



## Appeal Decisions

Inquiry opened on 13 April 2021

Site Visit made on 26 April 2021

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 June 2021**

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### **Appeal A Ref: APP/J1535/W/20/3258787**

#### **Epping Forest College, Borders Lane, Loughton, IG10 3SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Fairview New Homes (Epping Forest) Limited No. 1 against Epping Forest District Council.
  - The application Ref EPF/2905/19, is dated 29 November 2019.
  - The development proposed is the redevelopment of the site to provide 139 residential units in 3 buildings ranging from 3 to 5 storeys, car parking spaces, communal landscaped amenity areas, secure cycle parking and other associated development.
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### **Appeal B Ref: APP/J1535/W/20/3263876**

#### **Former Playing Fields, Epping Forest College, Loughton, IG10 3SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Fairview New Homes (Epping Forest) No.2 Limited against Epping Forest District Council.
  - The application Ref EPF/0379/20, is dated 14 February 2020.
  - The development proposed is redevelopment of the site to provide 285 residential dwellings (Use Class C3) in a series of blocks ranging from 2 to 5 storeys in height, a new Wellness Centre (Use Class D1), creation of a new public park, car parking, communal landscaped amenity areas, secure cycle parking and other associated development.
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## **Decisions**

1. **APPEAL A:** The appeal is allowed and planning permission is granted for redevelopment of the site to provide 139 residential units in 3 buildings ranging from 3 to 5 storeys, car parking spaces, communal landscaped amenity areas, secure cycle parking and other associated development at Epping Forest College, Borders Lane, Loughton, IG10 3SA in accordance with the terms of the application, Ref EPF/2905/19, dated 29 November 2019, subject to the conditions set out in the attached Schedule A.
2. **APPEAL B:** The appeal is allowed and planning permission is granted for redevelopment of the site to provide 285 residential dwellings (Use Class C3) in a series of blocks ranging from 2 to 5 storeys in height, a new Wellness Centre (Use Class D1), creation of a new public park, car parking, communal landscaped amenity areas, secure cycle parking and other associated development at Former Playing Fields, Epping Forest College, Borders Lane,

Loughton, IG10 3SA in accordance with the terms of the application, Ref EPF/0379/20, dated 14 February 2020, subject to the conditions set out in the Attached Schedule B

### **Preliminary Matters**

3. As a consequence of the ongoing pandemic, the Inquiry was held virtually and sat for 8 days. After the end of the presentation of evidence, I carried out a site visit following an agreed itinerary, predominantly on an unaccompanied basis, although I did have access to the College Close apartments communal and outside areas and from within the fenced area of appeal Site A on an access required basis. This allowed me to take views from within the sites as well as from areas surrounding them, including Borders Lane, College Close, Leaden Close and The Square, Colson Road, Lucton's Path and Ladyfields, as well as some housing developments in the immediate surrounding area.
4. The Inquiry addressed two separate developments, albeit schemes which involved common promoters and against which similar putative reasons for refusal were taken. These were agreed to be linked and where relevant I have differentiated the schemes within the decision.
5. For both schemes, the appeals were against the non-determination of planning permission within the prescribed timescales. However, the Council decided that had they determined the applications they would have been refused for the following reasons:

For Appeals A and B:

*1. The application lacks vision for the site, and is generic placemaking in relation to its context, through its architectural and landscape design. The proposal is therefore not successful in creating a sense of place and identity relating to its context or creating a distinctive character. In addition the design offers a poor level of amenity to existing and future occupiers of the development site. Therefore the proposal is contrary to policies CP2, CP7, DBE1, DBE2, DBE 5 and DBE9 of the Adopted Local Plan and Alterations, policies SP3 and DM9 A (i) and (ii) of the Local Plan Submission Version 2017, and the guidance contained within the National Planning Policy Framework.*

*2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the development would not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM 2 and DM 22 of the Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.*

*3. The submitted viability assessment was found to have insufficient information. It is for this reason that the Council is unable to fully and properly assess whether it would be financially unviable for the proposal to provide 40% of the onsite housing provision. The proposal therefore fails to meet a key housing need within the District and as such is contrary to the requirements of paragraph 62 of the National Planning Policy Framework, policy H5A of the Adopted Local Plan and policy H2A of the Local Plan Submission Version 2017.*

*4. In the absence of a S106 Agreement, the proposed development fails to deliver the necessary infrastructure to make the development acceptable with regard to education, health, highway, open space and community facilities improvements and impact on the Epping Forest SAC. Therefore the proposal is contrary to policy D1 and P2 of the Local Plan Submission Version 2017 and National Policy.*

Solely for Appeal B

*5. Due to the over provision of parking on a site in a sustainable location, the proposal encourages the reliance on private motor vehicles and would result in the overdominance of parked cars to the detriment of a lower carbon future, traffic movement, and the amenity of the surrounding area, contrary to the site specific requirements of the allocated site LOU.R4 along with policies T1 B and F (iv), P2A and SP3 of the Local Plan Submission Version 2017 and the National Planning Policy Framework.*

6. Statements of Common Ground (SoCG) were submitted to address both the overarching schemes and specific matters, including viability, the 5-year housing land supply (5YHLS) situation and the effect of the proposed schemes on the Epping Forest Special Area of Conservation (the SAC).
7. Resolutions as a result of these, and other matters, informed the production of legal agreements for each scheme pursuant to section 106 of the Town and Country Planning Act 1990. While some matters of title remained at the end of the virtual event, time was allowed for resolution of this. Completed s106 agreements were submitted, signed and dated 7 May 2021. As a consequence, the Inquiry was closed in writing on the 10 May 2021.
8. On the basis of these agreements, the Council no longer pursued matters in relation to the delivery of infrastructure, and I deal with this below, or the SAC. As a consequence, I identify the main issues for these cases as follows.

### **Main Issues**

9. With Regard to Sites A and B:

- The design of the schemes and their effect on the character and appearance of the surrounding area;
- the effect on the living conditions of future occupiers, with particular regard to light, and the living conditions of neighbouring occupiers, with particular regard to privacy, shadowing and outlook; and
- the provision of affordable housing.

10. With regard to Site B:

- Whether the proposal would encourage an over-reliance on the private car.

### **Reasons**

#### **Appropriate Assessment**

11. As set out above the Council did not present evidence at the Inquiry regarding any harm to the SAC, subject to the SoCG and specific contributions secured by

- the s106 agreement, nonetheless, the statutory duty falls on me to consider the effect of the schemes under the process of appropriate assessment<sup>1</sup>.
12. The Council, in order to address the matter of increased pressures associated with housing and traffic growth, notably in relation to air quality and recreation, carried out a Habitats Regulation Assessment (HRA) of the emerging Local Plan. This found that future housing growth could undermine the conservation objectives of the SAC, and proposed the adoption of mitigation measures.
  13. In light of the allocation of these sites, they were included in the associated modelling accompanying the assessment. Site specific assessments have subsequently been carried and agreement reached with the Council as regards the differences between the scale of the schemes proposed and the indicative allocated scale.
  14. It was also common ground with the Council that contributions could be made, in accordance with the Interim Approach to Managing Recreational Pressures, to mitigate this matter. Early in 2021, work between the Council, Natural England (NE) and the Epping Forest Conservators led to the adoption of the Epping Forest Interim Air Pollution Mitigation Strategy (APMS). While I note concerns, including by some interested parties directly involved in these appeals, that this approach does not specify precise measures and is not sufficiently robust, it has been adopted by the Council and endorsed by NE.
  15. The Council, notwithstanding their arguments regarding the quantum of parking to be provided on Site B, considered their outstanding concerns regarding mitigation for the Wellness Centre and the extent of provision of Electric Vehicle (EV) charging infrastructure, were resolved during the course of the Inquiry. As a consequence, the Council were satisfied that measures, including financial contributions to the APMS, payments for the SAMM<sup>2</sup> Strategy and Green Infrastructure Projects, awareness raising through the Wellness Centre and 50% active provision of EV charging with the remaining 50% having passive charging infrastructure to support a 10% conversion of petrol to electric cars, were sufficient to address full mitigation for any recreational or air quality impacts on the SAC.
  16. Consideration of the HRA is part of the examination of the LPSV; I have no substantive evidence before me to conclude otherwise than that it is a robust assessment. Thus, likely significant effects are possible as regards both of these schemes. I have reviewed the site specific assessments and am satisfied that these have addressed those effects and that avoidance or mitigation measures can be secured through conditions and legal agreements. There are no substantive reasons to conclude other than that the schemes, as proposed, secure mitigation in accordance with guidance from NE as the Statutory Nature Conservation Body, such that there will be no harm to the integrity of the SAC or its conservation objectives.

