any differences arising from the changes included from Appeal 2 – which are relatively simply addressed, because the Council considers that, in the main, they benefit the scheme.

### **3 The Site**

#### **The Site**

- 3.1 The appeal site lies to the west of Cheltenham's main built up area, on land recently released from the Green Belt following the adoption of the Joint Core Strategy. It is about 70% of a larger parcel allowed on appeal in 2007 (CD16) for B1 uses when still part of the Green Belt.
- 3.2 The whole parcel included land now developed as a BMW dealership, which is not part of this appeal site. The land naturally falls gently to the northwest; in the east the fall from Grovefield Way is more pronounced, though by no means steep. However, the southeast corner currently stands artificially high, being apparently made up by arisings. The site now comprises unkempt grass land with, in the east, temporary hardstanding containing huts, car parking and materials storage, as well as the arisings.
- 3.3 The site is enclosed by mature hedges and trees on three sides – the northwest (onto the A40), the west (onto Elm Farm); and the south (onto North Road West). Low railings and Heras fencing form the eastern boundary onto Grovefield Way. Part of the access road, which will go on to serve the whole site, has been constructed from Grovefield Way to service the BMW dealership; it forms the northern boundary of the appeal site, with BMW buildings and parking beyond it.
- 3.4 There are expansive views of the whole site from Grovefield Way, with the exception of the southeast corner, where the made-up land stops the view. Site boundaries to the south, west and north are all easily visible. Beyond the site boundary the general tree and hedge cover is apparent in the wider countryside; Churchdown Hill is visible to the southwest; traffic can be seen moving along the A40 in the northwest; the roofs of Shakespeare Cottages, a row of houses, show themselves to the south above the boundary hedges and made up land; and buildings at Elm Farm in the west are apparent.

#### **Surroundings**

- 3.5 The BMW development is a building of significant size and presence, which uses a striking contemporary architectural approach. It has a large parking area to its west. It

is designed to be viewed from the A40 (which borders it to the north) as well as Grovefield Way. It abuts Arle Court Park and Ride to the northeast.

- 3.6 The A40 where it abuts the site is on an embankment and runs between Gloucester and M5 junction 11 and Cheltenham town centre. At this point it is a busy dual carriage known locally as the “Golden Valley Bypass”. There are no buildings fronting the A40 here and it has no footway. Passing traffic has glimpsed views into the site through the tree screen from parts of the A40.
- 3.7 Grovefield Way is part of a route around Cheltenham’s south west built up edge, linking the A40 with the A46 Shurdington Road. The whole route runs tight against the built-up area on its eastern edge and has junctions to a number of minor roads which link into the town’s eastern estates and neighbourhoods. To the south and west, land is open country with scattered development, forming part of the Green Belt between Cheltenham and Gloucester; a number of older lanes cross Grovefield Way from the town into the countryside. There is little frontage development along the whole route. Most of the development is on the eastern (town) side of the road, backing onto it with either rear boundaries (walls or close-board fence) or mature hedge, as is the case opposite the site. On the opposite side, the route is edged generally by high hedge, though occasionally there are open views, as on the appeal site. In the vicinity of the site there is pedestrian footway on both sides of the road, though this is not typical and for much of its length, footpaths are only on the eastern side. North-east of the site, beyond the BMW site, Grovefield Way, provides access via a roundabout to the Park and Ride and a opposite it, a retail area before linking to the A40.
- 3.8 North Road West is an historic rural lane, with a boundary to the site which is a mature hedgerow of variable density. North Road West has been cut by Grovefield Way and stopped-up at the town-side. It links to the west and a network of lanes leading to Churchdown and Staverton Airport. Shakespeare Cottages, a group of 10 semi-detached two-storey houses, front the lane, opposite the southeast of the application site. The Reddings’ Community Centre lies to the west of the group, set back with access onto North Road West. A pedestrian footpath runs in front of the cottages between Grovefield Way and the Community Centre, beyond which are fields and the open countryside.



3.9 There are two residential properties west of the site, off North Road West. They include Elm Farm, which abuts the western edge of the application site and has one building looking directly onto it through a gap in the hedge.

## 4 Policy and Guidance

4.1 There are number of policy and guidance notes which have a bearing on the Council's design case. They are highlighted in this section.

### National Planning Policy Framework

4.2 Revised National Planning Policy Framework July 2018 (NPPF) sets out the Government's planning policies.

4.3 It states (para 7) that *"the purpose of the planning system is to contribute to the achievement of sustainable development"* and (para 8) that this *"means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways"*. In summary, the three overarching objectives are:

- a An economic objective to help build a strong economy.
- b A social objective to support strong, vibrant and healthy communities by, inter alia, fostering a well-designed built environment.
- c An environmental objective to contribute to protecting and enhancing our natural and built environment.

4.4 Paragraph 9 makes it clear that the three are not criteria against which every decision can be judged; but that they are objectives to be delivered through the implementation of plans and the application of the NPPF's policies.

4.5 Design policy is set out in section 12 *"Achieving well-designed places"*. It says that the creation of high-quality buildings and places is fundamental to the planning and development process and that good design is key to sustainable development; to the creation of better places to live and work; and to helping to make development acceptable to local communities (para 124).

4.6 Paragraph 127 sets out what appear to be elements of good design, which include a requirement that planning decisions should ensure that developments:

- a function well;

- b add to the overall quality of an area;
  - c are visually attractive as a result of good architecture, layout and landscape;
  - d are sympathetic to local character; and
  - e establish a strong sense of place, creating attractive and distinctive places to live and work using the arrangement streets, spaces and buildings.
- 4.7 Design quality is established (paragraph 128) as something to be considered throughout the planning and design process, underpinned by early discussion between applicants, planners and affected communities.
- 4.8 LPAs are encouraged to use a variety of “tools” to assess the design of proposals, including design review panels (para 129).
- 4.9 Finally, paragraph 130 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”*.

### **Planning Practice Guidance**

- 4.10 The NPPF is supported by the Government’s web-based Planning Practice Guidance (NPPG). The NPPG includes a section on Design which *“provides advice on the key points to take into account on design”* (<https://www.gov.uk/guidance/design>). The key points include:
- a On the urban fringe, the integration of development with its surrounding context is an important design objective (Paragraph: 007 Reference ID: 26-007-20140306).
  - b This point is developed, when the NPPG states that *“The layout of areas... should be considered in relation to adjoining buildings, streets and spaces; the topography; ... views, vistas and landmarks into and out of the development site...”*. In a further consideration of layout, it says that *“In general urban block layouts provide an efficient template with building fronts and entrances to public spaces and their more private backs to private spaces.”* (Paragraph: 024 Reference ID: 26-024-20140306).
  - c In Paragraph: 025 Reference ID: 26-025-20140306, the NPPG states that if poorly designed, *“Stand alone buildings can create ill defined spaces around them”*

### **The Urban Design Compendium**

4.11 The Urban Design Compendium (UDC) was published by the Homes and Communities Agency (now Homes England) in two volumes over 3 editions, between 2000 and 2013. It was placed on the National Archive website in January 2017, however the Government website maintains a link to it ([www.gov.uk/guidance/urban-design-compendium](http://www.gov.uk/guidance/urban-design-compendium)) and states:

*“While no longer updated, it still provides a useful resource for built environment professionals, supported by an extensive library of case studies.*

*It summarises:*

- *the principles of urban design*
- *how the principles can be applied*
- *the processes which lead to successful places”*

The Ministry of Housing, Communities and Local Government sponsored “Design Companion” training in the autumn of 2018 cites the UDC as one of the design tools to be used in making planning decisions.

4.12 It addresses urban design topics across the range of the wider regeneration brief held by the HCA at the time of publication, which went beyond housing. Volume 1 of the Compendium includes guidance on how to deal with large format buildings and car parking, which are relevant to this case (extracts at Appendix 1).

- a Paragraph 3.2.6 and associated diagrams consider large format buildings, including “superstores”. The first diagram shows such a building *“surrounded by parking: potential active frontage is projected into the car park, rear elevations exposed and the streetscape undermined”*. It suggests one solution is to incorporate the buildings into a perimeter block with accesses from street and car park, to ensure active street frontage. An alternative is to select a cul-de-sac site where at least one edge needs no frontage “such as adjacent to a railway line”, in order to lessen the amount of exposed blank wall.
- b Paragraph 4.5.2 deals with car parking. It states *“The manner in which car parking is arranged has a fundamental effect on the quality of place. Vehicles should not be allowed to dominate space...What to avoid (with off-street car parking) is parking*

*within the front curtilage. This breaks up the frontage, restricts informal surveillance and is generally ugly.”*

- c Paragraph 4.5.3 addresses commercial car parking, which it states “...*should be designed as an integral part of the landscape treatment...*” and should ensure “...*that pedestrian movement is not determined and restricted by vehicular movement requirements.*”

#### **Cheltenham Gloucester Tewkesbury Joint Core Strategy 2017 (CD13.1)**

4.13 The Cheltenham Gloucester and Tewkesbury Joint Core Strategy (JCS) sets the strategic planning policy for Cheltenham. JCS Strategic Objective 5 “Delivering Excellent Design in New Development”, seeks to ensure that new development is valued by local people – integrating well with local communities, creating a strong sense of place and respecting and enhancing local distinctiveness.

