

C109

**PROOF OF EVIDENCE
OF CHRISTOPHER
HICKS, BSc (Econ), MCD,
MRTPI**

In respect of

**PROPOSED RESIDENTIAL
DEVELOPMENT**

At

**49 LEICESTER ROAD,
WANSTEAD E11 2DW**

On behalf of

TELFORD HOMES PLC

Appeal Ref:

APP/W5780/A/09/2119252

APP/W5780/A/10/2121325

London Borough of

Redbridge Ref:

3398/08

2393/09

CgMs Ref: CH/SN/7966

Date: April 2010

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1.0 INTRODUCTION

- 1.1 My name is Christopher Hicks. I hold the degree of Bachelor of Science and Master of Civic Design and am a member of the Royal Town Planning Institute. I am a Director in the Planning team at CgMs. I have over 30 years experience in the private sector. Within conservation areas involving listed buildings, I have advised on a number of schemes in Covent Garden, the listed Business Design Centre in Islington, houses in The Boltons, a school in Richmond, the development of various properties for Royal Mail and University of Middlesex and student accommodation in Oxford.
- 1.2 My company CgMs, has been involved in advising on the development of the appeal site since schemes were first prepared for discussion with the Council in early 2007. We gave evidence at the inquiry into the first scheme (hereafter referred to as Scheme 1) which clarified that design was the only outstanding matter at issue.
- 1.3 Following that inquiry the appellant changed architects and has since proposed two different design solutions. The primary focus of disagreement with the Council relates to the design of the flatted blocks fronting Nutter Lane. Application reference number 3398/08 submitted in November 2008 (hereafter referred to as Scheme 2) proposes an Art Deco design; and application reference number 2393/09 submitted in October 2009 (hereafter referred to as Scheme 3) is based on an Arts and Crafts design.
- 1.4 Proposals for the development of the appeal site, sometimes known as Chepstow, after the house that once stood here, have rightly been a focus for concern of local residents - through the Counties Residents' Association. During the course of processing of Scheme 2 the site became part of a new conservation area, so involving English Heritage and members of the Conservation Advisory Panel.
- 1.5 Various design officers of the Council have advised on the schemes and Planning Committee Members have formed their own views as to the design merits of the schemes. The appellant has found it impossible, despite strenuous attempts, to

satisfy all relevant groups at the same time, on what is a largely subjective and narrow matter. A very large number of meetings have been held with officers and other stakeholders (see **Appendix 1**) to agree an acceptable design but despite support from some quarters (including Planning Officers and English Heritage support in respect of Scheme 2) Members have denied permission.

- 1.6 My proof deals principally with the site's recent planning history, the Schemes processing and planning policy. It also sets out my overall planning judgment on the proposal having taken into account the evidence of other experts. Details of the Schemes' design evolution and justification are contained in the Proof of the architect - David Wood; and the impact on the character and appearance of the Conservation Area and listed and locally listed buildings is contained in the Proof of the independent design expert Dr Chris Miele from Montagu Evans.

