

**Planning Inspectorate Reference:  
APP/B1605/200395**

**Local Authority Reference:  
16/02208/FUL**

**Proof of Evidence of  
Michael Davies**

**On behalf of:  
Hinton Properties (Grovefield Way)  
Ltd**

**Town and Country Planning Act 1990  
Town and Country Planning (Inquiries  
Procedure) (England) Rules 2000/1624**

**Appeal against refusal of planning  
permission for development of land  
at Northwest Road and Grovefield  
Way, Cheltenham**

**Final Version  
10.12.17**

Suite F1, Stroud House  
Russell Street, Stroud  
Gloucestershire  
GL5 3AN

**Tel:** 01453 760380  
**Email:** [Info@d-la.co.uk](mailto:Info@d-la.co.uk)  
**Web:** [www.d-la.co.uk](http://www.d-la.co.uk)

This document has been produced by Davies Landscape Architects (DLA) for the sole purpose of the Appeal concerning Land Off Grovefield Way, Cheltenham

PI Ref: APP/P1605/200395

Document Title: Landscape and Visual Proof of Evidence

Document Reference: 1873/POE/RPT/02

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**DOCUMENT HISTORY**

Rev.	Purpose	Author	Checked	Reviewed	Author-ised	Date
-	Proof of Evidence	MD	AH	SH	10.12.18	10.12.18

Revision          Description Of Changes

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# 1 Introduction

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## Reason for the Appeal

- 1.1 This Proof of Evidence has been prepared by Michael Davies, Managing Director at Davies Landscape Architects Ltd (“DLA”) on behalf of Hinton Properties (Grovefield Way) Limited (HPGWL) (“the Appellant”).
- 1.2 This Proof of Evidence has been prepared in support of a planning appeal made by the Appellant under Section 78 of the Town and Country Planning Act 1990 and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624.
- 1.3 This conjoined appeal is submitted in response to the refusal by Cheltenham Borough Council (“CBC”) of two hybrid planning applications (local authority references 16/02208/FUL and 18/01004/FUL)
- 1.4 The first application 16/02208/FUL, refused on 17<sup>th</sup> January 2018 sought permission for:  
*“Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access). ”*
- 1.5 The second application 18/01004/FUL was a follow up to the first application to replace the coffee shop retail unit and drive-thru with additional commercial office space forming part of the detailed application.  
  
Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associate parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission).

## Experience and Qualifications

- 1.6 I am Michael Davies, Managing Director of DLA which I founded in 2006. I hold a Bachelor of Arts Degree with Honours and Diploma in Landscape Architecture from the University of Gloucester. I was elected a Chartered Member of the Landscape Institute (“CMLI”) in 1991.

- 1.7 I have worked as a Landscape Architect in the private sector since 1989 on a wide range of projects across the residential, commercial, leisure, education and waste sectors.
- 1.8 Of relevance is my experience with large and small scale commercial and retail schemes which form a regular part of my firm's core business and expertise. At the time of preparing my evidence for this appeal we are working on several mixed commercial schemes, including:
- Billingshurst Business Park - B1 and B2 uses including a petrol filling station and integral café;
  - Bourn Business Park, Cambridgeshire – Primarily office development with some light industrial uses;
  - Canford Magna Business Park, North Poole –mix of office and light industrial units
  - Renishaw, Gloucestershire – high quality office above a multi storey car park;
  - Business Hub, RAU, Cirencester – high quality office campus in parkland landscape;
  - Oldlands Farm Business Park, Bognor Regis – offices and light industrial units uses with retail enabling development and food outlet; and
  - Sutton Business Park, Reading – mixed offices and light industrial units.
- 1.9 My firm has also been involved with the development of Corinthian Park Grovefield Way since the submission of reserved matters (12/01086/REM) following the grant of Outline Permission (05/00799/OUT), which was won at appeal in May 2007. Our scope of works was to prepare hard and soft landscape details for the remainder of the business park based on the same principles submitted for the first phase of reserved matters (Ref 09/00720/REM) permitted in Dec 2009.
- 1.10 The reserved matters application (12/01086/REM) was subsequently approved by CBC in August 2013.
- 1.11 Further applications followed in 2013/14 for a BMW flagship dealership, which opened in 2017 on the northern part of the site. An update to the 2005 masterplan (05/00799/OUT), was subsequently undertaken by the Cooper Partnership and Peter Brett Associates (14/01323/OUT) permitted in December 2014.
- 1.12 DLA were appointed by HPGWL in 2016 to prepare a hybrid application for the first appeal scheme comprising full details for: B1 commercial office space; an Aldi Food store; Happy Days nursery and a Costa drive-thru coffee shop in the south east half of the business park. The remainder of the business park to the southwest and northwest for B1 office uses was in outline.