4.14 Policy SD4 in part implements Objective 5. It develops the NPPF and NPPG on design and establishes a set of development principles. Of particular relevance to this case are the following:

- i Context, Character and Sense of Place – which requires development to respond to the character of the site and its surroundings through its streets pattern, layout, mass and form; and to establish a strong sense of place.
- ii Legibility and Identity – which requires that development create layouts which create a strong distinctive identity, easy to understand and navigate, using a well-structured and defined public realm.
- iv Public Realm and Landscape – which requires the design of landscaped areas to provide clear structure and be an integral element within the design.

4.15 Developers are advised (para 4.4.4) to have regard Table SD4b, “Principles of Urban Design”. The “principles” develop the “Objectives of Urban Design” originally set out in the now archived By Design: Urban Design and the Planning System (published 2000), which was a companion guide to former PPG1. They include:

- a creating a sense of place,
- b creating attractive spaces,
- c providing overlooking of streets and spaces,

d developing a clear, easily understood image of an area.

Paragraph 4.4.4 also refers to Table SD4c “Principles of Architectural Design”, which include paying particular attention to integrating buildings and landscape.

### **Cheltenham Borough Local Plan 2nd Review 2006 (CD13.3)**

4.16 The Cheltenham Borough Local Plan (CBLP) establishes local planning policy for Cheltenham. Policy CP7 “Design” states that development will only be permitted where it:

*“(a) is of a high standard of architectural design; and*

*(b) adequately reflects principles of urban design; and*

*(c) complements and respects neighbouring development and the character of the locality and/or landscape.”*

The criteria it uses to assess urban and architectural design are those also used by the JCS in table SD4b and SD4c (see para 4.15 above).

### **Cheltenham Plan (Pre-Submission Version) 2018 (CD 13.5)**

4.17 The CBLP will be replaced by the Cheltenham Plan. The Plan’s Vision has three themes each with a set of objectives. It’s main Design Policy D1 is effectively a restatement of CBLP Policy CP7, though it refers directly to JCS tables SD4c and d.

4.18 Policy D1 states that it is intended to deliver Vision Theme A objectives a, d, g and i and Theme C objectives a, d and f.

4.19 Vision Theme A states that Cheltenham’s communities are successful and sustainable places in which to live and work.

a Objective a recognises the value of locally distinctive neighbourhoods.

b Objective d seeks to ensure new and existing communities integrate well.

c Objective g focuses on designing well connected and accessible places.

4.20 Vision Theme C states that Cheltenham is a place which, inter alia, values the quality and sustainability of the natural and built environment.

a Objective a seeks to conserve and enhance townscape and landscape.

b Objective f supports the provision of a high-quality public and private realm, including hard-landscape, green space and private gardens.

4.21 Policy EM3 identifies the appeal site for B class employment uses or sui generis uses exhibiting similar characteristics. Supporting text referring to the site states that it *“...provides an opportunity for the establishment of a modern business environment at an important gateway location.”*

## 5 Relevant Planning History

- 5.1 A detailed planning history is provided elsewhere in the Council's evidence. Some elements of that history which have bearing on the Council's design case are considered here.
- 5.2 The 2007 appeal (CD16.-) is relevant to the design arguments because, having held that to a green belt exception was acceptable due to the very special circumstances in the case, the Inspector made comments on the character and appearance of future development.
- 5.3 The Inspector held that the site related better to the urban fringe than the open countryside but recognised that
- "...subject to detailed design and layout and providing that a suitable landscaping scheme, especially along the southern boundary, is included with any detailed proposals, new B1 buildings here need not be unnecessarily intrusive in the local landscape."* (Para 27)
- 5.4 At paragraph 45, in discussion of conditions, the importance of the southern boundary becomes a little clearer when the inspector states that a landscape condition is necessary *"...given the site's relationship to residential areas and the importance of securing appropriate boundary treatment on the long frontage to North Road West in particular..."*
- 5.5 The Design and Access Statements (DAS) accompanying the current applications (CD1.5 & CD7.5) identifies masterplans approved as part of previous planning applications as influential in the evolution of the design of the current proposal (see my paragraph 6.4 below).



## 6 The Appeal Proposal

- 6.1 The proposal is described in varying degrees of detail by other witnesses for the Council. The refusal reasons which are the subject of my proof, focus on the character of the proposal, layout and levels and I concentrate here predominantly on matters which have an impact on these reasons. Details of building style and height do not form part of the Council's case and architecture is not addressed in any detail.
- 6.2 The hybrid applications which are the subject of this appeal show a layout for the whole of the undeveloped portion of the site – units 3 and 4 and related car parking are in outline with all matters reserved; the remainder of the site is covered by a full application.
- 6.3 The Planning Statements (CD1.4 & CD7.4) accompanying the applications describe the proposal as delivering *“a useable and high quality space”* (CD1.4 - para 4.3; CD7.4 - para 4.4) and state that the proposed development offers an opportunity to *“provide views to a modern and high quality business park with a mix of high quality employment generating development”* (CD1.4 para 6.73; CD7.4 para 7.62). Reflecting policy, it is important that the scheme as proposed and built measures well in character terms against such statements.
- 6.4 Similarly, the DAS (CD1.5 & CD7.5) state that the proposal results from a *“...sound design process that has carefully considered the opportunities and constraints of the site”* (Section 3). In Section 4, each DAS identifies the key constraints and opportunities, including topography; the potential for frontage development to Grovesfield Way and the spine road; and the opportunity to create high-quality public realm. Section 5 states that these constraints and opportunities have been taken into consideration and that the proposal has adopted and developed the key design principles of previous approvals, reproducing on Page 7, the Illustrative Masterplan (actually title Illustrative Landscape Masterplan) from application 14/01323/OUT (attached at Appendix 2). On Page 14, it states that the proposal considers and carries forward the key aims of the Landscape Scheme Design Report originally submitted with 09/00720/REM (Appendix 3); those aims are *“...to integrate the Business Park into the surrounding landscape, create a unique and memorable sense of place and provide a landscaped layout that is*

*compatible with multiple uses...*" (and DAS adds "*multiple uses and occupiers*"); both are based on a Concept Layout submitted with 09/00369/REM (Appendix 4).

- 6.5 I have broken the description of current proposal into 3 parts based on building groupings and their associated car park areas.

**Area 1: Drive-through/Office 5, Supermarket and Nursery**

- 6.6 In terms of urban design, this is the area where the Council has the greatest number of concerns.

- 6.7 Area 1 forms the entrance to the scheme via the existing spine road, from its junction with Grovefield Way. It is the public face of the proposed development with a prominent 110m frontage to Grovefield Way and to the spine road for its first 160m. The BMW dealership sits opposite to the north of the spine. This is the most prominent part of the site in terms of public views and open frontage, described in my paragraph 3.4.

- 6.8 There is a fall of about 4m from Grovefield Way into and through this area, before the gradient softens in Area 2 and slopes down more gently to the north and west. The regraded "made up" land referred to in my paragraph 3.2 occupies the southern part of Area 1, along the North Road West boundary.

- 6.9 On the south side of the main access junction is the drive-through café. The nursery lies to its west, aligned with the access road. The supermarket is located adjacent to the southern boundary, where it backs on to North Road West.

- 6.10 Between the nursery and the café, access is taken from the spine to car parking for all three buildings, plus their service points and circulation. Pedestrian and cycle access from outside the site follow the same route; from within the site, there is a ramped pedestrian access through parking and landscaped areas to Area 2. There are two vehicular access points to the café car park, with circulation for the drive-through taken off the northern access and running clockwise around the café. Car parking lies between the three buildings and fronts the Grovefield Way frontage for a distance of 90m, the remaining frontage being the drive-through circulation.

6.11 The proposed levels here are complex - see Existing Site Plan (CD1.40 & CD7.37), Revised Proposed Block Plan (CD1.64) and Revised Landscape Section plans (CD1.51a-d & CD7.76a-d).