2.0 BRIEF DESCRIPTION OF THE PROPOSALS

- 2.1 The proposals are described in detail by the scheme architect. Each proposes the same number and mix of dwellings viz: 24 dwellings, comprising 6 x 4 bedroomed houses and 16 x 3 bedroom flats and 2 x 2 bedroom flats. These are accommodated as follows: Block A: 4 x 3 bed flats and 2 x 2 bed flats; Blocks B and C: 6 x 3 bed flats. It will be noted that the Scheme 2 application form specifies a slightly different dwelling mix, but this was amended during discussions with the Council.
- 2.2 Both follow the same broad layout as Scheme 1 viz. houses fronting Gloucester Road, a 2^{1/2}/ 3 storey flatted block at the corner of Gloucester Road and Leicester Road (6 flats) and 2^{1/2} /3 storey flatted block(s) (6 flats each) fronting Nutter Lane i.e. development around the outside of the site with amenity space to the rear; so as to preserve most of the trees on the site.
- 2.3 There are significant design differences between the proposals. The houses in Scheme 2 are the same as in Scheme 1 on the basis that the Inspector found them to be acceptable. However in Scheme 3 amendments were made after submission, following representation from the Counties Residents' Association (CRA). These changes added an additional habitable room to each house as the garage became a study. The Council acknowledges that the houses are acceptable in both appeals. }
- 2.4 The flatted block at the corner of Gloucester Road and Leicester Road is the same in Schemes 2 and 3 (save for two ground floor windows in Scheme 3 which are 600mm wider). This block was amended significantly following submission of Scheme 2 largely as a result of recommendations from English Heritage. The Council have no objection to this block in either appeal, subject to detailing.
- 2.5 The blocks fronting Nutter Lane are of course completely different. Whilst the accommodation appears to be the same, the room sizes in Scheme 3 are smaller (partly by virtue that this is a 2^{1/2} storey block compared to the three storeys of Scheme 2).

2.6 The salient features of the schemes are summarised in a table in **Appendix 2**.

2.7 Scheme 2 was submitted in November 2008 following public consultation by the appellant. It was presented to Committee on three occasions (members also visited the site) over the following eight month period. On each occasion it was recommended for approval by Planning Officers taking into account the comments of English Heritage, the Conservation Advisory Panel and Design Officers. It was refused in July 2009 by reference to policies E3 and BD1. Scheme 3 was submitted in October 2009 and refused in January 2010. The reason for refusal contains an additional reference to policy SP3 of the Core Strategy.

3.0 THE SITE AND SURROUNDING AREA

- 3.1 This is agreed with the Council as part of the Statement of Common Ground, save in respect of paragraph 3.11

Site Description

- 3.2 The site is broadly rectilinear in shape, with an area of approximately 0.47 hectare (1.7 acres), bordered by Leicester Road to the southwest, Gloucester Road in the northwest, and Nutter Lane in the southeast. More specifically, the site extends along the side of No.57 Nutter Lane and across the rear of Nos.57-63 Nutter Lane. Its northwest boundary forms the side boundary to No.10 Gloucester Road. The former house that occupied the site (Chepstow) had pedestrian and vehicular access from Leicester Road and Nutter Lane.
- 3.3 The site is currently vacant, following demolition of the substantial 6-bedroom 1920s detached house in 2008 which fronted onto Leicester Road opposite the junction with The Avenue. It contains extensive overgrown garden space with a large number of established mature trees. A Tree Preservation Order protects 16 trees within the site.
- 3.4 Existing boundary treatment consists of a 1 metre high brick boundary wall to the Leicester Road frontage with the remaining frontages to Gloucester Road and Nutter Lane being 1.8 metres high close boarded fencing with hedging behind.

Surrounding Area Context

- 3.5 The site is located within walking distance of Wanstead High Road, where there is a wide range of community facilities and choice of public transport. The immediate locality comprises terraced, semi-detached, and detached family houses dating from the latter part of the 19th Century to the 1930s, set within generous plots of varying styles and designs.