1.13 The second follow up application was submitted by HPGWL in May 2018 to replace the Costa Coffee at the entrance to the business park with an office building but was refused in August 2018, despite a firm officer recommendation for the revised scheme.

1.14 The second application was refused on a single Reason for Refusal (RFR) based on the reduction of B1 commercial office;

....” 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 in inappropriate balance between B1 and non-B1 uses”.

1.15 While I refer to this second application, my evidence focuses on the putative reasons for refusal (RFR3) of the first application as there is no landscape related RFR in the second appeal.

### Scope of Evidence

My proof of evidence addresses the visual effects of the proposed development on the visual amenity of the area. My evidence on landscape and visual matters will show that:

- The design rationale fully accords with the established landscape principles of the approved outline planning applications (05/00799/OUT) (14/01323/OUT) and reserved matters applications (09/00720/REM) and (12/01086/REM); and
- The proposed development would not cause any significant harm visual to visual amenity.

1.16 My evidence should be read alongside that of Mr Griffin who addresses planning policy matters and Mr Tuckerf who addresses urban design matters.

### Declaration

1.17 The evidence which I have prepared and provided for this appeal reference APP/B1605/200395 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

## 2 Response to Reasons for Refusal

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2.1 CBC in its refusal decision has raised concerns about the visual impact of the proposals and in the third RFR 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 SD4 of the Joint Core Strategy and CP7 of the Local Plan'.

2.2 My evidence has drawn upon:

- Site visits made during full and bare leaf conditions;
- Plans and documents submitted in support of the refused applications;
- The case officer report to committee;

The extant outline planning permission and the associated 2012 reserved matters documentation on which it was based and are a material consideration in understanding the rationale behind the landscape proposals;

- Updated photomontages from Grovefield Way; and
- Recent site visits and updated site context photographs.

### **Response to other matters raised in consultation**

2.3 The officer report to committee identifies a number of issues and concerns from consultees and other representations, which included some landscape and visual matters, which I will also address in my evidence.

### **Scope & Structure of My Evidence**

2.4 The Council's SOC, (chapter 5 bullet 15-17) does not elaborate any further on their reasoning behind the third RFR, and has instead, broken down RFR as three separate components (15-17):

*15. 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.*

*16. 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.*

*17. 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.*

2.5 The purpose of my evidence is to show that the proposals have been 'landscape led' in line with the established design principles of the extant scheme and previously approved reserved matters applications and would not cause any significant harm to the landscape or visual amenity of the immediate or wider area.

2.6 I also concur with the officer report that initial serious concerns raised during consultation, including concerns about landscape and visual impact have been fully addressed through an iterative and collaborative process.

2.7 For the purposes of this appeal I will also respond appropriately to some of the landscape related criticisms raised by the Ward Councillor and other representations.

2.8 The structure of my evidence is as follows.

2.9 In **Section 3**, I will describe the application background:

- Background and review of the 2007 appeal decision;
- A summary of the key landscape related policies relevant to the appeal;
- A summary of the officer report to committee and the landscape changes made during the consultation process; and
- Other representations.

2.10 In **Section 4**, I will describe the landscape baseline with respect to site context, character and the influence of the Appeal Site on local visual amenity.

2.11 In **Section 5**, I will summarise the Development Description:

- The landscape strategy; and
- The effects visual amenity.

2.12 In **Section 6**, I will respond to RFR 3 in respect of policies SD4 of the JCS and CP7 of the local plan.

2.13 In **Section 7**, I set out the conclusions to my evidence.



## 3 Background, Policy and Officer Report

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### Background

- 3.1 DLA has been involved with the Corinthian Park project since 2012, having been appointed by the landowner to prepare hard and soft landscape drawings for a reserved matters submission (12/01086/REM) which were subsequently permitted.
- 3.2 I have visited the site and surroundings on numerous occasions across the seasons since 2012 and have a good grasp of the site and its wider context. I also sat on the design panel that reviewed the BMW proposals, a process which resulted in positive design changes.
- 3.3 The principle of development on the site is well established since the granting of outline permission won at appeal in 2007. This was supported by a Landscape and Visual Appraisal (LVA) (2006) prepared by the Cooper Partnership setting out the key principles of mitigation to minimise landscape and visual harm on what was a partially enclosed Green Belt site free of buildings.
- 3.4 The principal landscape and visual harms caused through development of a greenfield site were tested through the appeal process and the impacts on character and appearance formed one of the three main issues of the 2007 appeal.
- 3.5 It has not been necessary to undertake any further landscape and visual impacts assessments as subsequent reserved matters; extant outline permission and both appeal schemes have been undertaken within the parameters and principles of the 2007 appeal scheme.

### 2007 Appeal Decision App/B1605/A/06/2015866/NWF

- 3.6 The inspector's decision found that the site was more urban fringe than had been portrayed by the Council and at paragraph 27 states that...*'Accordingly I am satisfied 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 landscape'*.
- 3.7 At paragraph 28 he concluded ...*'the scheme would not have a materially harmful impact on the character or appearance of the area or the landscape setting of the town'*.