- a Through the buildings fronting the spine road, there is a series steps down, from Grovefield Way (39.16m aod) to drive-through (ffl 38.22m), then to the nursery (ffl 36.80m) and the footway in front of it (at 34.89m).
- b The car park access has a 1:20 rise from the spine road (36.49m to 37.25m).
- c The car park itself has 1:40 falls both east to west (a 3m fall across its length, between 39.00m and 36.00m) and south to north (38.30m to 37.25m).
- d Along the south, running east to west from Grovefield Way across the supermarket, there is a fall of about 3.2m (40.60m to 37.38m), with the ffl of the supermarket at 38.38m across its 65m length.
- e Cross-sections from North Road West into the site (CD 1.51d & 7.66d) show the supermarket (ffl 38.38m) in-cutting at the east end (the road level at 40.21m) and built-up at the west end (road level at 37.10m)

6.12 The drive-through is a tall single storey, with a raised central lantern section. The vehicle serving hatch is on the northern elevation, with traffic circulating clockwise around the building. The main pedestrian access is to the south, from the car park. There is external seating on the south and east sides; glazed areas overlook much of the external seating. Apart from the drive-through hatch, the northern and western elevations are inactive. There is a landscape strip to the north and east retained in part by a gabion.

6.13 The supermarket building sits at a right-angle to Grovefield Way, its rear façade onto North Road West, separated from it by the landscape buffer. It has a strong corporate identity. The entrance to the building is full height glazed lobby. The glazing runs at half height from the lobby along most of the eastern elevation (to Grovefield Way across car parking and landscape) and part of the northern elevation (to the main car park). Remaining elevations are substantially blank silver or grey cladding and inactive, other than two small windows to staff accommodation in the rear. The service area is at the

west end of the building, access from the car park. The monopitch roof rises from 5m at the rear (south) to 8m at the front (north).

6.14 The nursery fronts the north west edge of the car park. It has a single floor-level, with a split flat-roof profile (a 0.5m single step down from east to west). Access to the building is centrally located on the southern (car park) façade. The main children's activity rooms are at either end of the building with windows to north and south, and their main aspect onto two outdoor play areas on each flank. Staff, administration and plant rooms all sit in the central element of the building. The whole building sits on a plinth which is approximately at grade with the car park in the south east corner. However, there is a gentle fall to the west and a steeper fall north to the spine road; consequently, on the spine road frontage, the building plinth is between 1.5m and 2.5m above ground level.

6.15 There is a landscape/footpath strip to the west, separating Area 1 the parking for office units 1 and 2; a landscape strip onto Grovefield Way; and buffer planting to the south at the rear of the supermarket. The landscape treatment in this part of the site has the following elements:

- a Internal treatment to spine road and a linking footpath to the west consists of a considered soft-landscape treatment - grass verges, low shrubs and hedges and fine-filigree tree planting. Hard-landscape here is predominantly bitmac footpaths with feature Yorkstone, gravel and resin bound treatments. Cotswold stone filled gabions retain changes in levels. The spine road is a sinuous route through the centre of the site. The footpaths and planting areas which run alongside adopt the meandering theme.
- b Grovefield Way frontage – here the internal landscape treatment merges to a more robust planting strategy along the Grovefield Way frontage – larger shrubs and tree planting behind a broader grassed area. The width varies between about 13m and, at its narrowest, 3m. The scheme allows open views into the site.
- c North Road West – here, planting is used as a screen for the supermarket building. Existing native hedge has been strengthened with native tree and shrub buffer planting, some evergreen. The depth here varies typically between 9m and 12m but is about 1m at the narrowest (east end) to about 15m at its broadest. It bleeds into

meet the more delicate “internal” treatment which forms the sloping boundary to Area 2.

- d Car park – within the car park there is fastigate tree planting in the bays supported by shrub beds and trees at bay-ends.

#### APPEAL 2 - Changes in Area 1.

6.16 Office Unit 5 replaces the drive-through, introducing to the entry junction a two-storey office building, activated on all elevations. A comparison relevant Appeal 1 and Appeal 2 drawings shows the differences (see CD7.66c cf 1.51c; CD7.55 cf 1.54; CD7.65a cf 1.48a). The level difference between the ffl and the spine road and Grovefield Way does not appear to be altered (CD 7.66c, section I has an obvious level datum error, but the relative level difference is consistent with section 1 in CD 1.51c, which shows the correct data). The removal of the drive-through lane allows the building footprint to move 7m to the east (towards Grovefield Way) and about 1m to the north (to the spine road). The difference in levels between Grovefield Way and the building is made by a gentle landscaped slope which uses a gabion as a seat rather than a retaining feature. To the north, the newly available space is used to increase the depth of landscape. Unit 5’s car parking wraps the southern and western sides of the building with access to the main car park now via a single access point.

6.17 Landscape is more generous around Unit 5, as described above. Adjustments in the supermarket car park have given space three main changes:

- a The native buffer on North Road West has been given additional depth in parts by the removal of car parks spaces – an additional 12m to the east of the supermarket along its eastern façade on to Grovefield Way; and an additional 16m to the west at the boundary of parking for Units 1 and 2. There is no change along the rear of the building.
- b Additional planting by the removal of one space at either end of two of the central parking isles.
- c Additional planting adjacent to Unit 5 through the simplification of access in this area.

#### Matters to be considered

6.18 In terms of the Council's urban design concerns expressed in the Reasons for Refusal, Area 1 is critical to the success or otherwise of the scheme. The main points to be considered in section 7 Analysis (below) are:

- a The prominent nature of this part of the site and the impact of the layout of buildings and spaces, both in terms of their role in defining the character of the site as a business park and their effect on street-scene.
- b The need to accommodate development across this sloping site, coupled with the effect of the uses proposed, and the impact of these factors on the character of this transitional site, visual harm to the surrounding area and the ability to deliver a comfortable layout.
- c How the layout performs against criteria for assessing high quality development, which are long-established in national and local policy and advice.

#### **Area 2: Office Units 1 and 2**

6.19 Area 2 is an area of less concern in terms of urban design.

6.20 Units 1 and 2 front the south side of the spine road to the west of the nursery, separated by the Yorkstone path and landscape. The sites levels here become more gentle and easier to accommodate the road levels have only a small fall across the frontage of the nursery and Units 1 and 2. The floor level of the office units is about 1.5m below that of the nursery's plinth.

6.21 Units 1 and 2 mirror each other. The main building accesses are off the spine road and the frontages here is extensively glazed, framed predominantly by stone cladding. There is a covered parking area on half of the ground floor, integral to the building and accessed through the car parking to the rear. The three floors are currently open plan with windows looking out an all aspects, except for a stairwell one side façade.

6.22 Car parking to the rear is extensive. There are two long central aisles and a third on the southern edge all in a shallow curve. Smaller banks of parking abut the buildings and the western edge of this part of the site.

6.23 Landscape to the spine road is similar to that described above (6.15 a) but considerably thinner. The car park has avenue tree planting in set in hedge in the aisles. Between the car park and North Road West there is 2.5m deep continuation of the native buffer strip described earlier (6.15c) against the road; supported by a variable width band (0.5m to occasional 10m) of more structured of tree and shrub planting adjacent to the parking.

#### APPEAL 2 - Changes in Area 2.

6.24 Units 1 and 2. There are no alterations to the buildings which are material to this case. Covered car parking has been removed from the original building design and the footprint is reduced in both dimensions. This has allowed some additional space for landscape along the spine road frontage.

6.25 Car Parking. There is some adjustment to car parking. In the south of the area, motor cycle parking has been moved and now has a minor adverse impact on the depth of native buffer planting (CD7.55 & 1.64).

#### Matters to be considered

6.26 In terms of the Council's urban design concerns expressed in the Reasons for Refusal, the only point from Area 2 to be considered in Section 7 is any visual harm to the surrounding area relating to the southern boundary treatment. There are no matters to be considered regarding layout, built form, car parking, open space or internal landscape elements.

#### **Area 3: Units 3 and 4**

6.27 Area 3 is in outline with all matters reserved. In terms of the Council's Reasons for Refusal, I have considered the drawings to be to be indicative in terms the urban design considerations.

6.28 Units 3 and 4 are in outline. The indicative drawing for office units 3 (CD1.43) and 4 (CD1.42) shows the buildings on the north side of the spine road, west of the BMW dealership and Unit 2. Unit 3 fronts south, with its access here facing the spine road. Unit 4 has its building access fronting east onto a car park. Car parking wraps around the buildings from BMW along the northern, western and southern boundaries of the site, to the car parking area for Units 1 and 2. The block plan (CD1.64) shows a planting

strip, with no detail, around the edge of this part of the site of variable width, 2m to 4m deep to the south, 2m to the west between 1m and 6m to the north.

APPEAL 2 - Changes in Area 3.

6.29 Landscape. There is a small adjustment to landscape in front of Unit 3 resulting from some removal of car parking. It is not material to the case.

Matters to be considered

6.30 In terms of the Council's urban design concerns expressed in the Reasons for Refusal, and the indicative nature of the drawings, the only point from Area 3 to be considered in Section 7 is any visual harm to the surrounding area relating to the southern boundary treatment – this involves consideration of the car parking layout in the southwest. There are no matters to be considered regarding other areas of car parking, layout, built form, open space or internal landscape elements.