- 3.6 Gloucester Road itself features uniform inter-war semi-detached houses whilst Leicester Road and Nutter Lane feature a greater mix of dwelling types and styles including detached houses, terraced housing, bungalows and, more recently, flatted development. There are no parking restrictions on these roads.
- 3.7 To the southeast of the site, across Nutter Lane, is a large sports ground comprising of open recreational space, tennis courts, and a bowling green lawn.
- 3.8 Recent development comprises: a 3-storey block of ten flats situated opposite the site at No.31 The Avenue / No.20 Leicester Road which was approved via a planning appeal in February 2005; a 2 and a half flatted storey development at No.29 The Avenue, and five flats at no. 27 The Avenue.
- 3.9 In March 2009, following representation from local residents and a survey and report from retained consultants, Redbridge Council formally designated the Grove and Counties Estates as a conservation area. The site is now located in the south eastern part of the Wanstead Grove Conservation Area.
- 3.10 There is no adopted Character Area Appraisal Document to support this designation. There is a terrace of 'Arts and Crafts' houses adjacent to the site at Nos.57-63 Nutter Lane which is locally listed. It should be noted that these houses are not listed in terms of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and are therefore afforded only limited protection.
- 3.11 The nearest listed building is the grade II listed Applegarth in Nutter Lane some 100m from the appeal site. The proposal has no significant effect on this property as the site is not within its immediate setting. Dr Miele gives further evidence on this point.
- 3.12 The site has a Public Transport Accessibility Level (PTAL) rating of 2/3, demonstrating good public transport accessibility. Wanstead Underground Station (Central Line) can be accessed within a walking distance of 800 metres and a range of bus routes serve the area.

3.13 The site is in a very sustainable location being approximately 690 metres/ 10 minutes walk from Wanstead District Centre providing a comprehensive range of community facilities and local shopping.

3.14 As a brownfield site in an urban area in a sustainable location it represents an excellent opportunity to provide new homes at an efficient density in accordance with PPS3. It is agreed with the Council that the proposed density is suitable and appropriate for the site.

3.15 There are no issues in relation to flooding.

4.0 THE PREVIOUS APPEAL: SCHEME 1

4.1 In February 2007 application reference: 0619/07 was made for the demolition of Chepstow House and the erection of 6 x 4 bedroom semi-detached houses and 18 x 3 bedroom flats. It was subject to an appeal on the grounds of non-determination in December 2007. The layout of this scheme was very similar to the current appeals save that one large block rather than two smaller blocks fronted Nutter Lane. The appeal was dismissed in June 2008 on design grounds related to the flatted blocks only.

4.2 At that time the flatted block fronting Nutter Lane was labelled block A and the block at the corner of Leicester Road and Gloucester Road block B.

4.3 The appeal was made on the grounds of non-determination, but the Council subsequently determined that had an appeal not been made, the application would have been refused for the following reasons:

- 1. The proposal fails to make a satisfactory provision for affordable housing and would conflict with the Mayor of London's London Plan to have regard to his strategic target that 50% of new housing should be affordable, Planning Policy Statement 3 which indicates that affordable housing should be provided in development of at least 15 units and the Governments Affordable Housing Policy Statement.*
- 2. The proposal results in an excessive density of the site contrary to the Council's Spatial Vision which seeks to focus higher density development close to major public transport nodes and Policy BD3 of the Emerging Local Development Framework. This is reflected in the conflict between the dominant and overbearing impact of Blocks A and B in the street scene and adverse effect on the character and appearance of this neighbourhood and the impact of car parking on the street scene.*
- 3. The proposed development would comprise an unacceptable quality of design which would be inconsistent with the context provided by this established neighbourhood of which this site forms a key component and fails to improve*

its character and design quality, contrary to Planning Policy Statements 1 and 3, the Council's emerging Core Strategy Strategic Policy 3, Emerging Local Development Framework Policy BD1 and Policy VS 21 of the Unitary Development Plan.

