

# Rebuttal Proof of Evidence

**Planning Appeal Against the Refusal of Planning Permission for:**

*A phased development of 75 dwellings, car parking, public open space, hard and soft landscaping and associated infrastructure and access Land North Of Gardenia Close And Garden Square Rendlesham, Suffolk.*

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DC/19/1499/FUL  
APP/X3540/W/19/3242636

**Prepared March 2020**

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## **1. Scope of this Rebuttal Proof of Evidence**

1.1 This Rebuttal Proof of Evidence has been produced following a signed Statement of Common Ground (SOCG) relating Reason for Refusal 3 (RfR3). The SOCG was not available to me at the time of producing my main Proof of Evidence, nor was the Proof of Robert Scrimgeour, The Council's design witness.

1.2 In this Proof, I set out responses to the issues and observations raised by the Council in respect of RfR3 for this appeal to assist the round table discussions. Support information is provided in the **Appendix**.

## **2. Statement of common ground and remaining areas of disagreement**

2.1 Following the submission of my Proof of Evidence, a Statement of Common Ground was agreed and signed. In it, it sets out remaining areas of contention. This rebuttal proof focuses mainly on points 2, 5 and 8 of the remaining areas of disagreement.

### **3 The Council's case in summary**

3.1 It is my view that the Council's case rests entirely on the application of urban design principles (the expert witness refers to these as 'precepts' in para. 2.6 of his Proof), which stops short of justifying the design reasons for refusal. This is because, in relying solely on principles, the Council failed to adequately understand the outcomes these principles look to achieve. Whilst established principles are a useful starting point for identifying how a particular layout or design approach might perform when built, they need to be augmented by an understanding of how the design in detail will likely work. Given that a development designed to the same pattern of development sits adjacent to this site, it should, in my view, be relatively simple to conclude that, whilst certain urban design principles are not followed, the detail of the design mitigates against any harmful outcome that said principle is aimed at avoiding.

3.2 The Council's case can be broken down into two broad themes:

#### *Uniformity of the design*

A fear that the design approach is too repetitious, leading to a place that is hard to understand and navigate. Also, that this will create something inward looking and exclusive.

#### *Connectivity and integration due to the pattern or layout of the development*

This encompasses issues to do with fronts and backs of buildings, the role of streets and spaces in providing for safety and community, and the levels of activity on streets due to the orientation of buildings. This also encompasses Council concerns over the privacy of the development to people other than residents, including how accessible it is.

### **4 Minor points of clarification**

4.1 Section 3 of the Council's Proof sets out the Policy and other documentation relevant to their case. In para. 3.2 they reference the National Design Guide as the most pertinent to this appeal. In para. 3.3 they note that the NDG references Building for Life 12, but that it is the 2015 version which is available on the Design Council's website. It is stated here that this means the 2015 has not been superseded. This is not the case; an updated version was released in 2018 and is the version currently in use across the BfL12 community. It may well be the case that the Design Council have not endorsed the 2018 version of BfL12, but it is not their document to manage or update.

4.2 The arbiter of what is current is the Building for Life Partnership, and their website allows one to only download the 2018 version. Moreover, all training currently being given on Building for Life 12, and all assessments and validations, use the 2018 version. The main text of BfL12 remains essentially the same between versions. The 2018 version features some extra commentary on when and how to use BfL12 which has already been referred to in the main evidence.

## 5 Uniformity of layout

5.1 Section 5 of the Council's Proof makes the case that uniformity across the site is bad design. In this case, the uniformity of the design is an attribute that will contribute positively to the character of the scheme, rather than being a detriment. The National Design Guide supports using recognisable patterns of development to create places that have a cohesive overall character. In characteristic Context, Identity, and Built form, the NDG recognises the role of consistency at the right scale to create successful places.

5.2 Para. 41 states that *'Well-designed new development responds positively to the features of the site itself and the surrounding context...[such as] the existing built development, including layout, form, scale, appearance, details, and materials'*. Para. 41 states that well-designed development *'is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including...**patterns of built form, including local precedents for routes and spaces** and the built form around them, to inform the layout, form and scale'* <my emphasis>.