## 7 Analysis

- 7.1 My section 3 describes the site. It considers that the eastern end is prominent in terms of views and public visibility and is the steeper part of the site. It has a prominent length of road frontage to Grovefield Way and the spine road. There is a boundary to the south, which will become the new Green Belt boundary and is currently a mature hedge. There are sensitive residential uses to the south and west. In the north is a BMW dealership housed in a new large building.
- 7.2 My section 4 demonstrates that design quality is a long-established, key consideration for planning policy and guidance at both national and local level. It is a high-level objective for the NPPF and there is a strong consistency between the urban design principles throughout the policy hierarchy and its guidance. Proposals are required to create a clear and easily understood places with a distinctive identity and layouts and designs which reflect function. A series of principles through the hierarchy are consistent in their consideration of the importance of items such as active frontages and streets, clarity of layout, sensitivity to character, consideration of parking.
- 7.3 In section 5 I describe the particular concerns of the 2007 appeal inspector in approving the site for development. He considers that B1 uses, specifically, need not be intrusive in this urban fringe landscape subject to detailed design and layout and a suitable landscape scheme, particularly along to southern boundary. He does not address non-B1 uses.
- 7.4 Section 6 describes the proposal and identifies the Council's concerns arising from it which have led to the urban design issues in the refusal reasons. They are considered below.

### **Issue 1: The character and quality in the business environment**

- 7.5 RfR1 identifies dilution of the character of the site as a business park as one of the Council's areas of concern; RfR3 refers to a weak sense of place and failure to create a high-quality business environment. Other witnesses for the Council have argued that this site is required for B1 uses. Mr Athey, in his proof, cites an analysis of the economy carried out by Athey Consulting for the JCS in March 2018, which makes

recommendations for the locational attributes which need to be developed to meet local employment needs – they include promotion of open campus, high amenity sites and place-making. Cheltenham Plan (CD13.5) Policy EM3 is seeking a “*modern business environment*” for this site. The reasons for refusal indicate a concern that the proposed amount and positioning of the non-B1 uses will dilute the character of the site as a business park and will fail to create a high-quality business environment. As discussed in my paragraph 6.3, the aim of the applicant is to provide a “*modern and high-quality business park*”.

7.6 The non-B1 element of the site (supermarket, drive-through and nursery with associated parking and circulation) occupies 13,575sm from a total site area of 42,052sm, approximately 33% of the site area. They occupy the whole of the 110m long Grovefield Way frontage – which is the main access to and the public-face of the site. They occupy the site to a depth of 160m along the spine road. B1 buildings on the site will be visible only as a distance view to Unit 4 from Grovefield Way at the spine road junction, a straight-line viewing distance of about 240m (see visual pack (CD7.16) page 2), and across the supermarket car park to Unit 1, partly obscured by the non-B1 buildings, about 140m at its closest point (see section FF (CD1.63 and 7.60)). My view is that the proportion of the site given over to non-B1 uses (one third) and their prominent position (both in terms of the entry location and the amount of Grovefield Way frontage occupied), both compromise the “high quality” B1 character of the site.

7.7 The appellant makes no attempt in the application to set out the characteristics of a “high quality” business park; Policy EM3 is not explicit in its use of the term “modern business environment”; the 2018 Athey Consulting Research identifies some locational attributes but is not a design document, so has no detail. In my view the characteristics cannot be simply the presence somewhere on the site of some “high-quality” business space. The character must be highly visible and legible, both in views from outside the site and in the sense of place within the park. It must surely have the business as the prominent feature. There should be clarity of the use in the arrival sequence - setting out the business park’s stall early in terms of function and quality, using public-realm and building presence to help establish an understanding of place, both on approach to and further into the site; the layout should provide look-to campus style, allowing

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. The site is promoted as a gateway – a description that is written through the applicant’s Design and Access Statement (CD1.5, CD7.5, CD8.3) and appears in both the Planning Statement (CD1.4 para 6.73) and text supporting Cheltenham Plan (CD13.5) Policy EM3. If this is the case, then surely it is 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. This all requires high-quality urban design, which reflects policy and guidance, and which matches the ambition claimed for the site.

7.8 The proposal fails these requirements at its public face and its entry sequence from Grovefield Way. There may be passing views of some of the office buildings from the eastbound A40, however, as submitted drawings show (CD 1.63, CD7.16 CD7.60 cited above) any views of B1 buildings from the Grovefield Way frontage and main access point will be glimpses caught beyond the café, nursery and supermarket and over their associated car parking. The dominant features are the non-B1 uses and this main approach will fail to deliver the image of either a high-quality business park or high-quality urban design (I expand on this in paragraph 7.12). This broad non-B1 frontage, coupled with its depth into the site will give those arriving a mix of messages and they will need to travel well into the site before arriving at the B1 element. There is no attempt for the site to set out its stall unequivocally, with prominent B1 uses making its function clear at the entry point; the public will be reliant on signage to make this point. This arrangement is not simply neutral in effect; it will detract from the “high-quality” B1 character of the site, so that, in character, the B1 element of the site appears secondary and incidental to the non-B1 uses.

7.9 This arrangement at the front end of the site is compounded by the presence of the BMW dealership, which, albeit a striking building, is a further non-B1 use, sharing the access road whilst occupying the Grovefield Way frontage and the first 190m of the spine road frontage.

7.10 “Modern business environments”, are sometimes designed to incorporate ancillary elements – cafe, retail kiosk, creche, open space, circular walking routes and places for

casual meetings etc. They support staff well-being and enable casual interactions among businesses on the site, but should be legibly designed to be ancillary and to support the primary business function of the site. The extent to which such uses are ancillary needs to be seen to be so. However, in this case, the non-B1 uses appear to move beyond the “support” role, dominating the site (particularly its entry) and establishing themselves not as ancillary uses, but as destinations in their own right – particularly the supermarket and café, with dedicated car parking and the café’s drive-through facility, both suggesting they are designed to attract customers from outside the business park.

7.11 The high-quality business character of the site is also diluted by some elements of the non-B1 buildings which give them a materially different character to the office buildings on the site. The office buildings have a number of distinct characteristics; by contrast, the non-B1 uses on the site have features which mark them out as different in character to, and dilute the characteristics of, the high-quality business environment:

- a **Frontage access.** Units 1, 2 and 3 all have their main building access directly onto the main spine road; whereas the non-B1 building all take their main building accesses from their own shared car park. This approach creates not only a different character approach between the two types of buildings and uses; but more tellingly, it places the non-B1 uses in a discrete enclave separated from and elevated above the B1 uses, in a prominent position at the sites frontage. In the terms of the reasons for refusal there these two impacts resulting from both the design and land use decisions have the effect of diluting the character what should be the dominant business park character.
- b **Active edges.** Active edges are considered valuable to street-scene because they can enliven the street, add interest and offer informal surveillance which aids on-street safety and comfort. The B1 buildings use doors, window and covered parking to create activity on each elevation to the spine road, their car parks and surrounding footpaths. Notwithstanding the comments on frontage access above, the non-B1 uses are severely restricted in their ability to actively address streets and spaces. Whilst the supermarket has an active edge towards Grovfield Way, its other elevations are substantially blank, except for the corner access; even the active

facade is impaired with the building set almost 2 metres below Grovefield Way and behind two ranks of car parking. Similarly, the café sits below main road set behind the drive-through service track with substantially blank elevations on two and a half sides; outside seating is onto a car park and the service road. The nursery, because of its need to address itself to the levels of the shared car park, is sitting on a plinth above the spine road and, whilst there is a walkway on the plinth and classrooms on this edge, the central body of the spine road elevation consists of plant rooms, store, toilets and utility.

Here again, in the terms of the reasons for refusal there is a dilution of the character of the business park, where the buildings otherwise adopt an open active aspect onto the business parks main street and internal spaces.

- c **Height.** The office buildings use height, across a number of floor-levels, to intensify their active elevations; to enclose the spine, car parks and spaces; and to make visual marks. All of the non-B1 buildings are single storey and do not use height to make an impact. The supermarket has some height in its single storey, but its location adjacent to the sensitive North Road West boundary would in any event, restrict its ability to use additional height.

This comparatively low-level development again sets the non-B1 buildings apart from the office uses, and establishes a distinct character on this front third of the site, restricting its ability mark its presence as a business park and further diluting its character.

- d **Servicing.** The vehicle tracking drawings (CD 1.21, CD1.54-1.58, CD7.30-7.33, CD7.46 & CD7.52) show the effect that service arrangements have on the character of the B1 and non-B1 areas. The service arrangements for the offices are unobtrusive; as they do not need to regularly deal with bulky deliveries, there is no separate delivery area – all coming presumably through the front door. and Details of refuse tracking (the largest vehicle) are only available for Office 1 and 2, with bin stores situated at the mouth of the car park; they are similarly easily accommodated with little adverse impact on layout. Conversely, the supermarket needs to accommodate a large delivery vehicle and its location away from the main building frontage at the back of

the car park requires provision to be made to track it to its service area, at the furthest point of the car park. This arrangement – which is acceptable in highway terms – is having negative urban design impacts on the parking format and ability to develop a high-quality landscape or street-scene treatment, which is distinct from that of the calmer arrangement shown for office units 1 and 2.