- 4.4 The Inspector dismissed the appeal but only on the grounds of the design of the flats. The affordable housing issue was resolved during the inquiry following debate as to the viability of the scheme. A payment for off-site provision was agreed and encapsulated in a Unilateral Undertaking. The same quantum is agreed with the Council in relation to these two appeals.
- 4.5 In paragraphs 16 and 17 the Inspector explained why he considered the design of the houses to be acceptable. It is agreed with the Council that the design of the houses in both Schemes 2 and 3 is acceptable.
- 4.6 At paragraphs 18 and 19 the Inspector explained why he found the design of the flatted block on Gloucester Road and Leicester Road (then referred to as block B, now referred to as block A) to harm the character and appearance of the area. It is agreed with the Council that the design of block A in both Schemes 2 and 3 is now acceptable subject to materials and detailing.
- 4.7 At paragraph 24 the Inspector noted that the Council had withdrawn their density objection, and indeed subsequently went on to award costs to the appellant on this matter. The proposed density of that scheme was 254 hrph. The density of the current appeal schemes are 251 hrph (Scheme 2) and 257 hrph (Scheme 3). It is agreed between the parties that the proposal density of both schemes is acceptable and appropriate for the site.
- 4.8 The overall floorspace of the appeal schemes has reduced from 3246 sq.m (Scheme 1) to 3,181 sq.m (Scheme 2) to 3,014 sq.m (Scheme 3). There has been a similar proportionate decline in footprint. viz. 1467 sqm Scheme 1; 1429 sqm, Scheme 2; and 1407 sqm, Scheme 3.

5.0 HISTORY OF DETERMINATION OF SCHEME 2

- 5.1 Following dismissal of the appeal in 2008 on design grounds the appellant commenced negotiations with the Council and other stakeholders to resolve this issue.
- 5.2 A pre-application consultation meeting was held with officers on 2 October 2008. The purpose of the meeting was to review the reasons for dismissal of the appeal and to present a revised scheme based on Art Deco style. Minutes of the meeting are contained in **Appendix 3**. The Council's Senior Urban Designer (Terry Bailey) subsequently emailed the Case Officer and confirmed that an Art Deco style would be acceptable for blocks B and C facing Nutter Lane (see **Appendix 4**). viz. *The new residential design for Nutter Lane is a complete contrast to the Arts and Crafts Houses. The modern proposal in terms of form and massing is in context and the contrast between the two styles although so different is attractive and would be acceptable.*
- 5.3 A second pre-application meeting with officers was held on 20 October 2008. The purpose of meeting was to present revisions to the previously tabled scheme incorporating comments made by officers. Minutes of the meeting are contained at **Appendix 5**. It can be noted from these minutes that officers (including the Acting Head of DC) were broadly supportive of the changes made. (ref. Para 4.1)
- 5.4 A meeting with local residents including representatives of the Counties Residents' Association, the Wanstead Society and other interested local residents took place on 6 November 2008. The initial architectural design (which was dismissed at Planning Appeal) was reviewed and the latest proposals were presented. Minutes of the meeting are contained at **Appendix 6**. It can be seen from this that attendees were opposed to flats and expressed concerns about details of the proposal.
- 5.5 The application was submitted in November 2008. On 17th February 2009 a meeting was held with officers to receive feedback from them and comments of the statutory consultees. Further to the meeting, revised drawings and

documents were submitted on 20 February 2009 which amended the scheme as follows:

- The position of block C was adjusted so as to improve its relationship to the swamp Cypress tree, and avoid the likelihood of causing overshadowing to the living rooms of the apartments.
- The position of the parking area in relation to the Cedar tree (T8) was amended, together with the entrance from Leicester Road. The result of this amendment was that only about 25% of the parking bays are beneath the tree canopy. Entrance gates were removed to allow cars to enter the parking area without obstructing the highway. In addition a cycle parking facility was provided adjacent to bays 13 - 15.
- A 'green' edge to the boundary treatment on each road frontage by means of a hedge set behind a lightweight railing was added.

5.6 The application was considered at the Regulatory Committee on 18 March 2009 with an officer recommendation for approval, Members having previously visited the site. In relation to design the report states (page 81):

"Design, scale and size of buildings have taken on board comments by Inspector on previous application, different design approaches used for different buildings is acceptable as surrounding area has a variety of styles and periods present and design approach of development would build on this eclectic range of styles. For these reasons, previous objections are no longer justifiable and application meets overall ambitions of Policies BD1 and SP3."

5.7 The Committee resolved to defer the application in order for the scheme to be considered by the Conservation Advisory Panel in view of the imminent designation of a Conservation Area for the Grove and Counties Estates which include the site. **Appendix 7** contains the report.