### ***Background and policy position***

17. This part of Epping Forest is a mix of residential, commercial and educational uses. Both sites are accessed off Borders Lane and are located relatively close to Debden underground station and the retail centre of The Broadway. Site A was previously part of the local college but is reported to have been vacant

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<sup>1</sup> Under retained EU Law - Directive 92 /43 /EEC

<sup>2</sup> SAMM – Strategic Access Management and Monitoring

since 2011, with derelict buildings and extensive hard surfacing still on site. Site B is reported to have originally been the playing fields of Lucton School for Girls, and was subsequently associated with the College but, despite its private status, has been used and continues to be used informally by local residents.

18. The development plan includes the Epping Forest District Local Plan (1998) and Alterations (2006) (the Local Plan) but considerable progress has been made on the development of a replacement local plan, referred to as the Local Plan Submission Version (LPSV). This has been through examination and the examining Inspector's comments on the Main Modifications will allow for the Council to consult prior to final adoption, which they anticipate to be in the autumn 2021. I accept that this is well advanced, but also note that a further modification is proposed to the wording associated with Policy T1, that cases have been put to me from interested parties that they are still opposed to some allocations and that full consultation on the proposed modifications is still to take place. Nonetheless, I note the Examining Inspector's comments and main party's agreement that substantial change to the relevant policies are unlikely in this case and I afford moderate to significant weight to the LPSV, significant in terms of the allocations, which I address below.
19. Both sites are identified as allocations in the LPSV. Site A is identified as allocation LOU.R9. This sets out an approximate capacity of 111 dwellings at a density of 122 dwellings per hectare (dph). The proposal is for 139 units, and while this is in excess of the indicative allocation, it falls within the indicative proposed density.
20. Site B is identified as LOU.R4. This sets out an approximate capacity of 217 dwelling and an indicative density of 101 dph. The allocation also seeks provision of expansion of the College and provision of enhanced education, indoor sports, leisure, health and wellbeing facilities as well as securing new public open space. Again, the proposal for Site B at 285 units is greater than the indicative allocation but still within the proposed density.
21. While it was reported that at least one allocation elsewhere<sup>3</sup> was proposed to be removed because of its value as public open space, and I note interested party's arguments regarding Site B in this regard, there is nothing before me that would suggest that these allocations are likely to be changed. Indeed, there is common ground between the main parties that these allocations will form part of the development plan and are fundamental to Epping Forest's plans for housing going forward. There is no objection from the Council to the principle of development here.
22. This is supported by the SoCG on the 5YHLS, which concludes that for the purposes of this appeal the Council can only demonstrate a maximum housing land supply of 2.43 years, a significant shortfall of 2,942 dwellings. In policy terms therefore, the presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework (the Framework) applies. This means approving development proposals that accord with the development plan without delay or, where policies are out-of-date, as here, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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<sup>3</sup> LOU.R5 (Jessel Green)

23. The Council's objections to the schemes have considerable areas of overlap, for example, parking, in relation to quantum, parking restrictions, the use of podiums and design, or the proportion of dual aspect units and design and living conditions of future occupiers. For clarity, I have separated these into the main issues set out above; I turn then to the main issues.

### ***Design Matters***

24. The remaining matters of concern from the Council on design address a range of issues including the response to the context, the bulk, mass and articulation of the blocks, the relationship between buildings and with neighbouring developments, the layout and legibility of the schemes and specific concerns regarding the effects on neighbours and future occupiers, as regards light and privacy, which I deal with under my second main issue. I have addressed these design matters under the following headings: response to context; design of buildings; and layout, including response to existing desire lines.

#### *Response to Context*

25. It is argued that for both schemes there was insufficient analysis of the context and a lack of consultation informing the design, resulting in an overall approach that does not represent the high-quality of design as sought by local and national policy.

26. Appeal A is located, in my view, at a transition point between the relatively recent residential area of the Campus, including College Close, Leadon Close and The Square, and the more contemporary forms of the education uses at Epping Forest College. This transition would be even more marked were the studio and teaching block, reported to be associated with the drama college, referred to as the 'consented scheme', be built out. This scheme received planning permission in 2019 and would be located immediately to the north-east of the site, on what is currently predominantly open ground.

27. The wider area includes the traditional residential character of the London City Council (LCC) housing estate to the south across Borders Lane, with its pitched roof, terraced form, and a number of newer, and indeed more contemporary residential developments, such as 'Infinity', located to the west of the site.

28. The site itself has a mature band of trees immediately to Borders Lane and to its eastern side, protected by a Tree Preservation Order (TPO). There are therefore a number of constraints to development of this site, which, in my view, were properly addressed by the architects. There was a detailed Design and Access Statement (DAS) and addendum<sup>4</sup> for this site, which set out the context and the architect's response. There was consideration of character, of building form and heights as well as views into and out from the site and a schedule showing design changes and responses to comments from the Council and the Quality Review Panel (QRP).

29. For Appeal B, this is an open undeveloped area of grassland with a close relationship to the LCC housing, notably around Colson Road and Ladyfields, but also with a visual relationship with the later educational establishment to the north and the recent Landmark House development. The site slopes essentially from north to south and has a public footpath, Luctons path, along its western edge.

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<sup>4</sup> This was produced following submission of the scheme and further discussions with officers up to April 2020

30. A DAS was produced with an addendum addressing the Wellness Centre as well as an Urban Design Appraisal, which addresses the National Design Guide and feedback from the QRP. A further DAS addendum was produced following officer feedback in June 2020. These documents deal with the immediate and wider context and the constraints on the site. They also address the current typology of surrounding character areas and set out the stages of design development to respond to the allocation requirement to provide for the Wellness Centre as well as public open space.
31. Overall, I find the assessment of context for both sites to be comprehensive, and while I note that the public consultation took place relatively late in the process, in September 2019 with submission in November 2019 for Scheme A and February 2020 for Scheme B, the issues raised were not focussed on the design. Noting the responses as set out in the Statements of Community Involvement submitted for the sites, these reflected those predominantly received in relation to the appeals; matters of traffic, parking and impact on infrastructure and while there were some concerns regarding the numbers of units proposed and the heights, there were very limited comments on the design approach. I turn then to more detailed element of the designs.

#### *Design of buildings*

32. It was common ground that the architecture here did not need to mimic any of the varied design forms that surrounded the sites but to respond to the context. Similarly, the Council took no case regarding the proposed heights, other than in relation to the roofscape, details of articulation and overt verticality in the design.
33. For Appeal A, I find the simple form of the blocks acceptable within this context, although I note that the Council consider the materials and articulation fail to respond to that context and to be too subtle. The proposal introduces brick finishing, a predominant material in the surrounding residential area, but takes a form closer to the much more contemporary architecture of nearby buildings in educational use and more recent housing schemes. In terms of the detailing, it would appear that the white framing of the windows, for example, draws directly on the mid-century detailing on The Broadway.
34. While this may represent a somewhat abstract inspiration, it is the overall composition that matters, and in that regard, I consider that the colour variation within the brick, the stepped form of vertical elements and the defining of the base level with textured brick details, referred to as corduroy, works effectively. I do consider that there is a slight lack of definition of the crown element of the buildings, something that may have been assisted somewhat by some set back or detailing feature, and in this I find some resonance with the Council's concerns. However, the use of flat roofed blocks is not untypical of the surrounding context, and while the rather broad term of 'contemporary' architecture may be unhelpful, such forms are nonetheless more typical of recent development and are, in my view, an acceptable approach in higher density housing such as this.
35. A feature of the design is the use of a podium with undercroft parking. There are some risks with such parking provision sterilising the ground floor of apartment blocks, which can lack both activity and natural surveillance. However, I am content that these matters have been addressed, and a key benefit of the approach is the removal of surface parking and the opportunity

- to provide separate communal space for the main residential block. This is not an unusual approach in modern designs, nor would it be unique in the area; 'Infinity', for example, utilises a similar approach. Overall, while the podium would introduce additional height, there is no substantive argument put to me that the heights are inappropriate in this context, nor do I find them to be so. I consider the use of podium parking has been successfully incorporated within the scheme.
36. For Appeal B, buildings are proposed in a range of heights responding to the topography, reducing to a row of fairly traditional housing to the southern edge. Although the Council argue that this is representative of serried big blocks dropping straight to semi-detached houses, a review of the cross-sections show the tallest blocks on the highest part of the site and a reduction in block height as the slope steps down. There would be a four-storey to two-storey transition across the street, but these houses, which back onto the rear of houses on Colson Road, are mostly pitch-roofed and, I consider would present an acceptable relationship.
37. Materials to be used across the site would vary but would again be reflective of the dominant use of brick, typical contextually with the LCC housing. Within the proposed approach there are textural and colour changes to frame vertical elements and add articulation to the elevations as well as to define the upper and low parts of the buildings.
38. Around Site B, the LCC housing does established a roofscape of traditional pitched forms, but such an approach to this higher density housing is, to my mind, not required nor likely to be successful. The site, although it has had informal public access for a number of years, displays its historic private nature and lack of integration with surrounding houses, which all turn their backs to it. Thus, a design which integrates the Wellness Centre, the residential units and the public open space, and does do in a self-contained way, is entirely appropriate.
39. Podiums are again a part of the design and my findings for Appeal A apply equally here, where the removal of surface parking would be a notable benefit, particularly in establishing the design as part of the wider public open space provision and incorporating the pedestrian links across the developed part of the site. While I note the Council still consider the main street as proposed to be car dominated, the general absence of surface level parking and the provision of landscaping, pedestrian areas and perpendicular links across the streets and into the public open space, would all mitigate against such an impact. Again the podiums allow for areas of communal space to be provided within a series of courtyard areas, and this approach allows for a legible separation of these areas from the public space within the residential part of the site and the wider links to the area of public open space to be provided adjacent to Borders Lane.
40. To my mind, the proposals here would read clearly as new residential development, different to the LCC housing but, with judicious use of landscaping, establishing a modern but appropriate character within this context.