### Landscape Policy Background

- 3.8 The policy background relevant to the appeal is identified in the draft Statement of Common Ground (SOCG) and as such I do not repeat it fully here but draw on those policies that are cited in the RFR 3 or those sections relevant to my evidence.

- 3.9 Mr Griffin will explain the status and weight to be given to various policies of the development plan comprising the Joint Core Strategy (JCS) adopted in November 2017; the saved policies of the Cheltenham Borough Local Plan replacing those of the saved policies of the 2006 Local Plan and the emerging Cheltenham Plan which was sent to the Secretary of State for inspection in October 2018.

### **National Planning Policy Framework (NPPF)**

- 3.10 Section 12, paragraph 127 outlines the importance of good architecture, layout and landscaping in creating visually attractive design. *'Layouts should positively respond and improve the local character and history of the built environment and landscape. The overriding policy sets out the need to establish a strong sense of place, through good urban design, creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'*

- 3.11 The planning Practice Guidance which underpins the NPPF provides further guidance on the design, landscape and the natural environment and should consider:

- Local character (including landscape setting);
- Safe, connected and efficient streets;
- A network of greenspaces (including parks) and public places;
- Crime prevention;
- Security measures;
- Access and inclusion;
- Efficient use of natural resources; and
- Cohesive and vibrant neighbourhoods.

- 3.12 These are all matters that have been fully embraced in the preparation of the extant illustrative masterplan and the appeal schemes.

### **Cheltenham Borough Local Plan 2006 Local Plan - Saved Policies**

#### Policy CP7 – Design

- a. POLICY CP 7 DESIGN Objective O2

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 (note 3)

Note 4 The fact that a particular form or location of development is the most cost-effective option is not justification for an exception to CP 7.

## Joint Core Strategy

### Policy SD4 – General Standards of Development

3.13 Relevant to my evidence is Bullet iv - Public Realm and Landscape 'New development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. The contribution of public realm designs, at all scales, to facilitate the preferential use of sustainable transport modes should be maximised'.

3.14 The explanation clauses to this policy set out what makes good design including the design and quality of the public realm and principles of architectural design which Mr Tucker addresses in his evidence.

3.15 Of relevance to the footnotes contained in Table SD4C:

Scale

(Final bullet)

- height (its effect on shading, **views**, skylines and street proportion). (my bold emphasis)

Landscape

- The integration of buildings and landscape

### Officer Report to Committee

3.16 The officer report (OR) to committee provides a detailed narrative on the key policy issues, key concerns and consultee responses, which are fully evaluated in chapter 6. Of relevance to my evidence are the consultee responses from the Urban Design and Tree Officer.

3.17 It is noted that there were initial concerns raised in the first round of feedback from consultees, which prompted a resubmission of drawings and a repeat of the consultation process resulting in two responses from the tree officer.

3.18 Paragraph 6.5.6 describes the key changes that were made to the application including amendments to the landscape:

Second Bullet

- *'In relation to the coffee shop an increased patio area has been added and the landscaping has been increased. The drive thru lane is in the same location, however some of the parking spaces have been relocated **to allow the landscape buffer to be increased to create a better sense of arrival into the site**'. (My bold emphasis)*

### Third Bullet

- *'In relation to the supermarket, it is still in the same location, **however the rear yard has been relocated in order to allow an increased landscape buffer at the rear. Views of the supermarket across the site have been softened by the increasing of the landscaping with a pedestrian route through having been designed**'. (my bold emphasis).*

3.19 For additional clarity, I have tabulated the changes that were made against the urban design and tree officer responses.

Table 1 – Responses to Urban Design and Tree Officer Comments

Urban Design Comments Date:28 <sup>th</sup> September 2017	DLA Response
<b>Soft landscape</b>	
Planting layout details appear random & there is no evidence of a planting strategy to demonstrate any logic to the detail information. Please submit a planting strategy drawing.	Strategy drawing not prepared as the planting proposals reflect the species and groupings of the approved RM landscape 12/01086/REM.
<b>Management plan</b>	
Please submit a landscape management plan.	Management plan submitted as part of the application and updated in Nov 2017 in response to further tree officer comments.
<b>Retained and existing vegetation</b>	
Please submit a drawing clearly indicating existing vegetation and proposed planting arrangements	Landscape proposals identify retained and proposed vegetation.
<b>Hard landscape</b>	
Please submit a drainage and water management plan incorporating sustainable design.  Please modify hard landscape proposal to facilitate pedestrian/cyclist access and reinforce a sense of place.	Prepared by others and submitted  Cycle path moved from estate roadside and integrated into landscape.