Meeting the service movement requirements is further evidence dilution in the business park character. Servicing in the B1 area is comparatively easily accommodated within a layout, allowing a pleasant and successful business environment; in the non-B1 area, the service arrangements contribute to a diminution in quality and a change in character.

- e **Public access and car parking.** In general, the B1 uses do not deal with the visiting public as a matter of their core business. This makes access arrangements less demanding in terms of simplicity of legibility, routing etc. Consequently, car parking can be positioned at the rear of buildings – clear of the street-scene, with the added benefit of allowing buildings to occupy the centre of the site around the spine road. Furthermore, car park layouts which are simple and given a decent landscape treatment – long runs of parking around 6m wide aisles, lending themselves to avenue planting with occasional pedestrian cut-through.

By contrast, all the non-B1 uses need to enable public access. For the nursery, this is relatively straightforward. For the café, public access requires the introduction of a drive-through lane, which wraps the building and has a significant impact on its character. The impact on the supermarket layout is twofold:

- i. A prominent car park is important for customer legibility and to give a clear indication of parking availability – consequently a prominent frontage car park visible both from Grovefield Way and the car park access becomes important. This has led to siting of the building to the rear of the site, a contrast with the frontage development of the offices.
- ii. Parking layout needs to minimise the length of trolley trips between the entrance and any part of the car park – the layout is markedly different to that of the offices, short aisles at right-angles to the building fragment the parking elements and

provide with little opportunity for the more cohesive structure and extensive landscape treatment shown for units 1 and 2.

This aspect of the proposal is a significant element in difference in character between the B1 and non-B1 areas of the site. Car parking for office units 1 and 2 is logical, uncluttered and integrates well with landscape – as suggested in Paragraph 4.5.3 of the UDC (see Appendix1). The demands which the supermarket places on the parking strategy in the non-B1 area has a major negative impact on the overall character of the site and supplemented by the café's drive-through requirement. As a consequence, the car park appears unstructured, with landscape only permitted to occupy space left over after the vehicular requirements have been dealt with; there is a marked pedestrian route along the eastern edge of the car park, but internally, there is no clear routing or space for pedestrians as suggested by the UDC.

7.12 This quantum and arrangement of non-B1 uses fails to deliver some of the main aspect of well-established national and local urban design policy, that is:

- a To create a clear and easily understood image of an area; and
- b To create a distinctive identity and sense of place.

In my view together the siting, layout and amount of the non-B1 uses remove clarity around the function of the site. As indicated in the reasons for refusal this dilutes the site's character as a business park, weakens its sense of place and lead to a failure to create a high-quality business environment.

**Issue 2: the quality of the layout and its visual impact on the surrounding area and street-scene**

7.13 I consider here aspects primarily related to RfR3, nevertheless they do effect character and quality, the prime urban design concerns in RfR1 and in Appeal 2 and cannot be considered a completely independent consideration. The Council has established through its policies the importance it attaches to design quality in new developments and, through RfR3, that it considers this proposal fails to deliver the desired quality. Policy and guidance at national and local level identify high quality design results from the interaction of a multiplicity of elements.

7.14 It is evident from both the Planning Statement and DAS, that the applicant considers that the proposed scheme delivers high quality design and that the scheme properly considers both constraints (including topography) and opportunities (including frontage development and high-quality public realm) - my paragraphs 6.3 and 6.4 above. It is my opinion that this is not the case and these specific constraints and opportunities have been ignored in the non-B1 area. These failings in the non-B1 area are at the root of RfR3's concerns regarding poor appearance, unattractive streetscape and contrived appearance.

7.15 RfR3 identifies a predominance of retaining structures and hardstanding as key to issues relating to failures in appearance, streetscape and sense of place; and that building layout, exacerbated by exterior features leads to a cramped and contrived appearance – the whole having a harmful visual impact on the surrounding area and leading to further failure to create a high-quality business environment. Sense of place and the character of the business environment have been addressed under issue 1, above. I will now address the impact of the retaining structures, hardstanding areas and building layout. As my section 6 indicates, the main area of concern is the non-B1 uses on the east of the site, although there is also a potential issue associated the indicative car parking layout associated with Units 3 and 4 which is discussed at the end of this section.

a Retaining Structures.

- i. The DAS states *“The proposed development will be constructed at or as near as possible to the current ground levels to provide minimal impact on the surrounding area and existing access”* and that issues of topography have been properly addressed. My opinion is that the proposed layout is at odds with the topography of the site, which has not been considered as a contextual feature, contrary to NPPG guidance.
- ii. It is evident the site as a whole is falling to the west and north, with tighter contours at the eastern end than the centre and west. Inevitably, in the east, this would produce some need to deal with level changes whatever the layout. However, this need is exacerbated by placing the 65m length of the supermarket at a right-angle to the fall. The need to provide a level floor across this length means that the building is



making compromises in terms of the natural levels of the site – cut-in to the east, raised-up in the west. The car parking is required to address itself to this floor level across an even greater length. In order to make the levels work, the area covered by the supermarket, café and car park is raised above the level of the spine road, in places by over a metre. This area is consistently a metre below the level of the adjoining Grovefield Way. The nursery has a floor level approximately 1.5 metres below that of the supermarket and café but is 1.8 metres above Unit 1 and its plinth is between 1.5 and 2.5m above the spine road. There is a further level change to the next tier of car parking (for units 1 and 2) in excess of a metre, requiring a 4-level ramped pedestrian access.

iii. The proposed levels arise in large part from the need to accommodate the supermarket in the position proposed. This leads to a confusing and contrived set of levels across the eastern part of the site, with a series of steps and retention features, the whole having a number of negative effects.

A. it exacerbates the disparity in character between B1 and non-B1, discussed earlier.

B. It has a negative impact on street scene and the relationship between the buildings and the streets which define this part of the site. As described earlier, the supermarket sits across the contours. Its floor level governs the level of the car park, the gradients of which need to be sufficiently easy to allow movement of trolleys. The level of the car park is then beginning to govern the levels for the buildings which feed off it (café and nursery). In accommodating this, the relationship of the three buildings to Grovefield Way and the spine road is effectively lost.

Grovefield Way's relationship with the supermarket and café is already compromised by the presence of car parking and the drive-through access right across this boundary; the levels compound the problem by setting the buildings between 1 metre and 1.5 metres below ground level.

The nursery is on a plinth above the spine road; while the café is cut below it in the east and above it in the west (again, set behind the drive-through track).

The impact of arrangements to deal with level changes has a particularly unsatisfactory impact on street-scene on the spine road across the frontage of the nursery. Here, not only is the nursery on a plinth, with inactive elements (described in para 7.11b) but at this point it sits opposite high blank retaining wall to the BMW car park (see Appendix 5).

- iv. In summary, the levels and there retaining structures lead to the non-B1 part of the site failing national policy and guidance requirements to ensure that streets are properly addressed by building frontages and that development is sensitive to context, character and topography. In my view the impact of the proposed levels is to further dilute the site's character as a business park and, as indicated in the reasons for refusal, weakens its sense of place and leads to a failure to create a high-quality business environment.

b Hardstanding.

- i. Hardstanding (car parking, access, service areas) are a dominant feature in parts of the site. In the office areas they are in the main at the rear of the buildings, away from the spine road and, with suitable boundary treatment along the southern edge, this can be acceptable – an issue considered later. By contrast, in Area 1, hardstanding dominates and is to a large part directing building locations. The result for Area 1 is a set of differing but related issues.
- ii. Notwithstanding matters raised earlier, the supermarket and café car parks have a further adverse impact on character, streetscene and views of the site along Grovefield Way frontage where they are the predominant feature, occupying 90m of the Grovefield Way frontage; the drive-through lane making up the remainder. The buildings are pushed back from the opportunity to deliver frontage development (an item identified as an opportunity in the appellants DAS) because of the presence of the parking and drive-through lane. The necessarily circuitous nature of the drive-through access to the café also pushes the café building 10m back from the spine road, where an active presence would be beneficial. Outdoor seating areas for the café are set within the circuit, adjacent to stop/start traffic

and removed from the soft-landscape edge, which they could otherwise have enjoyed and which their presence would have benefited.

