



Appeal Decision

Site visit made on 26 October 2020

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/J1535/W/20/3251628

Playing Fields, Hillhouse, Ninefields, Waltham Abbey, EN9 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Stephen Hogben, Housing and Care 21, against the decision of Epping Forest District Council.
 - The application Ref EPF/1876/19, dated 6 November 2018, sought approval of details pursuant to condition No 2 of outline planning permission Ref EPF/2207/16, granted on 21 March 2017.
 - The application was refused by notice dated 30 October 2019.
 - The development proposed is an outline application for Health Centre Building; 60 Independent Living Older Persons Apartments Building (Use Class C2 with a minimum of 6 hours Care to be Provided Per Week for Each Apartment), Minimum 40% Affordable; Leisure Centre and Swimming Pool Building (to include Fitness Suite and Community Hall); Open Space including a Mini Soccer Grass Pitch for use by 7/8 Year Olds and Footpaths; Ancillary Development including 3 Vehicular Accesses off Hillhouse; Car Parking; SUDS Infrastructure; and Demolition of Ninefields Community Centre Building.
 - The details for which approval is sought are: The Appearance; Landscaping; Layout and Scale of the 60 Independent Living Older Persons Apartments Building.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Outline planning permission was granted on 21 March 2017 (reference EPF/2207/16) for a development that comprises a number of different elements, as described in the banner heading above. This appeal relates solely to reserved matters in respect of the apartments building. These reserved matters concern the appearance; landscaping; layout; and scale of the building. The access was included and approved at the outline stage.

Main Issue

3. The main issue is whether the submitted details would result in a sustainable and acceptable form of development in terms of its design, layout, effect on the environment and standard of amenity.

Reasons

4. The appeal site is currently a flat grassed area of open space. It is within a residential estate, which also includes a recently built leisure centre (that also

formed part of the outline permission). The layout of the residential estate is designed along Radburn principles and it includes a mixture of flats and houses connected by a range of footpaths, with shared parking areas. The design is typical of its time and I consider that renewal and regeneration of the area would bring significant social and environmental benefits to this part of the town. The developments approved by the outline permission, including the apartment building will contribute towards these benefits.

5. The apartment building would be a 'landmark' structure, due to its prominent position and its scale. Consequently, I consider it incumbent upon the appellant and the Council to ensure the highest of design and environmental standards in its planning and construction.
6. The proposal is for a single building of two and three storeys with parking and landscaping predominantly on its northern side. It would be constructed largely of brick with render with balconies providing private outdoor space for the occupants of the apartments. The position and footprint of the building is similar to a 'parameters' plan that was considered as part of the outline application. The appeal proposal has also been the subject of public consultation and reviews by Design Panels.
7. The Council states that the proposal fails to provide adequate details in terms of materials, layout, landscaping, water management, flood risk, SUDS, sunlight/daylight analysis and sustainability. As a consequence, the Council considers the proposal to be of a poor design and in conflict with Policies CP1, CP7, DB1 and DBE3 of the adopted Epping Forest District Local Plan 1998 and Alterations 2006 (LP). These policies generally seek to achieve sustainable development, promote high quality design and ensure that spaces around buildings are functional and attractive.
8. In addition, the Council refers to a conflict with emerging Policies SP3, DM5 and DM9 of the Submission Version Local Plan. These emerging policies, whilst not having full weight, have similar objectives to those of the adopted LP. I consider both the existing and emerging policies to be generally consistent with the provisions of the National Planning Policy Framework (the Framework), which are material considerations.
9. Paragraph 124 of the Framework states that high quality design and the creation of high-quality buildings and places is fundamental to what the development and planning process should achieve. Paragraph 126 also states that design quality should be considered throughout the evolution and assessment of individual proposals. Furthermore, paragraph 127 states (amongst other things) that developments should optimise the potential of the site and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. The National Design Guide, published in October 2019, reinforces the provisions of the NPPF by providing further guidance on urban design and place making.
10. As stated above, the appeal proposal largely follows the concept that was provided as part of the outline application. This included the position of the building; a footprint and indications of scale and heights. The appellant points to the reserved matters submission as being largely in accordance with that concept and to the processes that have been gone through in arriving at the design of the apartment building. Concern is also expressed that the Council's

criticism of the scheme relates more to the design process, rather than focussing on the merits of the development itself.

11. In terms of the submitted details, I accept that the Council's concerns relating to flood risk and SUDS (whilst important matters) can be dealt with through the discharge of other conditions of the outline permission. Consequently, I do not find against the appeal proposal on these matters. Likewise, with regard to detailed landscaping, I agree that the majority of the Council's concerns could be addressed by a further condition. I note that the Council has recommended such a condition in the event of the appeal being allowed. Furthermore, I am not persuaded that the external materials proposed by the appellant are unacceptable, given the mix of materials used on other buildings in the locality.
12. However, I share the Council's concerns relating to some aspects of the design, including the matters relating to natural light to both the internal and external areas; general matters of permeability and accessibility, including corridor lengths; and the need for further information on wider sustainability matters such as climate change and water management (notwithstanding compliance with the Building Regulations). I note that absence of validation requirements and development plan policies on such matters, but I consider these to be fundamental when designing larger scale developments.
13. I have taken into account the appellant's statement that it would be difficult to achieve a development of this scale without, for example, relatively long corridors. However, I have no detailed evidence that this is the case. Likewise, I have no evidence to show that the levels of natural light in the both the internal and external areas would be satisfactory and that other options have been fully considered.
14. In reaching my decision, I have given weight to the social benefits of the proposal in terms of the provision of specialist housing for the elderly. I accept this benefit would be substantial and the issues are finely balanced. However, my decision does not mean that the development will not take place, only that more needs to be done in design terms. The importance and prominence of the site and the longevity of any building means that different options should be explored and considered. In that regard, I note that the Council is currently considering a revised planning application and it has stated that good progress is being made. This indicates to me that a satisfactory outcome will be achieved in due course.

Conclusion

15. For the above reasons, I conclude that the absence of detail means that I cannot be sure that the proposal provides the most satisfactory design for the site and its surroundings and for the future occupants of the building. Therefore, the proposal conflicts with the relevant policies of the Development Plan and with the provisions of the Framework, as referred to above. Consequently, the appeal is dismissed.

Ian McHugh

INSPECTOR