<b>Contradictory/unclear information</b>	
Unmatched legend/unexplained symbol in planting Proposal and illustrative masterplan	Amended legend and re-issued
Spelling error with planting schedule	Amended and reissued
East elevation of Office 1 didn't reflect the proposed design.	Architect / urban design consultant to comment.
<b>Tree Officer's Comments</b> <b>Date:13<sup>th</sup> September 2017</b>	<b>Response</b>
<p>The proposed Aldi supermarket is to be adjacent to North Road west and opposite several private dwellings. The proposed Planting proposals drawing (no 07-sheet 2 of 3) of 23/6/17 shows boundary treatment planting of hedgerow species with several lime and pine oak and alder trees within metres of the side of this building. It is anticipated that if these trees are allowed to mature, they will be considered too close to this building and there will likely be pressure from the owners to remove them. Similarly, in winter months, such trees (other than the canopy of the pine) will not offer sufficient screening to the residents of these properties. It may be better to choose evergreen species along this area. Holm oak (<i>Quercus robur</i>) is one such broadleaved evergreen which grows fast even in poor conditions and will also tolerate harsh pruning (away from the side of Aldi). It may be prudent to change the proposed <i>Tilia cordata</i> (lime) for shade tolerant hornbeam to grow adjacent as well as a high proportion of native holly within the hedgerow planting mix.</p>	Planting amended in accordance to tree officer comments and re issued
<p>It is noted that there are many ash trees within this hedgerow along North Road West. Given that ash die-back has now reached Cheltenham, most ash trees are anticipated to have died within the next decade. As such new planting proposals along the whole of the boundary with North Road west should be reconsidered and significant numbers of proposed new alternative species should be proscribed. Alder trees may grow well and be suitable to this location.</p>	Planting amended in accordance with tree officer comments and re-issued.

<p>The hedge line along North Road west is species rich and of significant ecological value but requires maintenance. Details of all pruning/thinning should be agreed. This should also take account of the need to create space for new planting mix as recommended as well as proposed new trees.</p>	<p>Management plan updated to include the southern boundary hedgerow as requested by the tree officer and report re-issued</p>
<p>There are also several 'stand-alone' young ash trees along Grovefield Way which are shown as being retained. Such trees should now be removed and replaced. The planting of eg Japanese hornbeam (<i>Carpinus japonica</i>) may look well against the <i>Acer X freemanii</i> 'Autumn Blaze' in the autumn.</p>	<p>These trees are outside the applicant's ownership boundary and thought to lie in highway owned land. Proposals could therefore include the replacement of these trees subject to a S106 agreement.</p>
<p>It is noted that there are many ash trees adjacent to but outside this site boundary adjacent to the A40. Unless new trees are planted now, this dual carriageway could be substantially denuded of trees and views into the site from the A40 will be most apparent. Similarly, noise from the A40 traffic will be perceived to be more noticeable within the site. The absorption of airborne particulates will decrease if such an existing boundary treatment all but disappears. Agreement should be made with the County Council (the owner) to replant and this area.</p>	<p>Ash trees are adjacent to the A40 and fall outside the application/appeal area.</p>
<p>Root trainers must be inserted into all tree pits where such tree pits are within or adjacent to hard surfacing. Whilst such root directors have been described within car parking areas, there are many shallow rooted trees (alder, birch etc) recommended in other hard landscaped areas.</p>	<p>A note regarding the implementation of root barriers has been added t within the legend and drawings re-issued.</p>
<p>There are no planting details evident for the western most part of this site (ie the Elm Farm side of the site). It is assumed that this is an oversight.</p>	<p>Area is outside the full planning application area and forms part of the outline scheme. Details will be submitted as part of reserved matters application when the building design and layout are known.</p>
<p>T's 26+27 (a blackthorn and a crab apple are situated outside the site and within the garden of Elm farm. It is also noted that there is a proposed parking area designated. Whilst the parking bays themselves are outside the Root Protection Area of these trees and</p>	<p>As above</p>