- 5.8 A meeting of the Conservation Advisory Panel was held on 1 April 2009, attended by representatives of CgMs, David Wood Architects and local residents. The Panel resolved to raise objection to the application on the grounds that development would be visually intrusive in the conservation area, its density would constitute overdevelopment, the bulk and design of the Nutter Lane blocks and roof line would be detrimental to the conservation area and they were concerned about the loss of two mature trees.
- 5.9 In the light of comments made by the Panel, Telford Homes prepared an illustrative elevation drawing for blocks B & C to show an alternative detail to the external materials and invited Members at the next meeting of the Regulatory Committee to impose an appropriate condition if they were minded to approve the revision.
- 5.10 The application was then referred to the next meeting of the Regulatory Committee on 30 April 2009. The Officer's report (see **Appendix 8**) had been amended by inclusion of a section 'Effect on Conservation Area' (bottom page 36). This stated:

"The proposals respect and respond to the context of the site and achieve sufficient quality to preserve the character and appearance of the Conservation Area.

Conservation Advisory Panel's comments are noted. However, density issue has been previously dealt with at appeal and Planning Officers believe that design approach responds to location. Diversity of design approaches within development help new buildings to blend with surrounding area by reflecting diversity of building styles around and not appearing as one single intrusion into area. Roof profile and design of blocks along Nutter Lane are considered acceptable as they complement Arts and Crafts Cottages whilst not detracting from their integrity and unique appearance in streetscene."

- 5.11 The recommendation remained one of approval.

- 5.12 Although not referred to in the report, English Heritage had written to the Council on 27th April (see **Appendix 9**). Their letter states that the semi-detached houses preserve the character and appearance of the Conservation Area and they had no objection to a 'modern' form of development on the Nutter Lane frontage; however they had concerns with regards to the detail of the design. They had more significant concerns regarding Block A.
- 5.13 In a subsequent email the next day, when English Heritage had been provided with revised drawings by the Council, they commented that with a change of materials '..there would be no EH objection with regards to the Nutter Lane Buildings' (see **Appendix 10**)
- 5.14 Having regard to the comments made by English Heritage the Committee resolved to defer the application once more in order for further consideration to be given to the design of the scheme.
- 5.15 In consequence Telford Homes and their architect met with English Heritage on 13 May 2009 to discuss design amendments to block A. A copy of the meeting note is attached at **Appendix 11**. Revised plans were subsequently prepared and sent to English Heritage for comment who advised that they had no in-principle objection to the proposals (see email in **Appendix 12** of 4th June). Drawings were subsequently submitted to Redbridge Council on 9 June 2009.
- 5.16 English Heritage responded by letter on 11th June and stated that 'These revised proposals address the concerns articulated in our letter of 27th April..' (see **Appendix 13**)
- 5.17 The revised drawings were then duly considered by the Conservation Advisory Panel on 22 June which was attended by the appellant's Architect. The panel continued to maintain their objection as before. There is no reference to the view of English Heritage in the minutes of that meeting (**Appendix 14**).
- 5.18 The application was then considered at the Regulatory Committee meeting on 20 July 2009. On this occasion the Officer's report contained three pages (61-63) of

advice from the Council's Design and Conservation Team (see **Appendix 15**). Their overall conclusion was:

"The proposal as a whole and Block B in particular, fails to resolve design issues identified by the Inspector as "fundamental to the acceptability of the development". The proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would fail to preserve the setting of Grade II listed Applegarth and adjoining Locally Listed Arts and Crafts cottages on Nutter Lane." (bottom page 63).