#### *Layout*

41. In the context of seeking to maximise its potential to deliver housing, there are a number of challenges each site needed to address and which were of concern



- to the Council. These include the legibility of the scheme on arrival, for Site A, the response to existing desire lines for Site B, each site's relationship to neighbouring developments and the quality of space for future occupiers.
42. For Appeal A, the site is well screened from Borders Lane by trees, and as a result the access allows the opportunity for the opening up of views and a defined entrance into the site. However, the Council argued that this is not well conceived, noting the orientation of the buildings both at the entry and as they relate to the central courtyard area. I accept that for both these views it would be the corner of the blocks rather than the main elevations that face. However, both of the corners would be chamfered to allow full height windows to create a more active elevation and provide obvious surveillance. From the entrance views along routes, encompassing the blocks are immediately available, notably through the site to the public space at the end.
  43. I consider the entrance to the site to be well considered and the street between Blocks A and B, while having some on-street parking, would provide sufficient space for landscaping to limit any impact. There would be clearly legible entrances in the elevations and an active frontage across most of the ground floor level, despite the provision of podium parking under Block A, as well as a logical termination of views at the central courtyard area.
  44. A small area of surface parking is also proposed to the west of Block B and relatively close to the boundary with an apartment block on College Close. I can understand the concerns that this might raise as the site has been unused for a considerable period and parking does mean movement, noise and, at night, lights from cars manoeuvring into and from spaces. However, the parking arrangements across the Campus Development are similarly located close to properties, in some cases in rear courtyards, with considerable on-street parking too. With suitable boundary treatment, any material harm that could arise from such movements could be mitigated, and while this would represent a change from the existing situation, it is not one that could be described as unusual within the context of the surrounding development. I have sought a specific condition regarding boundary treatments to address this.
  45. Turning to other neighbouring relationships for Site A, there is a relatively narrow separation width between Block C and the gable ends and garden areas of properties on Leadon Close. I note that this would be a back to back relationship for the most part, and that the narrowest points are related to the gable ends. I deal with privacy and light matters under the next main issue.
  46. To the northeast of the site, the consented scheme would be aligned close to a substantial length of the site's boundary. Block A would be L-shaped, one arm of which would project similarly close to that shared boundary. I deal with issues regarding the sun and daylight effects below, but do find that, despite some acknowledged changes that have been made to this part of Block A, this element of the scheme is still somewhat unresolved. While landscaping over time would soften the relationship, I find that it initially would be somewhat jarring with residential and educational uses in such close proximity. The gap is indicated as being less than 5 metres, and would not be in accordance with the generally high standard of design across the rest of the scheme.

47. Notwithstanding this I generally find the layout of the scheme would respond well to the site, providing generous public areas, an open character and an effective provision of private and communal space.
48. Turning to Appeal B, the Council argue that there has been a failure in the design to responds to existing desire lines creating an illegible layout with a poor relationship to the open space and entrances to the site, as well as limited spacing between the blocks, and a poor relationship to Luctons Path
49. The existing desire line of most relevance is the one that runs from just after the start of Luctons Path, off Colson Road, and crosses to Ladyfields and then through the housing to cross onto the Broadway. It no doubt provides those walking from the west of the site a more attractive route than travelling along Colson Road or up Luctons Path and onto Borders Lane. However, the allocation requires residential use to the west of the site and public open space to the east. This constraint on its own introduces challenges to retaining such a route and making full use of the remaining area of the site. In my view, the key issues to resolve are achieving attractive routes, providing legible paths to cross through and around the buildings and to link Luctons Path and the housing to the west with the public open space to be provided.
50. To that extent, I note that Luctons Path, while of a reasonable width and surfaced, is not an attractive route to take, particularly at night. There is no lighting and limited or no surveillance with the open site to one side and the rear of properties on Schoolhouse Gardens and Bryony Close. These gardens are set back with high fencing. The proposal would introduce enhancements to Luctons Path and importantly, routes from it directly through the residential part of the development to the public open space and the Wellness Centre. Further access into the site would be established from Colson Road. While I appreciate the Council's point that these routes would represent diversions of the original desire line, the additional accesses on Luctons Path and directly from the south, an access that is currently partially blocked off, would all mitigate this and greatly enhance the permeability of the scheme and linkages across the site. There would be clear and obvious linkages into and across shared spaces, and while some specific routes may be perceived as being slightly longer, a great many others would be opened up.
51. The Council further argue that the scheme fails to present a frontage onto Luctons Path, in conflict, they say, of Policy DBE5(i) of the Local Plan. Blocks D and E would be separated from Luctons Path by communal amenity space punctuated by public routes through the site and by routes to the blocks themselves providing additional access points to the residential units. This elevation, although having a number of balconies, windows and entrances, would not be regarded as the front, this quite properly is to the main street through the development. However, with public spaces to both sides, full compliance with the policy would appear to be challenging, although it actually refers to a 'pattern of buildings fronting public spaces'. To my mind, what is proposed would present an active elevation which would provide natural surveillance, legible links through and around the blocks and attractive routes from a number of points along Luctons Path to the large public space to be provided on the site. In this context, I see no material harm associated with the proposed elevations here.

52. I find little to warrant the Council's concerns regarding spacing between the blocks and overall consider that the design elements of Appeal B respond to the topography and public access requirements of the site.

*Conclusion on Design for Sites A and B*

53. It is too simplistic to argue that, as the proposed number of units exceeds that envisioned in the proposed allocation, there is some issue with bulk or massing across the site. I give no weight to the Council's suggestion that there should be only a small margin of difference, some 5-10%, between indicative numbers and proposals. A scheme should seek to maximise efficient delivery of housing on any site and must be judged on its success in design terms and not on a figure, which would appear to be based on a relatively crude assessment of developable area against an indicative density.

54. I have found that Appeal A, in terms of its design quality, generally responds well to its context and would offer a modern design appropriate to the self-contained nature of the site, providing a layout with attractive areas of public realm, communal and private space, in buildings that are relatively simple in their form and detailing, but generally acceptable. However, I have found some concern with the relationship with the proposed consented building, a relationship that will soften over time but in earlier years would present something of a jarring element in terms of its very tight spacing to the education block proposed.

55. Therefore, while I find compliance generally with Local Plan Policies DBE5 and CP7, which seek developments that make the fullest use of existing urban areas, while protecting the urban fabric, with the design of new development being based on a pattern of buildings fronting public spaces, allowing for consistent movement within the development and creating a series of contrasting public spaces and interlinked routes, I find some conflict with Policies CP2 and DBE1 which seek to protect the quality of the built environment with developments that respect their setting. I note also that emerging LPSV Policies SP3 and DM9 seek development proposals that adhere to place shaping principles and comprise a high quality in design that relates positively to the locality.

56. Design is also address in national guidance through the recent National Design Guide and policies in the Framework. In this regard, a high standard of design is an expectation of all new development, notably in paragraph 127 and 128. These seeks design quality through engagement and evolution of schemes to ensure visually attractive developments that establish or maintain a strong sense of place and create inclusive and accessible schemes, sympathetic to the local character and which optimise the potential of the site to accommodate and sustain and appropriate amount and mix of development, including green and other public space. I address the minor area of conflict with the development plan in the planning balance below.

57. For Appeal B, in terms of its design, I consider it to be a scheme that responds to its context delivering high quality housing, public realm and public open space with positive linkages into and through the development. In this context I consider that Appeal B complies with Local Plan Policies CP2, CP7, DBE1, DBE5, emerging LPSV Policies SP3 and DM9 and policies set out within the Framework in this regard.