## 6 Pattern of roads

6.1 Section 6 of the Council's Proof describes the proposed pattern of streets. It concludes that these represent poor design, principally because:

- The over-use of culs-de-sac
- There is confusion of the hierarchy of streets
- Destinations are not present for the axial street

6.2 **Appendix 1** of this rebuttal proof provides two diagrams (AP1.1 and AP1.2) showing the connectivity status of existing streets within Rendlesham. Cul-de-sacs are commonplace. I am not, however, suggesting that the mere existence of a large number of cul-de-sacs in Rendlesham justifies their use in the proposed layout. What is important to note is how they are formed, and how much impact they have on the overall movement structure of the village. Cul-de-sacs are problematic when they disrupt the ability of people who live on them to make short, direct journeys to other parts of their village.

6.3 The most problematic type of layout is a 'nested hierarchy', where one cul-de-sac leads to others so that there is very little route choice as all movement has to collect on one street. This type of cul-de-sac is commonplace in Rendlesham (see for example Wacker Field Road – an American 'attempt' at an English housing estate), and should this type of layout have been proposed, then I too would object to it. However, what is being proposed on the appeal site is an essentially connected layout, with all dead-end routes short, and 'shallow' to the main movement structure. That is, users do not have to move through a series of cul-de-sacs to get onto a street that takes them beyond the site boundary. In all cases, the distance

from the end of a cul-de-sac to the main street is minimal, which means that overall movement is not disrupted.

6.4 A clear hierarchy of streets helps to organise movement on site. In well-designed places, users can infer a great deal of information about how to move around by the way the streets are designed. Visual clues, such as how far along the street you can see and how the surfaces are treated, help people understand the role of any given street in facilitating movement. Generally, long sight lines indicate that a street is a connecting street, and the large amount of information contained in the visual field allows people to feel confident that a street leads somewhere.

6.5 Conversely, short, truncated sightlines are often indicative of streets where the movement function is more local. The proposed layout uses sight lines well, as long views are only available along streets that lead you to either destinations within the site (such as the open space to the west) or beyond the site boundary. Short sightlines are afforded into streets that offer only local movement.

6.6 The hierarchy of streets is also supported by the choice of surface materials. The design of the main route through the site is criticised in para 6.4 of the Proof, the main issue being that its design contradicts its intended role in the pattern of movement. I think this conclusion is incorrect because the detailed design of this street changes to reflect its role in providing movement. Where the street has a connecting function beyond the site, it is designed to include footways to its edges, to have a kerb and to be treated in a way that separates cars from pedestrians. Where the street serves only local movement, it is treated as a shared surface. This is possible because the anticipated level of traffic on this portion of the street is low, so the design changes to reflect this.

6.7 The use of shared spaces for very local streets is supported in the NDG, para. 102. Here it states that 'In well-designed places, streets are public spaces that are open to all. They encourage people to walk and cycle rather than to depend upon cars, particularly for short, local journeys. They are accessible to all and designed to meet the needs of their most vulnerable users. They are places where the design of shared space schemes, that remove or reduce the distinction between the pavement and carriageway, takes into consideration the needs of people with disabilities particularly visual impairment.' The streets proposed in the appeal scheme serve this function well, which should alleviate many of the concerns raised by the LPA about the safety and functionality of the street system.

6.8 In para 6.5 of his proof, the Witness states that 'the only differentiation in road treatment between the main route and the secondary route along the principal site axis is the use of footpaths either side of the main route'. This is not the case. The surface material changes. The carriageway becomes shared. The landscape and open space scheme changes to include public spaces that work across the street, which will support the role of the street as a public space in its own right.

## **7 Permeability and connectivity**

7.1 Section 7 of the Council's Proof makes the case that the layout lacks permeability and connectivity. A major plank of this argument is that the design lacks footpaths. However, this is primarily due to the Witness apparently not counting shared surfaces as footpaths, which is in fact part of their intended use. If one accepts that shared spaces include provision for pedestrians – which one must – then this argument cannot be sustained. Much of this section of the Witness's Proof is based on this premise. Paras 7.1 to 7.4 rest mainly on this premise, which is simply not how these spaces work in practice.