5.19 Planning Officers however took a different view and continued to recommend approval. In relation to the effect on the Conservation Area they said:

"The proposals respect and respond to the context of the site and achieve sufficient quality to preserve the character and appearance of the Conservation Area. Conservation Advisory Panel's comments are noted. However, density issue has been previously dealt with at appeal and Planning Officers believe that design approach responds to location, as outlined above. Diversity of design approaches within development help new buildings to blend with surrounding area by reflecting diversity of building styles around and not appearing as one single intrusion into area. Roof profile and design of blocks along Nutter Lane are considered acceptable as they complement Locally Listed Arts and Crafts Cottages whilst not detracting from their integrity and unique appearance in streetscene." (bottom page 67).

5.20 There is no reference in the Planning Assessment to English Heritage's satisfaction with the proposal and having been present at the meeting I certainly cannot recall Officers advising Members of English Heritage's view.

5.21 The Counties Residents' Association spoke against the scheme and were subsequently invited by Members to expand their representation at length. Telford's representatives had registered to speak but were not invited by the Chair to do so, in a clear breach of procedure. This therefore favoured the objectors and denied the applicant the opportunity of a fair and equal hearing.

Equally the Members did not have the opportunity to put questions to Telford's representative.

5.22 Members went against Planning Officers advice and refused the proposal mainly in relation to blocks B and C by 11 votes, with 2 abstentions.

5.23 It can be seen from the processing of this proposal over an eight month period that the appellant has sought to engage with relevant stakeholders and responded to criticism by amending the scheme on many occasions. Scheme 2 was endorsed by Officers and English Heritage. The scheme was amended when the appeal site became part of the Conservation Area. Planning Officers have taken a different view from their Design Officers and supported the application both before and after designation of the Conservation Area. There is no objection from the Council on the grounds of density which is acknowledged as appropriate, and as that largely establishes the mass of development on the site the issue boils down to one of the external appearance only of blocks B and C.

6.0 HISTORY OF DETERMINATION OF SCHEME 3

- 6.1 Following the decision of the Council to refuse permission to Scheme 2 a pre-application meeting was held with Officers on 4 August 2009. The purpose of the meeting was to seek a way forward.
- 6.2 Two alternative schemes for the Nutter Lane buildings were tabled. Drawings showed a 3 storey and 2½ storey building respectively adjacent to the Arts and Crafts building at 57-63 (odd) Nutter Lane. Council officers preferred the scheme with a 'stepped' part on the easternmost building for the Nutter Lane elevation which had a better relationship to the Arts and Crafts building in terms of alignment of the roof ridges. Minutes note that there was no objection to siting. Ref: bottom of page 1/4: *EW confirmed that the reason (for refusal) related solely to design of blocks B and C and not to their siting which was accepted. At the top of page 2/4 EW said Chairman had no issue with houses or Block A. (see Appendix 16).*
- 6.3 Further sketches of the re-design for Blocks B & C were sent to Officers on 10 August 2009 and subsequently considered by the Conservation & Design Team on 26 August. These buildings were designed in an Arts & Crafts style to reflect the character of the adjoining cottages. Block B was shown as a 3 storey building and block C as a 2½/3 storey building. An informal response was received on 2 September with the comment that it was felt the sketches did not fully address the reason for refusal, or the original comments of the Inquiry Inspector in terms of bulk, height and massing, appearing as a 'pastiche' of the Arts & Crafts cottages. There was concern at the 'split' height of building C creating a 'confusing elevation and roof profile'.
- 6.4 A further meeting was held on 22 September. Drawings were tabled and the amendments summarised as follows;-
- Block C (immediately adjacent to the Arts and Crafts building) was shown as a part 3 storey/part 2.5 storey asymmetrical block. The intention being to form a 'step up' from the 2 and 2.5 storey Arts and Crafts building to 3 storeys of flats.

- Block B forming a corner block to Nutter Lane and Leicester Road but facing Nutter Lane, is a symmetrical building of 3 storeys.
- Blocks B and C now parallel to each other
- The distance between block B and C increased to 3.5 metres

6.5 Further revised drawings were presented which showed a 2 1/2 storey scheme for blocks B and C which was more favourably received. The officers commented that Blocks B & C should be varied in design (but not height) and did not need to be identical to each other. There was concern as to the volume of these blocks. A copy of the Meeting Note is attached as **Appendix 17**.