### **Living Conditions**

58. Harm to future living conditions of occupiers of the sites as well as harm to neighbouring occupiers is argued by the Council. These harms, they say are predominately associated with sunlight and daylight but also relate to privacy and outlook. A sunlight and daylight report was prepared for both applications. Further and more detailed analysis was provided to the appeals.
59. The Council maintain that there are a number of areas where the schemes fail to achieve recommended guideline standards, predominantly those set out in the BRE guidance<sup>5</sup>. This guidance is an oft-referred to and well-respected document and is specifically identified in the emerging Policy DM9, whose accompanying text notes that the Council will have regard to the BRE Guidelines, which although not mandatory are heavily relied upon.
60. To address neighbouring occupiers first, there are no particular issues raised by the Council in relation to Site B, and I concur. In relation to Site A, it is the relationship between Block C and housing in Leadon Close, Block A and the consented scheme that are of particular concern.
61. The height of the proposed Block C is approximately that of the ridge of the roofs of housing in Leadon Close, but the rear elevation shows three floors of windows looking to the rear. I note the internal layouts and absence of upper floor living rooms, and the orientation is such that there is little intervisibility between windows, and I find no concerns regarding outlook. However, there could be some perception of overlooking of the rear gardens. Nonetheless, there would be a reasonable separation and the appellant acknowledges that there would need to be boundary screening to deliver an acceptable relationship here. Protection of privacy, as set out in the accompanying text to the emerging policy, should be a function of orientation, separation and screening, and in this case, subject to a condition addressing boundary treatments, I consider that the privacy of residents can be protected.
62. A detailed analysis of overshadowing from Block C shows that parts of the garden of 21 Leadon Close would lose direct sunlight at a level that fails the criteria set out in the BRE Guidance, although this analysis confirms that the effect would be limited on other areas. This would conflict with policy expectations in the LPSV.
63. While I have dealt with the design aspects of the relationship between Block A and the Consented Scheme above, the proximity of the two would also have other implications. I note the orientation of Block A to the service area of the Consented Scheme and am satisfied that there are no material privacy issues, but do note that there will be some loss of daylight into some of the rooms of the proposed building. I also note that these are referred to as classrooms, workshops, rehearsal spaces or similar, although these should have a similar expectation of daylight. In fact, while the appellant argues that only two windows would experience a reduction of Daylight Distribution (DD) or No Sky Line (NSL), which they suggest would not be unacceptable, the Council identify some nine windows would not meet either the Vertical Sky Component (VSC) or NSL compliance standards in the BRE Guidance. This would again represent a conflict with policy expectations.

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<sup>5</sup> British Research Establishment Report 209 Site Planning for Daylight and Sunlight, a guide to good practice (Second Edition 2011) (the 'BRE Report')

64. Turning to future occupiers, there are a number of arguments put forward by the Council suggesting that their living conditions would be unacceptable, notably the lack of dual aspect units, the number of north facing units and the failure to meet sunlight and daylight guidance standards across both schemes.
65. Depending on the assessment of what constitutes a dual aspect unit, and I note the party's arguments on this, there would be between 43% and 48% of units delivered as single aspect on Site A and 28-33% on Site B. There is no question that dual aspect units come with certain advantages, including the availability of lighting, variety of aspect and ventilation. However, despite the reference to a GLA consultation draft document, no clear requirement for a percentage of dual aspect units was put to me in terms of policy or guidance. Supporting the Council's argument that this contributes to poor standards overall, is the argument that a proportion of the units face north or predominantly north and as result fall below guideline standards for sunlight and daylight.
66. The BRE guidance has a number of measures it applies in this regard, Annual Probable Sunlight Hours (APSH), Average Daylight Factor (ADF), and DD or NSL. These represent an occupier's access to sunlight, daylight and visible open skies assessed from windows and within rooms, and each have relevant criteria set out in the guidance. Taken individually, a number of transgressions of these criteria can be identified in relation to both of the sites.
67. For APSH, the latest assessments, which are based on the worst case lower floors only, indicated that for south facing rooms on Site A, 66% comply, and on Site B, 74%, while for all rooms, the figures are 32% and 36%. Considering daylight, the ADF results indicated for Site A are 79% and for Site B, 83%. I note the arguments regarding 1.5% or 2% for mixed use rooms, but I present only the worst case situation. DD results are 78% for Site A and 86% for Site B. In reviewing these results, it is important that the context of the sites is also considered.
68. It is a fact that while dual aspect, and indeed fully south facing units may be an aspiration, their delivery across a large, high density scheme, while maintaining an efficient use of a site, cannot be a requirement. Nor can it be an expectation that in delivering a mix in the size and type of units, all must uniformly be of dual aspect. There is no policy led requirement for a specific number or percentage of dual aspect units, albeit a high quality of design would seek to maximise that number while addressing the other competing demands on the scheme.
69. Furthermore, for Site A, I consider that there are significant constraints which effect the opportunities for building orientation, a key factor for both sunlight and daylight. With housing and future educational uses immediately adjacent to two boundaries and protected trees occupying the others, and where the footprint of the site is somewhat irregular, then a natural fit is for building orientation to be along a north west-south east or a south west-north east axis. As a result, it is unsurprising that some windows to the northern sides of blocks would have reduced sunlight and daylight.
70. The constraints are less onerous for Site B and the levels of transgression notably lower as a result. Nonetheless, in responding to the allocation and confining residential development to the western half of the site, it is again

somewhat unsurprising that building orientations are offset from a north-south axis.

71. A level of transgression on any higher density scheme within constrained urban environments must be expected and indeed the guidance and policy make explicit reference to this. The BRE guidance states that although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. The Framework also acknowledges that where there is an existing shortage of land to meet housing needs, development should make optimal use of the potential of each site, noting<sup>6</sup> that applications should be refused where they fail to make efficient use of land and taking a flexible approach to policies and guidance related to daylight and sunlight, where they would otherwise inhibit making efficient use, as long as acceptable living standards are provided.

*Conclusion on living conditions*

72. I have noted transgressions against guidelines criteria regarding the future living conditions of occupiers of the proposed schemes, I have suggested that these need to be set against the context of the sites and the expectations of policy. Taking this into account, I note there are some units that will receive very limited sunlight, but the orientation of buildings on both sites generally means that some sunlight will be available to the majority of units as well as to communal spaces and private outdoor space.
73. Furthermore, although minor transgressions are noted in relation to daylight, overall I consider the achieved levels of daylight on both sites to represent a good return for such a density of development. Taking these matters into account, I note limited policy references to future occupiers in the Local Plan, but that assessment against the BRE guidelines are an expectation of emerging LPSV Policy DM9, which seeks that proposals must take account of amenity and provide adequate sunlight, daylight and open aspects to all parts of the development.
74. On careful assessment of the proportion of dual aspect units and the implications as regards natural light, and taking note of the expected levels of flexibility to be applied from the Framework, I am satisfied that, on the evidence before me, the proposals would provide an adequate level of sunlight and daylight to future occupiers.
75. I have noted an acceptable relationship to neighbouring occupiers as regards privacy and light for Appeal B, as well as privacy and outlook for Appeal A. I therefore conclude that these comply, in this regard, with Local Plan Policies CP7, DBE2 and DBE 9, which together seek to avoid a loss of amenity to neighbouring properties in terms of visual impact, overlooking and loss of daylight and sunlight.
76. I have identified a limited impact from development on Site A on received sunlight to the garden of a property and daylight to future classroom facilities of the Consented Scheme. This would represent conflict with the Policies CP7, DBE2 and DBE 9.