- iii. I have discussed earlier the preference of the supermarket to place car parking prominently within its site. The effect of this is to push the supermarket back from the spine road and Grovefield Way frontages, which an appropriate building might otherwise have addressed, and towards the North Road West boundary, where it sits at odds with the remainder of the built development on the site and compromises the ability to particularly address the landscape as required by the 2007 appeal Inspector.
- iv. The location and arrangement of the supermarket building requires servicing by large vehicles to penetrate well into the site, to the west end of the building. As discussed earlier this requires a track through the car park and manoeuvring space for a large vehicle. This has a negative impact on the layout of car parking and character of the space around the building which becomes disjointed and decidedly vehicle focussed, with little opportunity to develop a high-quality landscape or street-scene.
- v. In summary, the presence of large amounts of car parking and vehicle circulation space in the no-B1 area and on to Grovefield Way is clearly evident in the proposed block plans (CD1.64 and CD7.55). It delivers a poor, utilitarian appearance within the site; a failure to create attractive and active street frontage, particularly along this important edge; and establishes an unsatisfactory basis for the location of buildings. I have set out at my paragraph 4.6 and 4.10 the NPPF and NPPG requirements for layout to deliver attractive developments and a strong sense of place, to consider streets and a sense of place. In my view the proposal is contrary to these criteria and other local design policy requirements. Consequently, RfR3's concerns about the predominance of hardstanding and its impact are justified.

c Buildings

- i. As discussed above, there are a number of factors driving the positioning of the non-B1 buildings in Area 1 and in my view leading towards an unsatisfactory building arrangement.

- ii. Area 1 is the steepest part of the site and the decision to place a large floorplate supermarket at right-angles to the slope inevitably led to a need to make-up significant levels across its length. Because the supermarket needs to have a prominent and publicly visible car park, parking needs to sit in front of the building, pushing the supermarket building to the southern site boundary and abandoning the strategy of rear car parking screened by buildings proposed successfully for Units 1 and 2. Additionally, the supermarket car park operationally needs level-access to the building, within acceptable tolerances; this has extended the area required to be made up, although it is gently falling to the west and at its west end car park level is about a metre below the supermarket floor level. In order to manage the level changes in the west of Area 1, at its eastern façade, the supermarket and its car park are about 1m – 1.5m below Grovefield Way. The car park is shared with the nursery; in consequence, the supermarket floor-level is effectively leading the floor levels for nursery – which is in a naturally lower part of the site, consequently it needs to be set on a plinth 2 metres above the spine road. The car park is also accessing the drive-through, and consequently driving the café floor level, which is attempting also to cope with the drop in levels from Grovefield Way. The café is consequently set in a cut about 1 metre below the Grovefield Way.
- iii. This layout is inevitably contrived and unsatisfactory. As a result of the development and design choices made, the supermarket building is almost inevitably squeezed up to the southern boundary of the site. In this position it fails to adequately address its frontage Grovefield Way – the site’s most prominent and important frontage and a street which has otherwise no active frontage and little further opportunity to secure it. Furthermore, because the supermarket is a substantially blank on three sides, a decision has been made to conceal the most extensive blank façade against the southern boundary planting on to North Road West. The NPPG warns that *“Stand alone buildings can create ill defined spaces around them”*. The Urban Design Compendium suggests that if *“big boxes”* such as supermarkets are absolutely necessary (and it considers them to be almost a last resort in design terms) a preferred approach is to site them in cul-de-sac locations *“where at least one edge requires no frontage (such as adjacent to a railway line)”*.

In my view, and notwithstanding the proposed landscape treatment, this rural lane has a significantly higher visual and environmental quality than a closed-network status of a railway line and deserves a better treatment.

- iv. The decisions made around the supermarket have had a negative impact on the positioning of the nursery and in my view resulted in an unsatisfactory treatment of the interface between it and the spine road.
- v. The decision to include a drive-through café itself has delivered an unsatisfactory relationship between the café building and the Grovefield Way/spine road junction – the drive-through lane setting it back from its natural street frontage; the drive-through requirements blanking off at least one important façade - that on to the spine road; and delivering a poor-quality setting for the outdoor seating. The need to address the car park level and the Grovefield Way level compounds this already unsatisfactory arrangement.
- vi. In summary, the arrangement of buildings on the non-B1 part of the site is unsatisfactory, cramped and contrived. Contrary to the claims of the DAS, there are missed opportunities to *“build in active frontages and entrances which address Grovefield Way and the spine road”* and to *“create high quality public realm which is key in delivering an attractive, high quality scheme”*. Supermarket makes no attempt to front the spine road and fails to properly address Grovefield Way, as does the café. Notwithstanding the landscape around the fringes of “Area 1”, the public realm within it – and across which there are extensive views from Grovefield Way - is poor. The design has been led by the car parking, vehicle tracking and the response to the level requirements of the supermarket, all of which dominate space. The view in to the site from Grovefield Way, the site’s most important frontage, will reflect this. The circulatory needs of the café have a similar effect on the spine road and junction. This is contrary to the policy and guidance which promotes strong frontage activity to streets, a contextually sensitive design response both in building and public realm and a proper consideration of the impact of car parking.

d Visual impact on surrounding areas – the southern boundary

- i. In his report the Inspector at the 2007 appeal made specific reference to the need for a suitable landscaping scheme, especially along the southern boundary – i.e. to North Road West. When considering landscape conditions, he further indicates that they are necessary “...given the site’s relationship to residential areas and the importance of securing appropriate boundary treatment on the long frontage to North Road West in particular...”. It seems to me that he was seeking to secure a landscape treatment along North Road West which could both minimise visual impact, as far as reasonable, for nearby housing and establish an enduring green belt boundary. In my view, the correct design response would be landscape-led, and the landscape treatment along the south would determine the development response in the south.
- ii. My analysis, above, indicates that the design response around the supermarket has been led by the requirements of the supermarket and its “cramped and contrived” position in relation to the southern boundary is the consequence. In the light of this, the landscape response attempts to address the Inspector’s concerns, but it is weak in this area. Notwithstanding the natural landscape buffer proposed, the proximity of the rear of the building will be apparent from North Road West. This is unsatisfactory, but a landscape response will not be successful whilst the building remains in its current position.
- iii. The response further west along this southern boundary, across Areas 2 and 3, is likely to perform better because it sits immediately against car parking, not a large building. Nevertheless, the landscape treatment to the south is only a metre thick in some patches and will not be adequate. The indicative treatment in the south west corner (Area 3), against Elm Farm is unsatisfactory in providing an indicative landscape buffer of 2 metres between a large car park and the residential boundary. The DAS in considering the scheme evolution indicates that the design is based on that approved previously, and reproduces the Illustrative Masterplan form approval 14/01323/OUT (Appendix 2). This indicates a substantial area of tree planting in this part of the site. Whilst the current drawing is indicative, this would be an unacceptable outcome.

iv. In summary, the landscape treatment of the southern boundary appears to be a response to the positioning of buildings and car parks, rather the considered response required by the 2007 appeal Inspector or the landscape-led response which might be expected in this sensitive location, which will form the new green belt boundary. Around the supermarket, the main landscape treatment is probably as strong as it can be given the siting of the supermarket, which as discussed earlier has arrived at the point as a result of a number of flawed decisions. Elsewhere, landscape treatment on this boundary has been led by car park layout. This approach is not consistent with policy and guidance, which requires a design approach which is contextually sensitive and results form a proper working relationship between all parts of the design process.

7.16 If the non-B1 part of the site were to be given over to B1 uses, the problems identified in a to c (above) and, in part, d could be more effectively dealt with and much reduced. The loss of the supermarket in particular, with consequent removal of a requirement for frontage parking and a large level footplate across the contours, would have a beneficial effect on levels, quality of the car park, location of buildings – allowing a revised B1 layout to address these failings. The loss of the café, again will begin to have benefits on the building position and quality of the hardstanding. In fact, we can see how some of these elements play out in a consideration of Appeal 2 and the introduction of office Unit 5 – which I now consider.

#### **The effect of changes introduced by Appeal 2.**

7.17 The changes introduce in Appeal 2 are in the main positive. However, failings particularly associated with the supermarket, remain and the changes do not redress the impact of the failings identified here.

7.18 The introduction of office unit 5 in place of the café has a positive effect on issues of elsewhere in section 7, above. It reduces to 26% the proportion of the site given over to non-B1 uses. It reduces the amount of non-B1 uses along Grovefield Way, the public face of the site. It places a B1 use in a prominent building on the important junction at the access to the site. The removal of the drive-through lane enables improved landscape, an ability to use landscape to deal more satisfactorily with the levels and it

moves the building closer to the street giving a much-improved relationship to both Grovefield Way and the spine road. It introduces to this important part of the site many of the characteristics identified as missing in the non-B1 buildings – active edges, height and less intrusive servicing arrangements. Car parking is dealt with in a more comfortable format.

7.19 Nevertheless, there are residual failings in this part of the site (the hitherto entirely non-B1 area), which are serious in terms of the Council's concerns about character and leaves them unresolved.