6.6 Following the meeting with officers on 22 September a set of drawings were prepared showing three design options reflecting the Arts and Crafts style of the adjoining building: option 1 being the scheme as tabled at the previous meeting with a re-designed return elevation to Block B on the Leicester Road frontage showing semi-full height projecting gables; option 2 showing blocks B & C as 2 1/2 storey buildings being symmetrical with central entrances and projecting full height gables to the front elevation and also with a re-designed return elevation similar in concept to Option 1; and Option 3 being with Block C as in option 2, but with Block B being a 3 storey building to complement the overall height of Block A on the opposite corner with Gloucester Road and with a return elevation to Leicester Road as in Option 1. Officers subsequently advised by email on 29th September that they felt the massing in Option 2 would work best for the site, but still encouraged greater design diversity between Blocks B & C. (See **Appendix 18**).

6.7 In order to address these comments a further drawing was submitted to Officers on 7 October 2009 showing changes to blocks B and C which reflected Option 2.

6.8 Officers duly responded verbally on 13 October 2009 with a general observation to the effect that there was a concern with 'full' 3 storey development on Nutter Lane and the means by which the development 'turned the corner to Leicester Road'.

- 6.9 In order to keep the Counties Residents' Association briefed as to the submission of revisions to address the refused scheme, the appellant held an informal meeting with representatives of the Association on 19 October 2009 to discuss the basis of the changes to blocks B & C.
- 6.10 The representatives confirmed that they considered the revised design for blocks B & C to be much improved on the earlier, refused scheme. They had no specific comment to make on the principle of three storey development at the corner of Nutter Lane and Leicester Road, nor any specific concern at the 'gap' between Blocks B & C; their main concern was the design of the houses on Gloucester Road.
- 6.11 In light of the considerable number of meetings held, Telford then determined to submit a planning application, which was duly made on 28th October. It was considered at the Conservation Area Advisory Panel meeting on 26th November which the appellant's Architect also attended. The Panel objected. It was also known that the Counties Residents' Association had objected.
- 6.12 English Heritage were consulted and had no comment (see their letter of 07.12.09 - **Appendix 19**). The Council's Design Officer had no objection to the houses or block A but remained opposed to blocks B and C.
- 6.13 The initial meeting with the CRA led to a further 'technical' meeting with Malcolm Dowers, Architect, who is the official primary CRA representative on the Conservation Advisory Panel and a general Member of the Wanstead Society. This meeting and subsequent correspondence led to significant changes being made to the house designs. (see email trail in **Appendix 20**).
- 6.14 Revised drawings were submitted to the Council on 11th December 2009. The changes were such that the CRA was now able to support the scheme.
- 6.15 Our client was particularly aggrieved with the response from the Council's Conservation Officer and Urban Design Team (contained in their memo to the Planning Department of 24 November 2009). I wrote to the Council articulating this dissatisfaction (see **Appendix 21**).

6.16 On this occasion Planning Officers did not override the advice of their Conservation and Design Team and the application was recommended for refusal. Despite considered representation from the CRA, Members voted to accept the recommendation, but with a much narrower margin than previously: 6 votes to 2, with 4 abstentions.

6.17 The history of Scheme 3 demonstrates once again how the appellant has sought to design a scheme acceptable to all stakeholders and ultimately the Council and in so doing has made significant changes. The Planning Officer's recommendation to refuse on similar (in principle) grounds to the Scheme 2 refusal when that application was recommended for approval, seems perverse.