<p>given that the land slopes away in this corner of the site, it is important that land levels are not increased to the boundary. Any such levelling must finish outside the 4.7 metres RPA of the adjacent apple.</p>	
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- 3.20 The OR 6.6, describes the impacts on neighbouring properties and their amenity, recognising that there is an extant outline permission for B1 development. The officer recognised that the mix and distribution of uses in the appeal scheme is different to the extant permission and sets out the physical separation of the nearest buildings as being:
- Coffee shop – 44m;
  - Supermarket – 36m;
  - Nursery – 88m;
  - Office 1 – 82m; and
  - Office 2 – 103m.
- 3.21 My own assessment concurs with these findings as illustrated in my drawings at Appendix 2 of my proof.
- 3.22 The OR at 6.6.6 concluded that the closest relationship is with the proposed location of the supermarket, but its reduced floor levels when combined with the landscape buffers would not cause a significantly harmful effect in terms of loss of light, privacy or overbearing impact. This relationship is clearly illustrated on DLA cross sections J & K (DLA.1755. L.13 Rev A).
- 3.23 While I offer no expert opinion on lighting impacts, it is worth noting that at a light spillage plan was undertaken by professional lighting consultants and the OR 6.6.10 describes the light spill as being... *'minimal with a level of 0 at all neighbouring properties with a level of 1 clipping the front gardens of 9 & 10 Grovefield Way'*.
- 3.24 The OR 6.6.11, considers that subject to appropriate conditions the impact on neighbour amenity would be acceptable.
- 3.25 The OR 6.9 describes the tree impact of the proposals in respect of Policy GE5 and it is confirmed by the tree officer that the majority of trees are low category and will be retained in any event.
- 3.26 The OR 6.9.4 considers that.... *'the soft landscaping proposals are generally considered to be of a high quality, (my bold emphasis) however there are certain areas where inappropriate species are proposed, and/or further details are required in relation to*

*maintenance and planting as outlined in the comments above. It is considered that these matters can be dealt with appropriately through conditions’.*

3.27 It should be noted that further amendments were made to the DLA maintenance and management plan in November 2017 but were not subject re-consultation as the officer was satisfied that these could be conditioned.

Ward Councillor Response (21<sup>st</sup> sept 2017).

3.28 The ward councillor commented that the landscape scheme had been improved but that... *‘More tree screening is required along the whole boundary of the site especially with Grovefield Way and Shakespeare Cottages to mitigate the light pollution to neighbouring buildings and road users’.*

### **Representations**

3.29 The officer summarised the key themes of objectors including:

- Impacts on neighbouring properties; and
- Unacceptable visual appearance.

3.30 Chapter 7.5 & 7.6 states that ...*‘it must be concluded that there are no over-riding concerns in terms of the uses proposed or in the technical considerations which warrant the refusal of the application’, concluding with a recommendation to permit the application’.*

3.31 The conclusion from this iterative process and on-going dialogue was that ... *‘Officers now consider that the most serious shortcomings in the layout have been overcome’, (6.5.7).*

3.32 In chapter 7 it is acknowledged that while controversial, a decision must be made on planning merits bearing in mind the relevant policies and the fall-back position of the extant outline consent for B1 development. Subsequently the conclusion is a recommendation to permit the scheme.

## **4 The Landscape Baseline – Site Context, Character and Visual Amenity**

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4.1 The Appeal Site lies entirely within Cheltenham Borough in the county of Gloucestershire.

### **Statutory Designations**

4.2 The Appeal Site has been removed from the green belt as part of the JCS and carries no other statutory landscape designations or protection policies.



### ***Biodiversity***

- 4.3 The Appeal Site is not subject to any statutory nature conservation designations, and did not attract any objections from Natural England.

## **Site Context**

### ***Topography***

- 4.4 The topography slopes from 40m AOD at the site entrance to 32.5m AOD adjacent to the west and north boundaries. Grovefield Way rises from the site entrance towards the southeast boundary of the Appeal Site at 41.5m gradually falling to 32.5m AOD on the southwest boundary.

### ***Access***

- 4.5 The main transport links to the site are from Grovefield Way to the east and North Road West to the south.

Public Rights of Way (PRoW)

- 4.6 There are no PRoW that cross the site.
- 4.7 Highway footpaths lie either side of Grovefield Way and the road itself forms part of the Sustrans Cycle Route 41 that links with and follows North Rd West before heading north onto the Badgeworth Road. North Road West also forms part of the Cheltenham Circular Walk with much of the route on the road as there is only a short single highway footpath outside Shakespeare Cottages which terminates at the Community Centre

### ***Settlement and Built Character***

- 4.8 The Appeal Site lies on the edge of the urban fringe and much of the residential area lacks any distinctive qualities and does not share any of the key characteristics associated with the more historic buildings in the town centre.

### ***Views***

- 4.9 The Appeal Site forms part of the urban fringe of west Cheltenham and is indistinguishable from it, in long elevated views from the Cotswold Area of Outstanding Beauty (AONB), Crickley Hill and Churchdown Hill (Ref Cooper Partnership LVA 2006).

## **Site Character**

- 4.10 The north west quarter of the site is occupied by the BMW dealership and associated car parks. It is marked by broad grass verge edged black metal railings bordering Grovefield

Way and more ornamental planting adjacent to the estate road and. It contains a large and open car park area interspersed by occasional trees

- 4.11 The remainder of the Appeal Site has been soil stripped in anticipation of further development and is an ordinary, urban fringe landscape with no extraordinary landscape or visual qualities. As such there are no significant environmental constraints that lie within the site.
- 4.12 An unmanaged species rich hedgerow lies to the south boundary bordering North Road West approximately 8-9m in height comprising common mixed native species, including elm.
- 4.13 The west boundary is also unmanaged of the same height but contains more ash and willow species.
- 4.14 The north boundary of the Appeal Site borders the A40 embankment treed embankment marked by a Heras fence.