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<sup>6</sup> paragraph 123 (c)

### **Affordable Housing**

77. A SoCG on Affordable Housing was provided to the Inquiry, following negotiations between the appellant and the Council. This clearly sets out some enhanced levels of contributions, addressed in the s106 agreements, and, that on the basis of the viability assessments for the two schemes before me, the Council accepted that they would achieve the maximum levels of affordable housing. This is confirmed as being, in addition to the contributions, for Site A, 16% of the units against a policy requirement of 32.6%, and for Site B, 30% against the policy requirement of 40%.
78. The Council's argument is that for both schemes the inclusion of the additional costs of parking, which they say is neither a policy requirement for the quantum sought or the delivery via an 'expensive' undercroft and podium, compromises the amount of affordable housing that can be achieved. In effect they say that had the undercroft parking not been included, the schemes could have achieved a higher or even fully policy compliant level of affordable housing.
79. I can deal with this matter relatively simply. Viability testing should initially begin at plan level, and where developers wish to step away from proposals, within allocations for example, it is expected that they will go through a collaborative process of viability testing. It is clear to me that this has happened in this case.
80. The Planning Practice Guidance (PPG), acknowledges that viability testing should be reassessed over the lifetime of development to ensure policy compliance and optimal public benefits through economic cycles. However, this is not the same thing as testing alternatives. At a very high level, I would expect the testing of alternatives to be carried out and any application be able to show that the scheme is not based on one of excessive costs, or with limited returns such that public benefits cannot be optimised.
81. In this case, there are very clear constraints and additional cost implications involved in development of both these sites, including the previously developed nature of Site A and the requirement for the provision of public open space and the Wellness Centre on Site B. There is clearly pressure on the viability of schemes against full policy requirement.
82. That is not to say a developer should not be accountable for the nature of their schemes, as an example, the use of unjustified and unnecessarily expensive materials without justification, should rightly be questioned during the process of the application. However this does not mean that a developer must be expected to produce a multitude of schemes, all worked up to a position whereby an assessment can be made of which best fits the policy requirements. The Council's arguments that the RICS<sup>7</sup> requires such must be consider in this light. It is, in part, for this reason that the PPG notes that:

*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and*

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<sup>7</sup> Royal Institution of Chartered Surveyors

*the transparency of assumptions behind evidence submitted as part of the viability assessment.*

83. The Council argue that the undercroft parking is excessive and not required. However, undercroft parking presents many advantages in relation to the design of these schemes, not least communal space and the significant reduction it represents in surface parking and the dominance of vehicles within the scheme. This has beneficial effects, both visually and on the character of the schemes, as well as on future occupiers' use of the shared spaces and the accessibility of and permeability of the sites. The allocations do not specify undercroft parking, but nor do they specify any other approach, other than in relation to reduced parking provision on Site B, which I address below.
84. I found the appellant's approach to voluntarily trying to show costs and implications associated with the removal of the undercroft parking somewhat confused by the estimates of costs, which could not be properly accounted for. However, the need to do so is questionable, because of the benefits undercroft parking brings to these schemes, and, to my mind, unachievable, as to account for the implications, in terms of attractiveness of the scheme and the individual units, and the likely sales achieved and values realised would require an unreasonable level of work. A scheme on either of the sites without the undercroft parking would necessarily be very different, and would need to encompass parking at surface, additional space to provide communal amenity space and consequentially requirements for taller buildings possibly to deliver a similar number of units, or less units with corresponding less return. To my mind, this represent a level of alternative appraisal that goes significantly beyond normal expectations, and I am not convinced that the Council has evidenced that such an appraisal is necessary in this case.
85. Accordingly, I give full weight to the viability assessments and their conclusions as regards the maximum reasonable amount of affordable housing, subject to mechanisms for review and delivery within the s106 agreements, and find that both Appeal A and Appeal B comply, in this regard, with Local Plan Policy H5A and emerging LPSV Policy H2, which seek an appropriate level affordable dwellings to be provided, which should be 40% subject to transparent and tested viability appraisal, and with paragraph 62 of the Framework.

### **Parking - Site B**

86. The scheme proposes a level of parking on Site B, which the Council argue is not compliant with the aspiration of allocation LOU.R4. This allocation notes the following:

*This site is within 400m of a London Underground Station. To promote sustainable transport modes and encourage active transport, development proposals for residential development should limit the provision of on-site residents' car parking to that required to service the essential needs of the development. Provision should be made on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders.*

87. Policy T1 of the emerging LPSV set out in its accompanying text, which has recently been updated by a proposed modification<sup>8</sup>, that the Council are looking to develop specific residential car parking standards for Epping Forest, but until

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<sup>8</sup> ID6



that time will have regard to the Essex County Council adopted parking standards (EPS) as the starting point. It goes on to state that they will appraise each proposal and where practicable and within 400m of a railway station or Town Centre, the Council will seek reduced car parking provision, including car free development.

88. Two matters arise from this, firstly, what is the policy expectation of reduced parking and secondly, what is meant by the essential needs of the development.
89. Reduced parking for the purposes of the emerging plan preparation would appear to have been considered as a reduction in 50% of the EPS based on the Transport Assessment Report. The Settlement Capacity Study, produced earlier in the plan preparation suggests a level of 0.8 or in some cases, 0.7 spaces per unit on large sites.
90. The appellant presents calculations that show that the EPS minimum parking standard would be 479 spaces for Appeal B<sup>9</sup>. However, it is common ground that the site is sustainably located, with good access to shops and services and to the underground station, albeit I note that although the edge of the site lies within 400m, the residential units would not. This distance is not, to my mind, a complete definition of whether a site is sustainably located or not, but does lend weight to the proportionate reliance that occupiers might give to car or public transport use and suggests that significantly reduced parking provision may be practicable.
91. A reduction in the EPS is therefore entirely justified, and a reduced level of parking is what is sought in Policy T1. The proposal is for 182 spaces, which is approximately 38% of the EPS, below the 50% and significantly below existing parking levels across the District and what was originally presented in the Settlement Capacity Study.
92. The LPSV would appear to be seeking a reduction to the 'essential needs' of the development for sites within 400m of an underground station. However, the evidence presented does not assist in a definition of what essential means, and the LPSV glossary only restates that reduced parking should be to service the essential needs of the development. The Council argue that its meaning is defined by the following sentence, that is for car clubs, car sharing, visitor parking and blue badge holders, although this is disputed by the appellant.
93. I consider that as the LPSV is clearly seeking reduced parking, including car-free development, then where appropriate, the allocation or policy requirement should state that car-free would be the expected approach. The provision of visitor and car-cub spaces is quite typical of a car-free development, but this does not account for the expectation that this site will also meet the 'essential needs of the development'. I do not subscribe to the suggestion that the latter sentence is a description of essential needs, it would have been described as car-free, as is typical in policy across highly accessible urban areas, if that is what was meant.
94. The reality is that this part of Epping Forest, and this site in particular is sustainably located and the proximity to shops and to the station would undoubtedly reduce car journeys and limit some residents' requirements for a

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<sup>9</sup> 91 1-bed units and 194 2-bed units

private vehicle. The fact that there is still a reliance on cars in the area was highly evident during my site visit. There was considerable on road parking pressures around the site, only some of which could be linked to commuters, as well as clear statements made by local residents as to those pressures. Essex County Council's responses to the application clearly indicate that parking pressures are present, as does the need to address Controlled Parking Zones in the allocation.

95. While this shows that minimising car use must be an ambition of new development here, it accords with my view that the area is not of the same order as those within larger urban centres with more extensive transport options and access to facilities where car-free is a genuine option for all occupiers.
96. To me, this strongly suggests the need to provide a balanced approach, significantly lowering car parking levels to encourage a move away from the private car. However, I consider the argument that essential needs equates to car-free has not been borne out. In absence of any sort of definition, essential need can be considered to respond to the practical requirements of future occupiers, where, for example, family units might have an essential need for a car to allow for access to specific retail, educational or leisure activities.
97. To that extent the proposal, at approximately 38% of the EPS, which is identified as the starting point in the policy, would represent a significant reduction. I accept that I have limited evidence with which to confirm that this represents the essential needs of the development, but in absence of clarity on this matter, or the production of site specific, or indeed district specific, parking standards to replace those of the EPS, I consider that the proposal represents a balanced approach that would be in accordance with the expectations of LPSV Policy T1 of seeking reduced parking provision.

### **Other Matters**

98. Notwithstanding the original proposed reasons for refusal for the sites set out by the Council and their final position as argued at the Inquiry, I note that there were a number of other concerns raised by interested parties in their responses to the applications, to the appeals and as presented at the Inquiry. Other than matters in relation to the SAC, the allocation of Appeal Site B, matters of privacy and disturbance associated with Site A, which are all dealt with above, these can be summarised as concerns regarding increased traffic and congestion, parking pressures outside of the sites, additional pressures on public transport and local infrastructure and ecology.
99. As I have set out above there is considerable housing pressure in Epping Forest and new development is set out as an essential requirement of the emerging Local Plan. Both of these sites are included in that as allocations. The LPSV has been assessed in terms of its potential for impact on traffic and infrastructure and the plan sets out to address these, in combination with others, in terms of investment as well as control of new development. To that end Traffic Assessments (TA) were prepared for each site and submitted for review by Essex County Council (ECC), as the Highway Authority, and Epping Forest as the parking authority.
100. New housing will inevitably bring more activity, but also more investment into an area, and I have dealt with reduction in parking above to seek to

achieve a change from private cars to public transport and a reduction in cars and traffic on local roads. Unavoidably there will be some and the TAs set out those impacts. ECC assessed this for Site A and found that the proposal would not be detrimental to highway safety, and would not significantly intensify activity beyond previous use; I see no reason to disagree. For Site B, their conclusion was that the additional traffic would not be detrimental to the capacity or efficiency of the network. Specific analysis of the main entrance safety was accepted by ECC. Any potential air quality issues associated with the traffic has been factored into the agreed Air Quality Assessments as well as being considered under the effect on the SAC, including positive measures to introduce a step change in use of electric and other ultra-low emission cars.