7.2 The footpaths that connect through from the culs-de-sac are short, and allow for connections that make pedestrian movement convenient. I see no basis for the conclusion that the design lacks pedestrian routes; the extensive use of shared surfaces is designed to prioritise pedestrians and slow traffic.

7.3 It is stated in para. 7.6 that the culs-de-sac do not provide opportunities for chance encounters with neighbours or other forms of social interaction. From speaking with residents on the adjacent development built to the same layout, this is not a description of their lived experience that they would recognise. Parking to the front of dwellings means that residents are interacting directly with the street often, and in doing so have the chance to get to know their neighbours.

7.4 That these streets are generously landscaped and have no through-traffic means they are pleasant spaces in their own right, and allow an inviting environment in which residents can meet and mingle. It would not be difficult to host a gathering or party in a street like this, and the orientation and lack of overshadowing of these streets means they are suitable spaces for that kind of community activity.

## 8 The character of streets and spaces

- 8.1 The criticisms contained within section 8 of the Council's proof are based upon a critical evaluation that fails to pay any or sufficient regard to how the design details of the proposal mitigate the harm that is assumed (by reference to general design principles). The quality of the main or axial street is assumed to be low due to the orientation of the buildings and streets adjacent to it, but this is on proper evaluation simply not the case. Properties such as plots 7, 11, and 34 have entrances on edge of the main street, which helps to enliven the edges to this route. The elevations of the properties along the main street also have windows, which allow for overlooking.
- 8.2 Views along the street are also allowed for through the orientation of the buildings. Visitor parking is integrated into the street, which will increase activities levels further still. In all, the concerns raised here by the Council's witness have been solved through the design detail, and can be demonstrated to work well by looking at the adjacent development around Garden Square. I am minded to go further; the detailed treatment of streets and spaces around Garden Square and Gardenia Close are of significantly higher quality than those anywhere else in Rendlesham, and as such I am confident that the Council's fears about how the proposed streets and spaces will function are misplaced.
- 8.3 **Appendix item AP2.1** shows two street scenes developed to address the concern raised in para. 8.2 in the Witnesses Proof. It demonstrates the quality of this part of the proposal. Chiefly, it shows how the landscape strategy proposed mitigates against the issue of this entrance being formed by the sides of plots (see also AP3.5).
- 8.4 Similar fears are raised about the quality of the boundary and edge treatment for the main street, and about the role and quality of the spaces provided along it. **Appendix 3** is a photographic study of similar spaces within the development adjacent to this. These are well-managed and well-liked, and contribute to the well-being and amenity of residents.
- 8.5 In para 8.4, the Witness raises concerns over both the quality and intended use of the public open spaces proposed. Again, I feel his conclusions here are easily countered by simply visiting the adjacent development and seeing these spaces in person (see AP3.4). From experience, I would argue that the treatment and management of the existing spaces next door at Garden Square are higher than Average in Rendlesham, for instance Forest Gardens, Tidy Road, Knight Road, and there is no reason to think the proposed spaces will not be of a similar high quality.
- 8.6 When dealing with the larger open spaces (para 8.8 onwards), the concerns about how this space will be used and how well overlooked it will be are valid in principle, but they are mitigated by the design detail. It is impossible to come to a valid conclusion on these issues without taking into account design detail. The plots close to the space on the western boundary have balconies which provide overlooking to this space. The space is located as a destination space, centrally located along the



main axis of the scheme and intervisible across the site. This means that overlooking will be higher than if it was tucked away.

- 8.7 The quality of the main space to the east of the site is questioned in para 8.9. This open space is well-overlooked by adjacent properties. The boundary treatments are presumed to isolate this space from the rest of the site. However, I see no advantage to leaving it 'open' as this would create a space that is poorly defined. That residents will have to cross the main street to get to it will be a non-issue in practice, as this street will be very quiet and the presence pedestrians on its edges will help slow traffic.