- a 10,790sm, or 26%, of the site given over to non-B1 uses and positioned as proposed remains both significant, prominent and dilutes the high-quality business character of the site.
- b The effect of the decisions around the siting of the supermarket building remain dominant in this area and issues related to layout, visual impact and street scene are to be overcome by the sole introduction of Unit 5. The supermarket's car parking strategy, which requires frontage parking on a manageable gradient, does not enable Unit 5 to entirely remove car parking from the Grovefield Way frontage, and there remains about 85m of car parking along this prominent 110m frontage. Building access still requires use of the non-B1 enclave rather than the spine road.
- c Landscape is improved, but again not to an extent which removes the problems. The more generous landscaping either side of the supermarket, makes the point that no space for improvement can be found along the rear of the building. This confirms my opinion that the building layout is cramped and contrived and that the landscape strategy here is constrained by failings in the building layout strategy.

7.20 In summary, the main changes introduced in Appeal 2 – replacement of the café with Unit 5 and the additional landscape – are beneficial to the scheme. However, they are inadequate to address the failings and the supermarket remains the dominant feature and main driver of layout in this part of the site. Because of the prominent location and significant size of this area the failings here continue to have a diluting effect on the character of the whole site, and its role as a high-quality business environment. The introduction of Unit 5 does, nevertheless, point to how the replacement of the non-B1



uses by office buildings on a wider scale in this area can address the current shortcomings.

## 8 Summary and Conclusion

8.1 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.

8.2 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.

8.3 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.

- 8.4 Policy EM3 of the emerging Cheltenham Plan (CD 13.5) states that the site can provide a *“modern business environment”*.
- 8.5 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).
- 8.6 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.
- 8.7 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.
- 8.8 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

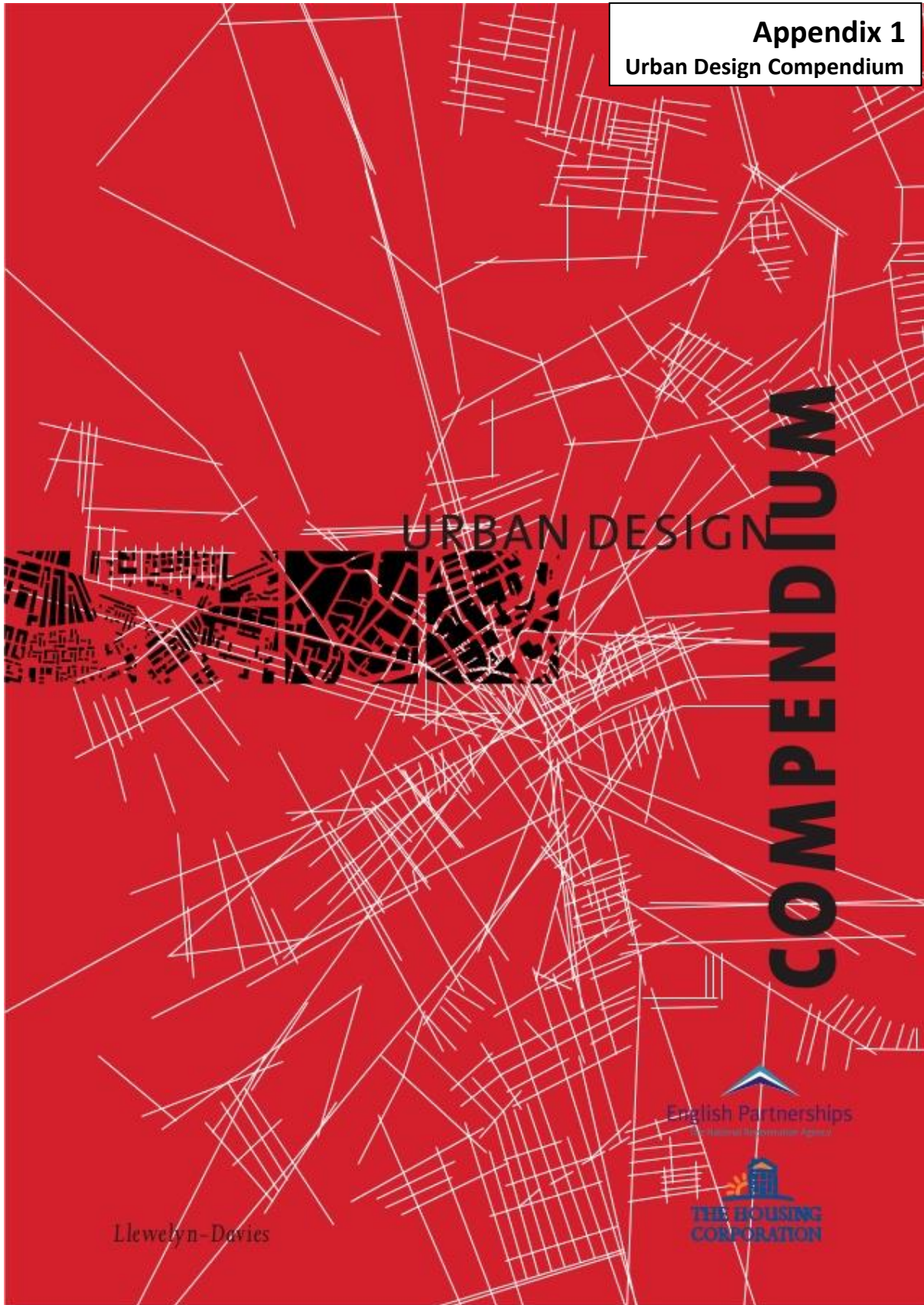
(a constraint), frontage development and high-quality public realm (both opportunities). The suitable landscape scheme which the 2007 appeal inspector required is compromised, because the design has been led by the building and car parking design process; landscape is dealing with the spaces left over 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.

8.9 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.

8.10 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.

8.11 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.





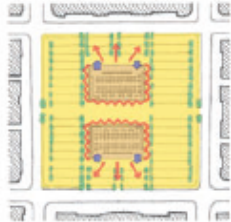
### 3.2.6 EDGES

#### Absorb the 'big-box' into the mix

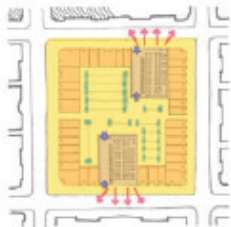
Sustainable development requires that:

- out-of-town development, often mono-functional in nature, such as industrial, office and retail parks, is curtailed;
- these elements are brought back into urban centres, to become part of the urban mix.

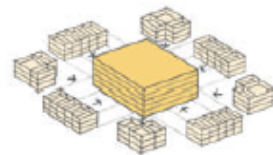
This has fundamental implications in terms of form, density and parking, particularly how to accommodate 'big-boxes' (whether multiplexes, superstores or retail warehouses) - as developers will often be reluctant to change their standard approaches.



Big box sheds surrounded by parking: potential active frontage is projected into the car park, rear elevations exposed and the streetscape undermined



By turning the sales floor 90° and inserting the building into a perimeter block, access is provided from both sides but active street frontage is ensured



Wrap big boxes with smaller units to create active frontage



Ocean Village cinema, Southampton



Furniture showroom, Newbury  
(Architect: Sutton Griffin & Morgan)

It is important to establish that the provision of such facilities must be appropriate to the needs of the locality, and must not impose socio-economic costs on the community in terms of traffic generation, visual blight and undermining established centres. A preferred approach is to:

- absorb 'big-boxes' into the transition area on the edge of the retail core. The presence of larger development blocks in these locations can provide sufficient land to wrap the main perimeter of the box with a skin of smaller buildings - concealing its bulk and creating active frontage (see 5.2.1). Siting within the walkable catchment from a public transport node (see 3.1.2) also encourages more sustainable customer transport patterns;
- select 'cul-de-sac locations' where at least one site edge requires no frontage (such as adjacent to a railway line). This lessens the amount of exposed blank walls and servicing.

#### Wrap and cap the 'big-box'

Large stores and other large 'big-box' units that are often stand-alone, with exposed 'dead' frontages, create particular problems for active and attractive streets (see 5.2.1). However, such building types can be modified to become compatible with fine-grained urban settings by mixing horizontally and/or vertically with other uses, which may involve:

- wrapping the perimeter on the street faces with smaller units (such as Sainsbury's supermarket, Clapham High Street);
- building other uses on the air space above the box (Tesco's supermarkets, Sheffield and Earls Court);
- incorporating a well designed upper façade for roof top parking (such as Waitrose (formerly Safeway's) supermarket in Fulham);
- externalising more active uses (such as cafés and boutiques) and increasing their 'transparency' to the street.