101. In terms of pedestrian safety, the TAs, accepted by ECC, proposed some road improvements and contributions are secured for works. While I note the concerns of residents over parking overspill, set out above is the Council's arguments that the Site B was promoting too much parking. My own conclusions are that there is a balance to be struck and further restrictions to Borders Lane parking form part of the scheme.
102. In terms of infrastructure, the pressures directly associated with the increased level of housing have been assessed against the Council's requirements and appropriate mitigation would be secured through conditions and the s106 agreements for investment in the local area. This includes investment directly in bus stops and bus services, which would be secured.
103. I have noted some concerns over the impact on ecology and in particular the perceived value of the open space of Site B. There have been ecological surveys carried out on both sites, and for Site B, it is noted that rough grassland of this type has limited ecological value. Housing will come to these sites as an essential part of the ongoing development of Epping Forest and various measures are incorporated into the developments to provide enhanced habitats and nesting facilities, which will be secured by condition.

### **Planning Balance**

104. I have found, in relation to Appeal B, that the proposal would comply with the development plan, with significant weight arising in relation to the delivery of housing and other matters.
105. As regards Appeal A, while I have found broad areas of compliance with the development plan as regards design, living conditions and viability, and that the proposal generally accords with the thrust of the emerging LPSV and the allocation set out therein, I have noted some conflict with Local Plan Policies CP2 and DBE1 and emerging LPSV Policies SP3 and DM9 in relation to the design of Site A and the relationship between the scheme and the neighbouring Consented Scheme. I have also found conflict with the Policies CP7, DBE2 and DBE 9, as regards the limited impact on received sunlight to the garden of a property and daylight to future classroom facilities of the Consented Scheme.
106. The Council is not able to demonstrate a 5 year supply of deliverable housing sites. As such, in relation to paragraph 11(d) of the Framework, those policies which are most important for determining the application are out-of-date. The tilted balance in paragraph 11(d)(ii) is therefore engaged.

107. The proposed development would have the benefit of contributing 139 dwellings towards the supply of housing in the District. Of those dwellings, the proposals will secure the maximum amount of affordable housing possible and this contribution to the local supply would be an added benefit. I have no reason to doubt the appellant's clear statements that building would start as soon as practicable and I have noted their agreement to a reduced implementation date, in accordance with paragraph 76 of the Framework. I anticipate a significant proportion of the dwellings would therefore be likely to be built within the 5 year period; this matter attracts significant weight.
108. There would be employment benefits resulting from the construction phase of the proposed development and then in relation the large number of prospective occupiers of the proposed dwellings, who would provide additional support to local businesses and facilities through their spending and patronage to which I can afford further moderate weight
109. In applying paragraph 11(d)(ii) of the Framework, and taking account of my findings concerning the Appropriate Assessment under the Habitats Regulations, the adverse impacts of granting planning permission relating to the main issues would not significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole.

## **S106**

110. A completed legal agreement for each scheme pursuant to section 106 of the Town and Country Planning Act 1990 was submitted after the close of the Inquiry. These deal with matters relating to affordable housing, on- and off-site, and a viability review, contributions as regards the Epping Forest SAC, to address air quality, reduce recreational pressures and provide green infrastructure, and further contributions towards GP services, educational services and a Travel Plan, car park management with EV parking spaces and ULEV incentives. Specifically for Appeal B, there are additional contributions towards bus services and a red route for Borders Lane, as well as a travel plan for the Wellness Centre and specific mitigation measures.
111. I have taken note of the statements of compliance with the Community Infrastructure Levy Regulations 2010, as amended (CAL Regulations), which was submitted at the Inquiry.
112. On the basis of the contents of the agreements and the compliance statements, I am content that all matters conform to the CIL Regulations and that the agreements can be taken into account in my determination of the appeals.

## **Conditions**

113. I have considered the draft conditions for each appeal in the light of the requirements of the national Planning Practice Guidance and the Framework. These were submitted as agreed by the main parties. In light of discussions at the Inquiry there were a number of alterations suggested, which I have incorporated.
114. For Appeal A, in addition to the standard timescale condition (1), I have imposed conditions regarding contaminated land investigations (2), to address the risk of pollution and safe working conditions, an archaeological programme

- (3), in light of the history associated with the site, and a surface water management scheme (4), to address flood risk and the safe management water. In the interest of the character and appearance of the area, I have imposed conditions relating to levels (5), details of materials (6) and hard and soft landscaping (7).
115. To address proposed enhancements to biodiversity, I have required a detailed strategy (8) and to deal with relationships with neighbouring properties, one for boundary treatments (9). For both these reasons, a condition requiring a lighting strategy is also imposed (10). Conditions (11) and (12) require the delivery of highway improvements and vehicle and cycle parking, for highway safety and to address the traffic needs of the development. Water efficiency measures are required (13) to promote sustainable development and tree constraints and protection measures (14, 15) are required for reasons of character and appearance. A condition requiring construction in accordance with a Construction Environmental Management Plan (16) is required to protect the living conditions of neighbouring occupiers, while one requiring noise control measures (17) addresses those neighbours and the future living conditions of occupiers of the site. Finally, I have imposed a condition specifying the relevant drawings and plans (18) as this provides certainty. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
116. It is essential that the requirements of conditions 2, 3, 4 and 5 are agreed prior to development commencing to ensure an acceptable form of development in respect of groundwater, safe working practices, archaeology, flood risk and the proper setting out of levels. The appellant has provided written agreement to their imposition.
117. For Appeal B, in addition to the standard timescale condition (1), I have imposed conditions regarding contaminated land investigations (2), to address the risk of pollution and safe working conditions and an archaeological programme (3), in light of the history associated with the site. To protect neighbouring occupiers, I have required submission of construction management plans for both the residential part of the scheme and the Wellness Centre (4, 5), and for a surface water management scheme (6), to address flood risk and the safe management water, as well as a scheme to deal with surface water during the construction period (7). In the interest of the character and appearance of the area, I have imposed conditions relating to levels (8), details of materials (9) and hard and soft landscaping (10, 11).
118. To address proposed enhancements to biodiversity, I have required a detailed strategy (12) and to deal with relationships with neighbouring properties, one for boundary treatments (13). For both these reasons, conditions requiring a lighting strategy for both parts of the scheme are also imposed (14, 15). Conditions (16), (17) and (18) require the delivery of highway improvements and vehicle and cycle parking, for highway safety and to address the traffic needs of the development. Water efficiency measures are required (19) to promote sustainable development, and tree constraints and protection measures (20, 21) are required for reasons of character and appearance. A condition requiring a strategy for community use of the Wellness Centre is necessary to achieve the benefits expected (22), and exceptionally, to protect character and appearance and living conditions, I have

removed permitted development rights (23). I have imposed a further condition requiring noise control measures (24) to address neighbours and the future living conditions of occupiers of the site. Finally, I have imposed a condition specifying the relevant drawings and plans (25) as this provides certainty. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

119. It is essential that the requirements of conditions 2, 3, 4, 5, 6 and 8 are agreed prior to development commencing to ensure an acceptable form of development in respect of groundwater, safe working practices, archaeology, neighbouring occupiers, flood risk, and the proper setting out of levels. The appellant has provided written agreement to their imposition.

### **Conclusion**

120. Both Appeal A and Appeal B represent the redevelopment and development respectively of underused sites which have been identified in the emerging Local Plan for housing. For Appeal B, the Framework confirms that decisions should be taken in accordance with the development plan, and for this scheme I have found no conflict with the adopted or the emerging plan. For Appeal A, the District has a substantial shortfall in housing delivery and I have concluded that there would be very significant benefits that would arise from the early delivery of housing on these sites.

#### **Appeal A:**

121. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **Appeal B:**

122. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Mike Robins*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Rupert Warren, of Queens Counsel      Instructed by Lichfields.