## 9 Building for Life 12 Assessment

- 9.1 Section 9 of the Witnesses Proof is commentary on the Building for Life 12 Assessment I produced. Many of the comments appear to be misunderstandings of what was produced, so much of this rebuttal deals with clarifications. In many instances, the clarifications address and undermine the premise of the Witness's argument.
- 9.2 In para 9.2, the Witness is confused as to how the new main route through the site can be both a 'minor' and 'major' route. The answer to this is simple; the route is minor with respect to the overall movement structure of Rendlesham, but major when considered solely in the context of the site. There is, I feel, no credible confusion about the hierarchy of routes within the site, as dealt with previously.
- 9.3 Para 9.4 mixes *housing* typology (my point, raised in respect of the BfL12 Question on the type of accommodation provided), and *building* typology, which is a separate issue dealt with in other parts of the BfL12 document. Para 9.6 implies that I avoid discussing the issue relating to fronts / back, which is not the case at all. It is merely that the term 'and so on' describes that the rows of houses is repeated. Indeed, this issue is discussed in detail in the preceding paragraph of my BfL12 assessment. Both the Witness and I agree that this layout cannot fully meet the requirements within BfL12, which in my case is acknowledged in the 'amber' score. The Witness laments my lack of discussion around culs-de-sac in this part of my report, which indicates to me that the LPA and / or the Witness is not experienced in using the BfL12 system because this issue is better-dealt with by other parts of BfL12.
- 9.4 Para 9.7 fails to mention any of the mitigating design features that my report details, and indeed which are evident on the adjacent development. It is worth repeating; a principle is only as good as the outcome it achieves, and if the same desired outcome can be achieved with a different design solution then there is no issue.
- 9.5 Whilst in my BfL12 assessment I highlight issues around the streets looking much alike, I qualify my overall score and judgement. The Witness has chosen to agree with my rendering of the issue, but has not rebutted my conclusion. To do so would be to simply disagree, but instead the Witness has used selective quoting to imply that our conclusions are the same. They are not.
- 9.6 Para 9.10 judges that all shared surfaces across the site will have the same qualities as the short drives. I do think this can be credibly supported, as other shared surfaces to the west of the site are very different in scale, axial view length, what you can access along them, and how the edges are treated.
- 9.7 In para 9.12, my BfL12 assessment is again selectively quoted to imply that the uniformity of the parking is both a concern and that it supports wider conclusions about the overall uniformity of the layout. This is not what I conclude, neither in my BfL12 assessment nor in general. The parking will perform well, both due to its proximity to the dwellings it serves and because of the extensive landscape it sits

within (see AP3.1 for example). The uniformity of the overall approach is a separate issue, but one that I think will also perform well to create a place with a distinctive character.