#### *Visual and Sensory Perceptions*

- 4.15 The Appeal Site has fundamentally lost its appearance as an operating agricultural unit and has corresponding low sensitivity to change.
- 4.16 The Golden Valley bypass and Grovefield Way are notable audible detractors in the immediate vicinity and North Road West to the south is a busy rural lane.

#### *The Visual Context*

- 4.17 Generally, the Appeal Site is only available to significant views from the immediate surroundings due to a combination of: the raised vegetated embankment of the A40 corridor; mature hedgerows to the south and west; and the existing urban fringe to the east.

#### *Views from the North*

- 4.18 A mature, dense belt of trees and scrub run along the northern north boundary of the Appeal Site and BMW, heavily restricting the potential for open views from the north. There are opportunities for heavily filtered transient and framed views from vehicles normally travelling at high speeds on the A40. The elevated and vegetated A40 corridor prevent any significant views further north.

#### *Views from the East*

- 4.19 The eastern boundary of the Appeal Site is defined by Grovefield Way which, has a pedestrian route to the west and pedestrian/cycle way to the east. Some existing open

views are afforded opposite the Appeal Site, with intervening vegetation and BMW screening the Appeal Site in approaches from the north and south.

4.20 Further east of Grovefield Way, lies a number of residential properties located along Chalford Avenue, separated by a semi mature tree belt and timber palisade garden fences and walls that extend for most of Grovefield Way opposite the Appeal Site. This helps to largely screen the site from the gardens in the summer months with increased filtered views in the winter scene.

4.21 There is a small gap in the tree belt which allows a glimpsed gable end view towards the site from the first-floor window of No6 Chalford Avenue. A single framed view is also afforded from the western extent of North Road East as it approaches Grovefield Way. This is filtered by intervening vegetation and will become further screened during full leaf.

4.22 Views further east are screened by existing development.

#### *Views from the South*

4.23 Views from the south are restricted to a small number of properties on the eastern extent of North Road West, numbers 1-10 and The Reddings Community Centre. These semi-detached properties are set back approximately 20m from the road edge and are afforded seasonal glimpses into the site, filtered by a mature hedge with intermittent trees along the southern boundary of the Appeal Site. Filtered views are also afforded from the road itself, which is identified as a small section of the Cheltenham Circular Walk.

4.24 Views further south are screened by intervening vegetation, existing development and undulating topography.

#### *Views from the West*

4.25 A single detached property 'Elm Farm' lies adjacent to the western boundary of the site. The boundary itself is made up of a mature tree belt, however there is opportunity for filtered ground floor and open first floor views into the site from the property and converted garages in the winter scene. Further west along North Road West lies 'Tuberville' which has the potential for heavily filtered views towards the site. The A40 runs in a southwest direction, cutting off the potential for any further views to the west.

## 5 Development Description

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- 5.1 A full description of the development has been described in the proof of Mr Griffin and in the officer report.

### Summary of Landscape Strategy

- 5.2 The landscape strategy of both appeal schemes has been strongly influenced by the extant outline permission which followed the same principles as the permitted reserved matters application (12/01086) REM, which my firm prepared on behalf of the landowner. In broad terms the extant consent and RM's strategy:

- retains and reinforces the sensitive hedgerow to the south and southwest bordering North Road West as suggested by the 2007 appeal inspector;
- maintains a broadly open landscape adjacent to Grovefield Way interspersed by a gabion retaining wall and occasional trees. The site entrance is treated in a similar manner;
- shows buildings facing onto the estate road set back from ornamental planting and a feature rill to the north of the road;
- marks changes in ground level with Costwold stone faced retaining walls;

- 5.3 There are two large office buildings fronting onto Grovefield Way which would have been prominent in from Grovefield Way and would have effectively blocked views across the remaining site when opposite.

### Appeal Scheme Landscape Strategy

- 5.4 The BMW flagship building will remain the most physically dominant building on the approaches to the Appeal Site from either direction on Grovefield Way. The introduction of a supermarket, nursery and coffee shop have prompted a change in the landscape strategy to the east, whereby a significant gap of 59m is created between the Costa Coffee shop and Aldi store. This affords the opportunity for more a more open aspect in views from Grovefield Way, looking across the business park towards hedgerows and trees on the west and south boundaries. This is in contrast to a truncated view formed by the two office buildings shown in the extant scheme.

- 5.5 Significant tree planting, including mixed evergreen tree species, (as requested by the tree officer), are proposed along the south boundary to reinforce the existing hedgerow forming a significant and defensible buffer with the remaining green belt and the small enclave of housing at Shakespeare Cottages. This is clearly demonstrated in my cross sections J and K (Appendix 2). While the depth of landscape on the south boundary varies it will

appropriately serve its function as a screen to the Aldi store and associated car park areas as well as acting as a wildlife corridor.