He called:

Mr C Pullen BA(Hons) DipUD      Urban Design Director, Lambert Smith Hampton

Mr T Rogan-Lyons      Director of the Lichfields Neighbourly Matters Team

Mr J Brierley MA(Oxon) MRICS      Partner, Gerald Eve LLP

Mr C Romain BSc(Hons) MSc MCIHT      Project Principal, Mott MacDonald Ltd

Mr S Slatford BA(Hons), MRTPI, BPI      Senior Director, Lichfields

### FOR THE LOCAL PLANNING AUTHORITY:

Killian Garvey, of Counsel      Instructed by Epping Forest District Council

He called:

Ms K Shah MA(Cantab), DipArch,ARB      Senior Urban Design Officer at Epping Forest District Council

Mr S Drummond-Hay MRICS, ACIH      Director of HDH Planning & Development Ltd

Ms L Grainger BA(Hons) MA MRTPI      Implementation Team Manager, Epping Forest District Council

Ms M-C Tovey BA(Hons) MSc      Senior Planning Officer, Epping Forest District Council

### INTERESTED PARTIES:

Mr Benbow	Local Resident
Ms Falco	Local Resident
Mr Green	Local Resident
Councillor Pond	Town and District Councillor
Mr Linnell	Local Resident

### **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Essex Design Guide, Design Details D3
2. Epping Forest Design Meeting re University (Consented) Scheme
3. Consultation Draft GLA Housing and Design SPG
4. Adopted London Housing SPG
5. BCIS Price Results
6. Proposed modification re para 3.92 LPSV
7. Viability Assessment – adjusted tables
8. Revised SoCG – SAC
9. Site A CIL Compliance Note
10. Site B CIL Compliance Note
11. Draft combined S106 including early and late stage reviews
12. Written agreement to pre-commencement conditions
13. ECC highway comments re Site B
14. Closing Statement - Council
15. Closing Statement - Appellant

### **DOCUMENTS SUBMITTED AFTER THE INQUIRY**

15. S106 legal Agreement Appeal A dated 28 March 2019
16. S106 legal Agreement Appeal B dated 28 March 2019



## **SCHEDULE OF CONDITIONS : A**

- 1) The development hereby permitted must be begun not later than the expiration of eighteen months beginning with the date of this notice.
- 2) No development (other than demolition, site clearance and enabling works) shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the respective block, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 3) No development or preliminary groundworks shall take place until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
- 4) No works except demolition, site clearance and enabling works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the

infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 3.7l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy and detailing long-term maintenance arrangements for all parts of the system, including funding arrangements.

The drainage scheme shall be implemented in accordance with the agreed strategy.

- 5) No ground works (other than demolition, site clearance and enabling works) shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 6) No development shall commence above slab level of any individual building until details and a schedule of materials and products of all external facing materials to be used in the construction of that building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/used until it has been carried out in accordance with the approved details. The development shall thereafter be retained as such.

Detailed drawings must include (where appropriate):

- Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)
- Details of each envelope / roof type (1:20 @A3)
- Detailed brick elements including mortar joint profile (1:20 @A3)
- Details of glazing systems including any manifestation (1:20 @A3)
- Key junctions/bonds between materials/finishes (1:20 @A3)
- Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)
- Elevational location of all joints eg structural, movement, panels (1:100 @ appropriate paper size)
- Elevational location of all openings in envelope eg ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)

- Elevational location of all items which are fixed to the façade eg fins/louvres, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
- Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces (1:20 @A3)
- Details of balconies and terraces including floor finishes (1:20 @A3)
- Balustrade details (1:20 @A3)
- Details of soffits and canopies (1:20 @A3)

Details of materials and products must include (where appropriate):

- Façade and roof cladding materials
- Brick and mortar type including mortar joint profile
- Window / door types (including finishes, glass types and any manifestation)
- Facing metalwork (e.g. balustrades, service doors, screens, gates)
- All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes)
- Soffit and canopy materials
- Balcony and terrace floor finishes

Samples of the above materials and full-size mock-ups of facades should be made available on site for inspection if requested by the Local Planning Authority.

- 7) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be in accordance with approved plans and documents and shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of three years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8) No development shall commence above slab level until, a Biodiversity Enhancement Plan is submitted to the LPA for approval in accordance with the Ecological Assessment, dated November 2019 and the

Biodiversity Gains Assessment March 2020. This should include native planting of wildflowers beneficial to bats, the inclusion of bird and bat boxes on the new buildings or trees, a stag beetle logger and hedge-planting. The development shall be carried out in accordance with the approved details.

- 9) Prior to any above ground works of the development hereby permitted, a plan indicating the position, design, materials and type of boundary treatment to be erected shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10) Prior to occupation a lighting design strategy for the site, which shall include a lighting design for bats, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 11) Prior to the first occupation of the development the developer shall be responsible for the following, with all details being agreed with the local planning authority in consultation with the Highway Authority:
  - Visibility splay improvements to the east of access – vegetation to be cleared and trimmed as necessary;
  - The Give Way and associated road markings to be refreshed at the access;
  - A pedestrian dropped kerb crossing and tactile paving across Borders Lane;
  - Provision of a raised table on the route of Footpath no.127 Loughton across the accessway into the site;
  - Provision of a bus shelter to ECC specification at the eastbound bus stop (Murray Hall) approximately 230m to the west of the site on Borders Lane.

The approved details shall be fully implemented prior to first occupation of the development.

- 12) Prior to the first occupation of each respective block, parking spaces within the podium parking areas, and other vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose, those within the podium parking areas shall be retained for parking and for the use of occupants on the site only.
- 13) Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 14) The proposed development hereby approved shall be carried out in accordance within the submitted Tree Survey and Impact Assessment Ref 1189-KC-XX-YTREE-TreeSurvey- and-ImpactAssessment-RevA and Tree Constraints Plan ref: 1189-KCXX- YTREE-TCP01RevB prepared by Keen Consultants.

- 15) No services shall be installed within the root protection area of any retained tree unless the Local Planning Authority gives its prior written approval.
- 16) The development hereby approved, including demolition and site clearance, shall be carried out in accordance with the submitted Construction Environmental Management Plan Rev 001, dated November 2019.
- 17) The sound insulation and noise control measures shall be carried out strictly in accordance with those set out in the Noise Impact Assessment, prepared by MLM Group dated November 2019 and shall be maintained as such thereafter. The insulation and measures shall be implemented prior to the first occupation of the development hereby approved.
- 18) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule A1.

## **SCHEDULE OF PLANS : A1**

- Site Location Plan D1000 Rev P1
- Proposed Ground Floor Plan D3000 Rev P2
- Proposed First Floor Plan D3001 Rev P3
- Proposed Second Floor Plan D3002 Rev P2
- Proposed Third Floor Plan D3003 Rev P2
- Proposed Fourth Floor Plan D3004 Rev P2
- Proposed Roof Plan D3005 Rev P2
- Block A Ground Floor Plan D3100-A1 Rev P1
- Block A Ground Floor Plan D3100-A2 A3 Rev P1
- Block A First Floor Plan D3101-A1 Rev P2
- Block A First Floor Plan D3101-A2 A3 Rev P1
- Block A Second Floor Plan D3102-A1 Rev P1
- Block A Second Floor Plan D3102-A2 A3 Rev P1
- Block A Third Floor Plan D3103-A1 Rev P1
- Block A Third Floor Plan D3103-A2 A3 Rev P1
- Block A Fourth Floor Plan D3104-A2 A3 Rev P1
- Block A Roof Plan D3104-A1 Rev P1
- Block A Roof Plan D3105-A2 A3 Rev P1
- Block B Ground Floor Plan D3100-B Rev P1
- Block B First Floor Plan D3101-B Rev P1
- Block B Second Floor Plan D3102-B Rev P1
- Block B Third Floor Plan D3103-B Rev P1
- Block B Fourth Floor Plan D3104-B Rev P1
- Block B Roof Plan D3105-B Rev P1
- Block C Ground Floor Plan D3100-C Rev P1
- Block C First Floor Plan D3101-C Rev P1
- Block C Second Floor Plan D3102-C Rev P1
- Block C Roof Plan D3103-C Rev P1
- Block A Proposed Elevation 1 D3700-A Rev P1
- Block A Proposed Elevation 2 D3701-A Rev P1
- Block A Proposed Elevation 3 D3702-A Rev P2
- Block A Proposed Elevation 4 D3703-A Rev P1
- Block B Proposed Elevation 1 D3700-B Rev P1
- Block B Proposed Elevation 2 D3701-B Rev P1
- Block B Proposed Elevation 3 D3702-B Rev P1
- Block C Proposed Elevation 1 D3700-C Rev P1
- Block C Proposed Elevation 2 D3701-C Rev P1
- Block C Proposed Elevation 3&4 D3702-C Rev P1
- Proposed Site Sections 1 & 2 D3500 Rev P1
- Landscape Coloured Masterplan C0105-L1000 Rev P02
- Substation – Proposed Plan, Section & Elevations D3400 Rev P0
- Tree Constraints Plan 1189-KC-XX-YTREE-TCP01RevB

## **SCHEDULE OF CONDITIONS : B**

- 1) The development hereby permitted must be begun not later than the expiration of eighteen months beginning with the date of this notice.
- 2) No development (other than demolition, site clearance and enabling works) shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of individual block relating to the residential component, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 3) No development or preliminary groundworks shall take place on the relevant part of the development until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
- 4) No development relating to the residential components shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:
  - Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials

- Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities
- 5) No development related to the Wellness Centre shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:
- Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities
- 6) No works except demolition, site clearance and enabling works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - Limiting discharge rates to 3.7l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
  - Final modelling and calculations for all areas of the drainage system.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy and detailing long-term maintenance arrangements for all parts of the system, including funding arrangements.
- The drainage scheme shall be implemented in accordance with the agreed strategy.
- 7) No above ground works shall take place on the relevant part of the development, until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.



