

SUMMARY

**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

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.

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. The application submitted in November 2008 (hereafter referred to as Scheme 2) proposes an Art Deco design; and the application 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, 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 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.

2.0 BRIEF DESCRIPTION OF THE PROPOSALS

- 2.1 Each appeal application 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.
- 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).

3.0 THE PREVIOUS APPEAL: SCHEME 1

3.1 This proposed the same overall number of dwellings in a similar layout to the current appeal application 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.

3.2 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.

3.3 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.

3.4 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.

3.5 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.

4.0 HISTORY OF DETERMINATION OF SCHEME 2

4.1 A pre-application consultation meeting was held with officers on 2 October 2008. The Council's Senior Urban Designer subsequently emailed the Case Officer and confirmed that an Art Deco style would be acceptable for blocks B and C facing Nutter Lane.

4.2 A further meeting was held with Officers on 20th October. The application was submitted in November following a meeting with residents. A further meeting with officers took place on 17th February.

4.3 The application was considered at the Regulatory Committee on 18 March 2009 with an officer recommendation for approval. 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."

4.4 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 includes the site. Following a meeting of the Panel, Telford Homes prepared further revisions.

4.5 The application was then referred to the next meeting of the Regulatory Committee on 30 April 2009. The Officer's report 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."

- 4.6 The recommendation remained one of approval.
- 4.7 Although not referred to in the report, English Heritage had written to the Council on 27th April. 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.
- 4.8 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'
- 4.9 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.
- 4.10 In consequence Telford Homes and their architect met with English Heritage on 13 May 2009 to discuss design amendments to block A. Revised plans were subsequently prepared and sent to English Heritage for comment who advised that they had no in-principle objection to the proposals.
- 4.11 English Heritage responded by letter on 11th June and stated that 'These revised proposals address the concerns articulated in our letter of 27th April..'
- 4.12 The application was then considered at the Regulatory Committee meeting on 20 July 2009. Although opposed by the Council's Design and Conservation Team, Planning Officers however took a different view and continued to recommend

approval. Members went against Planning Officers advice and refused the proposal.

- 4.13 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. 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.

5.0 HISTORY OF DETERMINATION OF SCHEME 3

- 5.1 Following the decision of the Council to refuse permission to Scheme 2, meetings and correspondence with Officers and the CRA took place between August and October 2009 based on an Arts and Crafts design for blocks B and C. The application was submitted on 28th October.

- 5.2 Following further discussions with the CRA, the design of the houses was amended in December so enabling the CRA to now support the application. The application was presented to Committee in January 2010 recommended for refusal. Members refused permission, but with a much narrower margin than previously.

- 5.3 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 to me.

6.0 COMPLIANCE WITH POLICY

- 6.1 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 towards: Education; Healthcare; Libraries; Community Care and Social Services and 'Public Art' ;
- (vi) Accord with other relevant development plan policies and also accord with the recently revised guidance note PPS5 on Conservation Areas.

6.2 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, sustain and enhance its significant heritage assets; have no adverse effect on the setting of the listed building and locally listed buildings nearby; and meet all other development control criteria. The appeals should be allowed.