5.6 The Costa Coffee and Aldi store are set a lower ground levels than the surrounding roads and this helps to diminish their scale and filter views of the buildings in a shorter period.

5.7 The rill feature has been flipped from the north to the south of the estate road creating an area of high visual interest and texture through the combination of stone retaining walls, cobbles, gravel and stone paving set within swathes of ornamental planting with year-round interest and texture. This is very much in tune with the approved 2012 reserved matters scheme.

### Impacts on Visual Amenity

5.8 The initial concerns raised by officers in the first round of consultation are described in OR 6.4.5.

- It was considered that the initial drawings did not adequately demonstrate the change in levels across the site and how the buildings relate to one another, existing properties and the BMW building.
- In relation to the coffee shop there was concerns that there was a lack of landscaping around this building and that the parking spaces and drive thru lane were overly prominent. In combination with the retaining structures it was considered that this created a stark appearance and created a poor entrance to the site.
- In relation to the supermarket it was again considered that there was a lack of landscaping around this building particularly between the rear of the building and North Road West. The building and car parking did not appear to respond to the change in levels adequately. There was also a general concern regarding the positioning of this building on this site with the car park in front which resulted in a lack of presence on the spine road and a visual dominance to the car park.

5.9 My analysis of the officer's report from 3.14, shows that these concerns were overcome by a combination of changes to the site layout, re-arrangement of car parking and landscaping, which saw the reintroduction of the building frontage and sinuous landscape treatment adjacent to the estate road, creating a stronger sense of place.

5.10 While my evidence focuses on the RFR 3 of the refused application 16/02208/FUL, the follow up application 18/01004/FUL is also a material consideration to my evidence as it was only refused on the principle of introducing additional uses classes to the B1 uses. There are no urban design or landscape reasons for refusal.

- 5.11 The principal change to this second refused application is the replacement of the Costa Coffee shop with a B1 office building. Minor changes to the landscape strategy include an additional depth of buffer planting to the southeast corner, bordering Aldi, made possible by an agreed reduction in required car parking and marginally more landscape adjacent to Grovefield Way opposite the car park to Office 5.
- 5.12 This leads me to conclude that RFR3 is centred around the Costa Coffee shop as there are no other material changes in the second follow up application.

## Visual Effects

### *Views from the North*

- 5.13 As recognised in the 2007 appeal decision, those glimpses of the site that are available from the A40 are confined to motorists travelling at speed, where occasional glimpses currently focus on the BMW flagship building and the Appeal Site lies in the background and much less conspicuous. The smaller scale office buildings to the west will remain heavily filtered even in the winter's scene reinforced by reinforcement planting. When seen, offices 1 -2 and the proposed nursery will effectively screen the carpark areas further south and break up views towards the Aldi supermarket to the southeast.

### *Views from the East*

- 5.14 The Aldi car park to the east is set at lower level than Grovefield Way and will be screened/heavily filtered from upper storey windows of surrounding houses and highway footpaths by the proposed buffer planting. Views of the east gable of the supermarket will be heavily filtered and screened after a period of 5-7 years when planting reaches 7-8m height. Occasional framed views looking over the site will be available south of the Costa Coffee shop where planting is narrower.

### *Views from the South*

- 5.15 Views from Shakespeare Cottages will be screened by a combination of the existing hedgerow reinforced by mixed native and evergreen planting that will quickly reduce views of an inactive elevation at the rear of the store, which screens views of the Aldi carpark.
- 5.16 Further west, additional native buffer planting will screen views from passing motorists pedestrians and cyclists using the road which doubles as Cycle Route 41 and the Cheltenham Circular Walk.

*Views from the West*

- 5.17 Views from the cottages to the west of the Appeal Site will be screened by a combination of the existing hedgerow reinforced by mixed native and evergreen planting that will quickly reduce any views over the car park areas.