7.0 POLICY REASONS FOR REFUSAL

- 7.1 The applications have been refused by reference to policies E3 and BD1 of the Council's Borough Wide Primary Policies DPD and in the case of Scheme 3 only, policy SP3 of the Core Strategy.
- 7.2 Policy E3 is entitled Conservation of the Built Heritage and is concerned with developments affecting specifically designated areas such as Conservation Areas and Locally Listed and Listed Buildings. Of the bullet points in this policy, point 3, which deals with Residential Precincts is not relevant and neither is point 5 which deals with Historic Parks and Gardens. My colleague Dr Christopher Miele addresses policy E3 in his proof.
- 7.3 Policy BD1 applies to all developments. Its inclusion in the reasons for refusal implies that were the appeal site not in a Conservation Area, the Council would still have refused permission. The opening paragraph of the policy states that 'Proposals for all forms of development must incorporate high quality sustainable construction techniques reflecting the Council's Supplementary Planning Guidance on Urban Design (September 2004) and sustainable Design and Construction (May 2005)'. There is however no specific objection from the Council that the proposals are not sustainable in themselves - the issue is one of design only.
- 7.4 The policy then lists 13 points which a development proposal must meet to gain planning permission. It has been agreed with the Council (see Statement of Common Ground) that the proposal meets all of these save for 1,2, 4 and 6?, and that within 2 it is only style, massing, scale and design that are at issue. The latter issues are dealt with in Dr Miele's proof.
- 7.5 Policy SP3 of the Core Strategy (which applies only to Scheme 3) is again a general policy which deals with the Built Environment. It sets out seven points. It is agreed with the Council that only points (a) and (b) which deal with conservation areas and listed buildings are at issue. Again Dr Miele's evidence addresses these matters.

7.6 Our case is that both schemes enhance and preserve the character and appearance of the conservation area (sustain and enhance in PPS5 terms); have no adverse effect on the setting of the listed building and locally listed buildings nearby; and meet all other development control criteria.

7.7 Third Party Objections are dealt with in Dr. Miele's proof.

8.0 COMPLIANCE WITH OTHER POLICIES AND OVERALL CONCLUSION

8.1 The proposals:

- (i) Make efficient and effective use of urban brownfield land, not previously well used in, accordance with PPS3;
- (ii) Contribute to meeting the need for more homes and a mix of homes in Redbridge. They provides family housing, and the flats are likely to prove attractive to households downsizing from family houses so releasing them onto the market;
- (iii) Provide a contribution towards the provision of affordable housing off-site through the terms of the proposed Unilateral Undertaking;
- (iv) The site is in a suitable sustainable location within walking distance of shops, community facilities and underground station at Wanstead;
- (v) The submitted Unilateral Undertaking provides financial contributions in accordance with the Council's Planning Obligations Strategy October 2008. That is: Education - £53,092; Healthcare - £40,000; Libraries - £4,324; Community Care and Social Services - £7584 and 'Public Art' - £5,000;
- (vi) Accord with other relevant development plan policies as listed in the various committee reports and also accord with the recently revised guidance note PPS5 on Conservation Areas.

8.2 The appellant has agreed a list of conditions (contained in the Statement of Common Ground) with the Council should the Inspector be minded to allow either or both appeals.]

8.3 My overall conclusion is that the two appeals successfully address the previous inspector's reasons for dismissing that appeal; they preserve and enhance the character and appearance of the conservation area, and sustain and enhance its significant heritage assets. The appeals should be allowed.

9.0 SIGNED AFFIRMATION

- 9.1 I confirm that, insofar as the facts stated in my proof of evidence are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 9.2 I confirm that my proof of evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 9.3 I confirm that my duty to the Inspector and the Secretary of State as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 9.4 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement.
- 9.5 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my proof of evidence.
- 9.6 I confirm that my proof of evidence complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute "*Chartered Town Planners at Inquiries - Practice Advice Note 4*".

**Mr C. F Hicks BSc (Econ), MCD, MRTPI
Planning Director, CgMs Ltd**

Signed:

C F Hicks

Dated:

07.04.10