# Rebuttal Proof of Evidence Appendix

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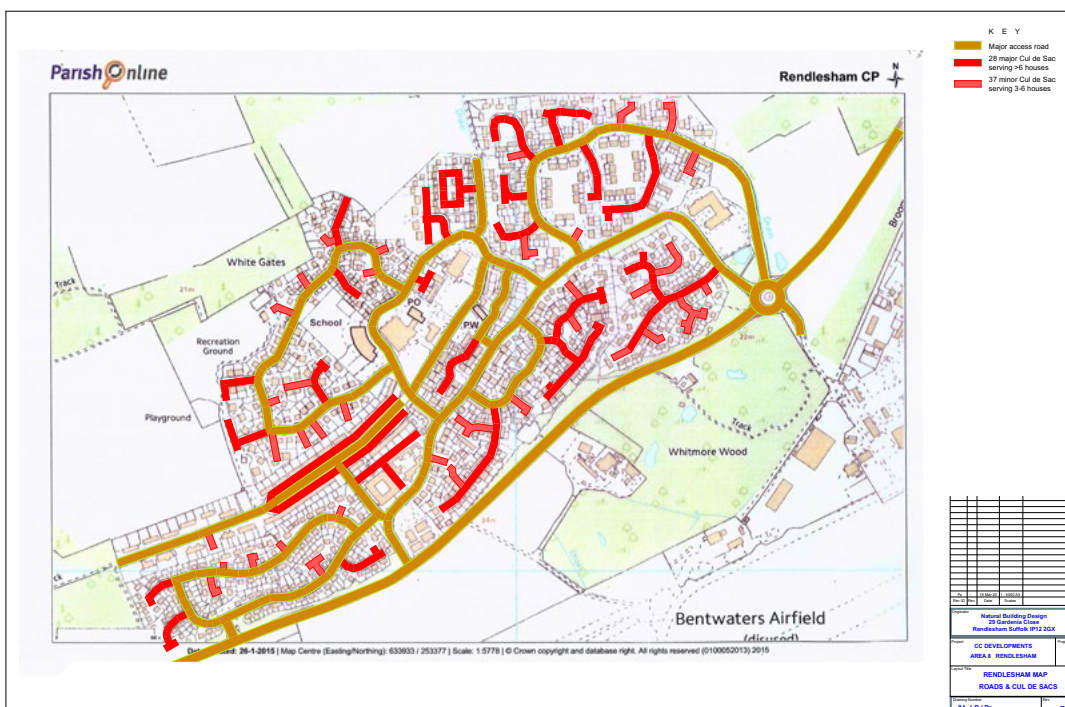
**March 2020**

## Appendix 1: Rendlesham Route Structure



AP1.1

Connected streets (orange) and dead-end routes (blue) in the existing village.



AP1.2

The same study as carried out by the appellant, with the number of culs-de-sac (65) recorded.



## Appendix 2: CGI Street scenes



### AP2.1

The view onto the development from the Tidy Road junction, showing how the landscape quality of the proposal mitigates concerns over the quality of this 'gateway'.



### AP2.2

Views north along one of the short culs-de-sac, demonstrating the role of landscape, surface treatments and junction treatments in creating a high quality place.





### Appendix 3: Precedent photographs



AP3.1

Example showing the proposed landscape scheme for the site, which mitigates any concern over the impact of parked cars on the quality of the street scene.



AP3.2

An existing street on Gardinia Square, with a landscape treatment analogous to the one proposed on the appeal site.



AP3.3

A view along a private drive, demonstrating the quality of these as public spaces in their own right.





#### AP3.4

A public space, with supporting landscape scheme, creating a high-quality amenity for the residents.



#### AP3.5

Low, planted boundaries provide an edge to the plot whilst adding character and identity to the overall development.



#### AP3.5

Overlooking on gable ends, even when the boundary facing the street is a return frontage.




Pv1 - 12 Mar 20

River ID	River	Date	Scales		
<b>Nature Building Design</b>					
<b>29 Gardemia Close</b>					
<b>Rendesham Suffolk IP12 2GX</b>					

Project	Project
<b>CC DEVELOPMENTS AREA 8 RENDESHAM</b>	

Layout Title:

## SITE CONTEXT & CHARACTERISATION 1

Drawing Number: <b>B4 / SCC / Pv1</b>	Rev: <b>=</b>
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A comparison of the proposed, short cul-de-sac at plots 26-29 vs a permitted one along Mayhew Road.

- a common feature of new estates at Rendlesham

of rigidity of layout

and providing access to the play area and orchards to the North East enabling people to make a mental map of the place (BfL 8)



**Plots 30 31 35**  
3 houses & 3 apartments  
on a cul de sac



**Sapling Close**  
six houses on a cul de sac

[illegible]

A lack of green space along Mayhew Road when compared to the appeal proposal.

This drawing is the property of CC Developments and Natural Building Design and it can be used only for developments at Rendlesham in Suffolk

Layout responds to and respects the site's context and characterisation - in this case by recognising a local feature, the mature deciduous trees to the North thus providing views through to existing landmarks such as woodlands enabling people to make a mental map of the place (BfL 8)

Superfluous additional parking spaces softened by grass filled grids for occasional use

## Plots 32 - 34



36 - 52 Mayhew Road  
nine houses on a cul de sac

[illegible]