Sensitive on-street parking at Chingford Hall, Waltham Forest



Sensitively located on-street car parking can aid traffic calming



Well designed car port, Devon



Traffic calming is designed in from the outset



Interior parking courts are designed as attractive spaces, overlooked by adjoining buildings

#### 4.5.2 POSITIONING PARKING

##### Put parking behind, under, above or to the side of the building

The manner in which car parking is arranged has a fundamental effect on the quality of place. Vehicles should not be allowed to dominate the space, or to inconvenience pedestrians and cyclists. What to avoid is parking within the front curtilage. This breaks up the frontage, restricts informal surveillance and is generally ugly.

##### Keep cars in view

In residential areas, a very careful balance has to be struck between the expectations of car owners, in particular the desire to park as near to their houses as possible, and the need to maintain the character of the overall setting. Where cars are parked in courts or squares, the design should ensure that they are overlooked by adjoining buildings. To avoid parked cars dominating the surroundings there should generally be no more than 10-15 spaces in a courtyard.

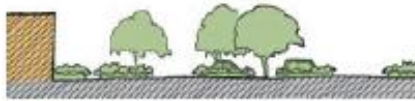
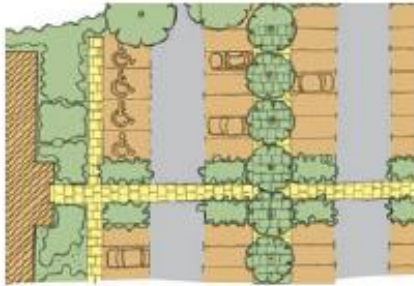
##### Parking next to the house

When parking is provided within the building curtilage, cars should be parked at the side of the house rather than the front, or can be enclosed by short lengths of wall which continue the building edge (see 5.1.2). Parking spaces can be provided to the rear of properties within the garden behind the front building line.

##### *Poundbury, Dorset: An integrated approach to traffic calming*

Location	A mixed-use development on the outskirts of Dorchester.
Design team	Masterplanner: Leon Krier Lead consultants: Alan Baxter + Associates
Client	The Duchy of Cornwall
Site area	71.5 hectares
Project	The first phase, including 135 houses, has been completed. By 2018 there will be 2,189 houses, plus workspaces, shops and other facilities.
Details	The development makes full provision for car ownership, but has been designed to encourage travel on foot, by bicycle and by bus. There is clear evidence that those who already live and work there are less car dependent than people in comparable communities elsewhere. Each phase of the development has been designed around a network of spaces to create a series of distinctive neighbourhoods. Streets and squares are formed by the arrangement of buildings, with the carriageway designed on the tracking principle. Traffic calming is designed into the overall layout, rather than treated as a later addition. Parking provision is mainly in squares and courtyards, where the parking spaces are overlooked by adjoining houses and buildings.





Landscaping of car parks should screen vehicles and establish direct footways connecting with nearby buildings

### 4.5-3 CAR PARKS

#### Divide up the commercial car park

In commercial developments the best way to alleviate the effect of large parking areas is to ensure that they are designed as an integral part of the landscape treatment and managed communally. This also ensures that pedestrian movement is not determined and restricted by vehicular movement requirements. Parking layouts should be obvious and logical and avoid the creation of leftover space.

#### Make car 'parks' just that

Shared surface treatments can be effective although it is important to ensure that pedestrian routes are clearly defined - particularly in teaching children about road safety and maintenance of the pavement as a 'safe' area. Adequate space should be allowed for tree planting to all parking areas. This can be one of the most successful devices for integrating parking in to the urban landscape.

#### Parking can enliven the street

On the street, a certain amount of parking has a beneficial traffic calming effect, but the layout should be designed to accommodate it. Parking can be incorporated within a widened carriageway that also allows room for street trees and gives pedestrians greater freedom of movement.



The Waitrose car park in Witney, Oxon, has been well-designed around existing mature trees



**Appendix 2**  
**14/1323/OUT**



Appendix 3  
09/00720/REM

1 Integration



2 Sense of place



3 Multiple use



# AIMS

## KEY AIMS

The key aims of the Landscape Masterplan comprise:

### 1 INTEGRATION OF THE BUSINESS PARK INTO THE SURROUNDING LANDSCAPE

To the north of the site the existing woodland will be enhanced and enlarged to act as a buffer to the A40. To the south and west, existing hedges have been preserved and generous native woodland blocks proposed to reduce the impact of the site from residential properties and to contributing towards integration of the surrounding rural landscape. To the east the architecture is enhanced by ornamental semi mature tree planting enhancing the landscape of Cheltenham's outskirts.

### 2 TO CREATE A UNIQUE AND MEMORABLE SENSE OF PLACE

The use of distinctive tree forms and an ornamental planted rill throughout the centre of the site, complimented by a curved gabion wall and signage, combined with a simple palette of robust hard and soft materials will create a distinctive sense of place to the business park.

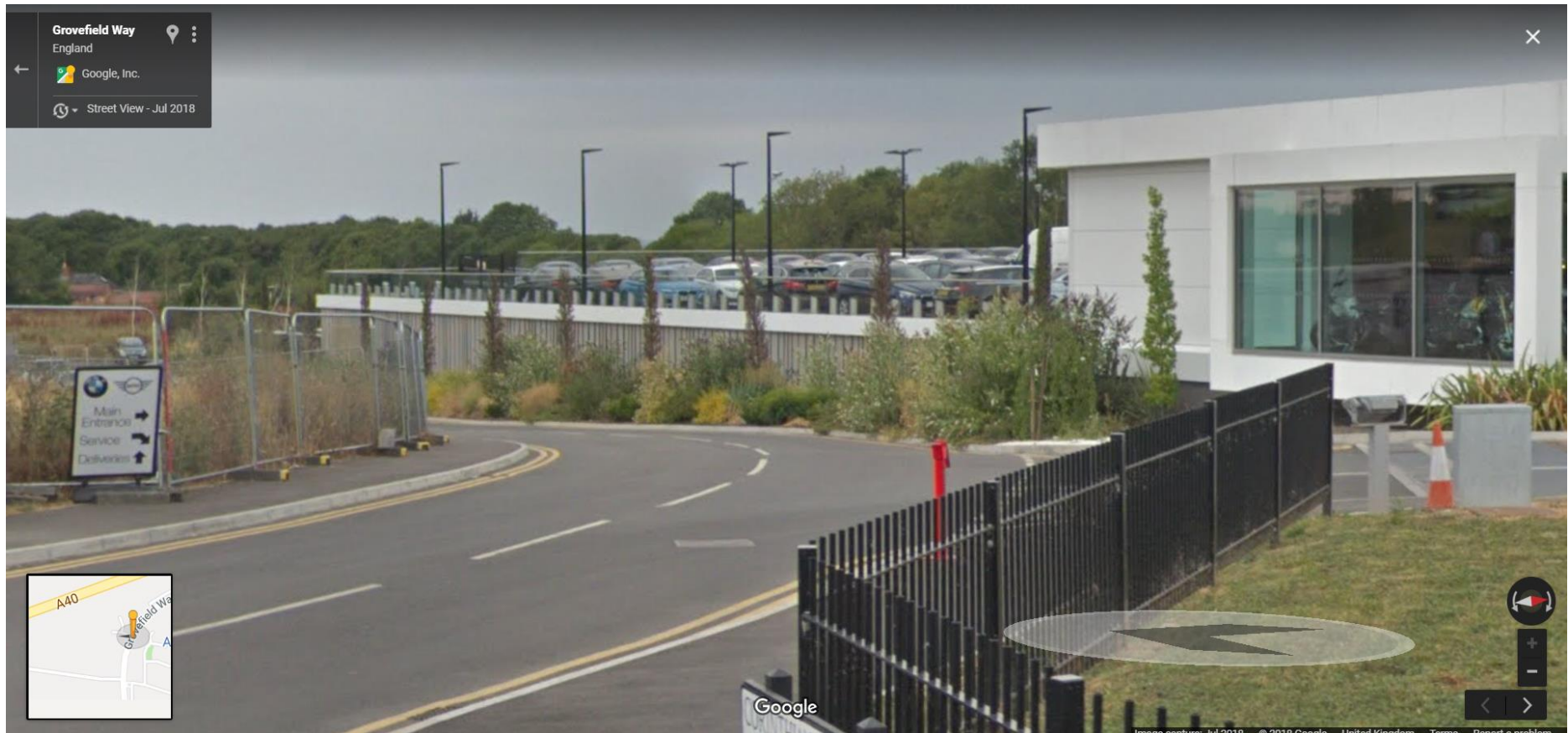
### 3 LANDSCAPE DESIGN FOR MULTIPLE USES

The parkland setting with pavilion style building layout will provide the framework for a variety of landscape uses from public open spaces of varying scale to formal and informal cafe and seating areas for business and leisure. Woodland tree and shrub planting will enhance existing wildlife habitats.

# CHELTENHAM BUSINESS PARK

## CONCEPTUAL SITE LAYOUT





Appendix 5