



REBUTTAL STATEMENT OF ABIGAIL MURPHY

12th January 2026

**Appeal by St Modwen Homes against refusal of planning permission for
Redevelopment of the former football pitch and tennis courts associated with the
adjacent employment use, including demolition of the existing pavilion and all
other remaining structures and enclosures relating to the previous use of the site;
and the erection of 115 dwellings, accesses, landscaping, parking, drainage
features and associated works**

Land at North of Rounds Gardens

Local Planning Authority Reference: R24/0111

The Planning Inspectorate Reference: APP/E3715/W/25/3373251

Contents:

1. Introduction	3
2. Rebuttal to points within the appellant's Urban Design Proof of Evidence (CD14.1)	3
3. Rebuttal to the Architectural Comparison (Urban Design Statement: Appendix UD02) (CD14.2).....	6

1. Introduction

- 1.1 This is a rebuttal of certain points within the Proof of Evidence of Michael Carr of Pegasus Group on behalf of St Modwen Homes (CD14.1), including the Architectural Comparison, Urban Design Statement: Appendix UD02 (CD14.2).
- 1.2 There are further matters of disagreement not addressed here which are expected to be discussed at the roundtable discussion.

2. Rebuttal to points within the appellant's Urban Design Proof of Evidence (CD14.1)

- 2.1 Point 3.21 of the appellant's Proof of Evidence (CD14.1) states that:

The existing form and character of the area is assessed within the applicant's Design and Access Statement (DAS) (CD2.2-2.7) ... To my knowledge the Council have not made any specific objection to, or raised any concerns relating to the DAS
- 2.2 Similar statements are made in points 4.3, 5.33 and 5.46, referring to no specific complaint from the LPA in relation to the DAS or information contained within it.
- 2.3 It is not usual for officers to respond to every section of supporting information, such as a Design and Access Statement, rather it is proposals which are assessed, with relevant parts of supporting information providing further explanation. In this case it is the response to context as realised in the proposals which is deemed insufficient, with the supporting information contained in the DAS not considered to provide adequate justification.

2.4 Point 5.11 of the appellant's Proof of Evidence (CD14.1) states that:

"A number of indicative 3D visualisations were prepared and included within the submitted DAS. These demonstrate how the proposals will work with the landscape and surrounding context."

2.5 It is important to note that none of these 3D visualisations include the existing built context.

2.6 A Townscape and Visual Impact Assessment (CD2.142-2.145) was submitted in support of the application, which does include elements of the built context, however the Final Committee Report (CD5.2) stated that:

"It is not considered that the development enhances or complements its surroundings it is considered that the proposed layout does not address its surrounding context adequately."

2.7 Point 5.16 of the appellant's Proof of Evidence (CD14.1) states that:

"The built elements of the layout are permeated throughout by landscape features balancing the natural environment. Wherever one stands in this layout, views to landscape will be gained..."

2.8 Whether the above is true or not depends on the definition of 'landscape'. If this includes single trees in parking courts or private drives then it may be true.

2.9 However I would consider 'views to landscape' to concern views toward the more substantial landscape features or landscaped areas on the site such as; the central POS and TPO trees; the TPO trees along the eastern edge; and potentially the small area of landscaping and tree planting opposite plots 9 and 10.

2.10 Based on the site plan (CD2.84) and sections (CD2.91) provided, it appears unlikely that there would be views to the above landscape features from various points including; within the parking court to the rear of plots 9 and 10; the parking court/private drive for plots 22-29; and the parking court onto which faces plot 64. It is noted that these spaces have been identified in the LPA's Design Proof of Evidence (CD5.10) as being poorly designed, which are disconnected from the surrounding development and are dominated by parking and other hard surfacing.

2.11 I therefore do not consider views of the landscape, as outlined by my above definition, from every part of the layout to have been demonstrated and question the accuracy of the point.

2.12 Point 5.52 of the appellant's Proof of Evidence (CD14.1) states that:

“The proposals incorporate street hierarchies and character areas ensuring a series of well-designed spaces that relate to their immediate location within the site whilst delivering a coherent development area”.

2.13 Issues with the implementation of street hierarchies and character areas in the proposals are described and explained in points 4.10-4.21 of the LPA's Design Proof of Evidence (CD5.10), so will not be repeated here. I will however note again that character areas are only mentioned in the DAS (CD2.48-2.53) twice and do not appear on any site diagram or drawing.

2.14 It is crucial to highlight that the inclusion of street hierarchies and character areas in descriptions or diagrams does not automatically equate to well-designed places on any

scheme. If utilised, they only make meaningful contributions to a scheme when they are successfully and effectively realised in the proposal itself.

2.15 A hierarchy of streets and spaces can make an important contribution to both the legibility and character of a scheme, when implemented effectively in combination with built form and landscaping. As stated in points 4.10-4.21 of the LPA's Design Proof of Evidence (CD5.10) the hierarchies proposed in this scheme are not considered to have been successfully realised.

3. Rebuttal to the Architectural Comparison (Urban Design Statement: Appendix UD02) (CD14.2)

3.1 The Architectural Comparison (Urban Design Statement: Appendix UD02) (CD14.2) is a new document which has not been presented to the LPA before, which aims to *“further explain the architectural response for the benefit of the Inspector and the LPA”*.

3.2 The document contains images of some of the surrounding context, as aerial views and views from the street, with some listed characteristics accompanied by extracts of proposed streetscenes and elevations.

3.3 The document focuses on proposed elevations and streetscenes. While these are important aspects of the design, they are limited in how they can represent aspects such as; the overall pattern of development, grain and footprint; the relationship of the buildings and building line with the street; and the impact of parking arrangements. It is considered that a more meaningful influence of context on the scheme would be clearly demonstrated through strategic design development and site layout. As stated in the Final Committee Report (CD5.2) and Design Proof of Evidence (CD5.10), the response to context, especially in relation to the site layout, is not considered adequate in these proposals.

- 3.4 The comparisons are not located on a site plan or clearly related to specific parts of the scheme, for example to explain a particular part of the street hierarchy or character area. This document is therefore not considered to evidence how the local character has been incorporated.
- 3.5 Finally, if comparisons of the scheme with the local context had been a fundamental part of the design development I suggest they would have formed a key part of strategic design development and been represented as such.
- 3.6 I am of the view that this document does not represent or communicate a meaningful response to the context in the proposals.