## 6 Response to the Reasons for Refusal 3

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- 6.1 The background to my evidence describes an ongoing dialogue and iterative design process with officers resulting in a positive recommendation to permit the scheme.
- 6.2 I have also described the material differences between the two appeal schemes subject of this appeal (16/02208/FUL and 18/01004/FUL); the latter application being refused on a single use related RFR with no landscape and urban design issues raised.
- 6.3 I have concluded that the Councils RFR3 centres around the Costa Coffee shop and its impact on visual amenity compared to its replacement with Office 5 located at the entrance to the site.
- 6.4 I agree with the Council and officers that the site entrance is an important location, but it is clear from evidence on site that the gateway and arrival to the appeal business park is marked by BMW, which establishes itself at the top of the physical and visual hierarchy. While single storey compared with the two-storey office 5, the proposed coffee shop is designed to form part a family of buildings using a similar design language and palate of materials, which in turn are influenced by the BMW flagship.
- 6.5 The finished floor levels are also an important consideration in how buildings are perceived and will mean that a continuous ridge or eaves line will not be achieved leaving BMW as the tallest building in the building hierarchy, approximately 5-8m higher than the remaining buildings.
- 6.6 I concur with the OR 6.5.11, which states that...*'In the view of officers the standard of design of the individual buildings is acceptable and appropriate for a modern business park. It is considered that the buildings will appear as a family of buildings which is important in giving the site an identity as a high-quality business park'*.
- 6.7 At OR 6.6.11 it is stated that ...*'as such whilst the non-B1 uses still occupy the eastern-most part of the site it is now considered that they will not appear as a separate parcel of commercial uses but will be integrated into the language of the site. This helps to ensure that the business park has an 'identity' which is apparent from the entrance to the site to its furthest extent'*.
- 6.8 Furthermore, buildings are set within a high-quality landscape, acknowledged by officers and in Mr Tucker's evidence and fully complies with an established landscape rationale approved in previous reserved matters submissions.
- 6.9 CGI images were submitted with the application showing the high-quality design of buildings. Two photomontages have subsequently been prepared to assist this appeal and to also illustrate any visual differences between the two appeal schemes.



- 6.10 It is evident that while there are differences in scale between the Costa Coffee shop and office, both buildings speak the same architectural language and in combination with the landscape proposals, appropriately mark the entrance to the business park. Both buildings are visually subservient to BMW, but I do not accept that the Costa Coffee shop is visually harmful in any way to the local street scene or wider context.
- 6.11 The proposals in both appeals complement and respect neighbouring development and the character of the locality and/or landscape as required by CBC Local Plan policy CP7.
- 6.12 In terms of the JCS, policy SD4, both appeal schemes offer a more open aspect across the business park in comparison to the extant illustrative masterplan when viewed from Grovefield Way to the east, made available by a 59m gap between Costa Coffee/Office 5 and the supermarket. The landscape integrates with the buildings utilising established and approved landscape design principles.
- 6.13 I concur with officers and Mr Tucker that the landscape design is of a high quality and fully complies with bullet iv of this policy taking in account the footnotes of Table SD4C.
- 6.14 Mr Tucker will address other urban design aspects of this policy in his evidence.

### ***Residential Amenity***

- 6.15 Irrespective of these additional landscape treatments, the landscape to the south of Aldi opposite Shakespeare Cottages, which face the inactive rear elevation is substantial and would mitigate views towards the building and car park in an estimated 5-7-year period. A full lux lighting assessment was undertaken by the appellant, which demonstrated that there would be no significant harmful effects caused by lighting on those properties bordering Grovefield Way or Shakespeare Cottages. The building itself screens the main car park areas and I concur with officers that there is no material harm to visual amenity.

## **7 Conclusions**

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- 7.1 My proof of evidence has addressed the effect of the proposed development on visual amenity of the area.
- 7.2 While a conjoined appeal, my evidence focuses on the RFR3 of the refused application 16/02208/FUL. I have also described the principal differences between the two appeal schemes to show that the main reason for RFR3 lies with the design and landscape associated with Costa Coffee.
- 7.3 I have determined that the Appeal Site is not widely influential within the wider landscape and there are limited opportunities to view the whole business park from a single location.
- 7.4 The site has been soil stripped and all its remaining landscape features lie towards the site boundaries.

- 7.5 BMW is a powerful presence, forming the gateway to the business park and will remain as the landmark building being significantly taller than the remaining buildings.
- 7.6 The Appeal Site is removed from greenbelt in the JCS and the principle of development is well established through a complex history of planning applications, including the approval of reserved matters that include hard and soft landscape details.
- 7.7 No obtrusive overlooking or loss of privacy is predicted from any properties and I fully concur with officers, that residential amenity would not be harmed.
- 7.8 The buildings, including the single storey Costa Coffee, follow a similar architectural language influenced by BMW and are set within a high-quality landscape observing the same principles of landscape design that have been approved through previous reserved matters submissions.
- 7.9 The topography slopes, such that ridges, and eaves of buildings will be seen in different planes and the Costa Coffee provides an appropriate visual counter balance to BMW.
- 7.10 The photomontages commissioned for this appeal show that the gap between both Costa Coffee and the supermarket, allow more open views across the southern part of the business park. Associated car parks are sited at lower levels and are screened by the proposed planting adjacent to Grovefield Way allowing framed views into and across the site.
- 7.11 Both appeal schemes show a high-quality landscape and public realm that integrate the buildings into the landscape creating a distinctive sense of place and high-quality business environment.
- 7.12 In conclusion, I have not found any landscape or visual grounds that would prevent planning permission being granted and respectfully request that the Appeal is allowed.