- 8) No above ground works shall take place on the relevant part of the development until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be in accordance with approved plans and documents and shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of three years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10) Before development commences above slab level on the relevant part of the development, a Biodiversity Enhancement Plan will be submitted to the LPA for approval in accordance with the Ecological Assessment, dated February 2020, and the Biodiversity Gains Assessment, June 2020. This should include native planting of wildflowers beneficial to bats, the inclusion of bird and bat boxes on the new buildings or trees, a stag beetle logger and hedge-planting. The development shall be carried out in accordance with the approved details.
- 11) No development related to the residential components shall commence above slab level of any individual building until details and a schedule of materials and products of all external facing materials to be used in the construction of that building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/used until it has been carried out in accordance with the approved details. The development shall thereafter be retained as such. Detailed drawings must include (where appropriate):
  - Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)
  - Details of each envelope / roof type (1:20 @A3)
  - Detailed brick elements including mortar joint profile (1:20 @A3)

- Details of glazing systems including any manifestation (1:20 @A3)
- Key junctions/bonds between materials/finishes (1:20 @A3)
- Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)
- Elevational location of all joints eg structural, movement, panels (1:100 @ appropriate paper size)
- Elevational location of all openings in envelope eg ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)
- Elevational location of all items which are fixed to the façade eg fins/louvres, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
- Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces (1:20 @A3)
- Details of balconies and terraces including floor finishes (1:20 @A3)
- Balustrade details (1:20 @A3)
- Details of soffits and canopies (1:20 @A3)

Details of materials and products must include (where appropriate):

- Façade and roof cladding materials
- Brick and mortar type including mortar joint profile
- Window / door types (including finishes, glass types and any manifestation)
- Facing metalwork (e.g. balustrades, service doors, screens, gates)
- All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes)
- Soffit and canopy materials
- Balcony and terrace floor finishes

Samples of the above materials and full-size mock-ups of facades should be made available on site for inspection if requested by the Local Planning Authority.

- 12) No development related to the Wellness Centre shall commence above slab level until details and a schedule of materials and products of all external facing materials to be used in the construction of the building hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/used until it has been carried out in accordance with the approved details. The development shall thereafter be retained as such.

Detailed drawings must include (where appropriate):

- Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)
- Details of each envelope / roof type (1:20 @A3)
- Details of glazing systems including any manifestation (1:20 @A3)

- Key junctions/bonds between materials/finishes (1:20 @A3)
- Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)
- Elevational location of all joints eg structural, movement, panels (1:100 @ appropriate paper size)
- Elevational location of all openings in envelope eg ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)
- Elevational location of all items which are fixed to the façade eg fins/louvres, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
- Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to terraces (1:20 @A3)
- Details of terraces including floor finishes (1:20 @A3)
- Balustrade details (1:20 @A3)
- Details of soffits and canopies (1:20 @A3)

Details of materials and products must include (where appropriate):

- Façade and roof cladding materials
- Window / door types (including finishes, glass types and any manifestation)
- Facing metalwork (e.g. balustrades, service doors, screens, gates)
- All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes)
- Soffit and canopy materials
- Terrace floor finishes

Samples of the above materials and full-size mock-ups should be made available on site for inspection if requested by the Local Planning Authority.

- 13) Prior to any above ground works of the development hereby permitted, a plan indicating the position, design, materials and type of boundary treatment to be erected shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 14) Prior to occupation of the residential components, a lighting design strategy for the site, which shall include a lighting design for bats, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 15) Prior to the first use of the Wellness Centre, a lighting design strategy for the site, which shall include a lighting design for bats, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

- 16) Prior to occupying more than 50% of the residential dwellings the developer shall be responsible for the following, with all details being agreed with the Highway Authority:
- Visibility splay improvements to the existing access and highway signage – vegetation to be cleared and trimmed as necessary;
  - All associated road markings to be refreshed at the access and the mini-roundabout;
  - The implementation of tactile paving at the existing pedestrian dropped kerb crossing points across the junction of Ladyfields and Borders Lane;
  - Provision of bus shelters to ECC specification at the bus stop approximately 100m to the east of the site on Borders Lane;
  - Provision of a 3.5m wide shared use facility from Colston Road along Luctons Path (to the west of the site) to a point that ties into a cycle connection from the western edge of the site.

The approved details shall be fully implemented prior to occupation of more than 50% of the residential dwellings.

- 17) Prior to the occupation of individual blocks relating to the residential component, parking spaces within the podium parking areas and other vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose, those within the podium parking areas shall be retained for parking and for the use of occupants on the site only.
- 18) Prior to the to the first use of the Wellness centre the developer shall submit details to the Local Planning Authority, to be approved in writing, for all the cycle parking stores within the communal areas at the wellness centre; with the approved facilities being secure, convenient and covered. The approved details shall be implemented and retained as such at all times.
- 19) Prior to first occupation of the residential component, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 20) The proposed development hereby approved shall be carried out in accordance within the submitted Tree Survey and Impact Assessment Ref 1231-KC-XX-YTREETreeSurvey- and-ImpactAssessment-Rev0 and Tree Constraints Plan ref: 1231-KCXX- YTREE-TCP01Rev0 prepared by Keen Consultants.
- 21) No services shall be installed within the root protection area of any retained tree unless the Local Planning Authority gives its prior written approval.
- 22) Prior to first use of the Wellness Centre, a community use agreement prepared in consultation with Sport England will be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the sports hall, fitness suite, dance studio and supporting ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment

users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

- 23) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule 2 Part [1], Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 24) The sound insulation and noise control measures shall be carried out strictly in accordance with those set out in the Noise Impact Assessment, prepared by MLM Group dated February 2020 and shall be maintained as such thereafter. The insulation and measures shall be implemented prior to the first occupation of the development hereby approved.
- 25) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule B1.

## **SCHEDULE OF PLANS – B1**

### Location Plan

- Site Location Plan D1010 rev 00
- Site Existing Site Plan D1110 rev 00

### GA Plans

- Revised Lower Ground Floor Plan D3170L rev 05
- Revised Ground Floor Plan D3170U rev 05
- Revised First Floor Plan D3171 rev 05
- Revised Second Floor Plan D3172 rev 02
- Revised Third Floor Plan D3173 rev 02
- Revised Fourth Floor Plan D3174 rev 02
- Revised Roof Plan D3175 rev 03

### Block Plans

- Revised Block A Ground Floor Plan D3200 rev 04
- Revised Block A First Floor Plan D3201 rev 04
- Revised Block A Second Floor Plan D3202 rev 03
- Revised Block A Third Floor Plan D3203 rev 03
- Revised Block A Fourth Floor Plan D3204 rev 03
- Revised Block A Roof Plan D3205 rev 04
- Block B Ground Floor Plan D3210 rev 04
- Block B First Floor Plan D3211 rev 04
- Block B Second Floor Plan D3212 rev 03
- Block B Third Floor Plan D3213 rev 03
- Block B Fourth Floor Plan D3214 rev 03
- Block B Roof Plan D3215 rev 04
- Block C Lower Ground Floor Plan D3219 rev 04
- Block C Ground Floor Plan D3220 rev 04
- Block C First Floor Plan D3221 rev 04
- Block C Second Floor Plan D3222 rev 03
- Block C Third Floor Plan D3223 rev 03
- Block D Ground Floor Plan D3230 rev 01
- Block D First Floor Plan D3231 rev 01
- Block D Second Floor Plan D3232 rev 01
- Block D Roof Plan D3233 rev 01
- Block E Ground Floor Plan D3240 rev 01
- Block E First Floor Plan D3241 rev 01
- Block E Second Floor Plan D3242 rev 01
- Block E Third Floor Plan D3243 rev 01
- Block E Roof Plan D3244 rev 01
- House Plots 267 to 274 Ground Floor Plans D3250 rev 01
- House Plots 267 to 274 First Floor Plans D3251 rev 01
- House Plots 267 to 274 Second Floor Plans D3252 rev 00
- House Plots 275 to 279 Ground Floor Plans D3255 rev 01
- House Plots 275 to 279 First Floor Plans D3256 rev 01
- House Plots 280 to 285 Ground Floor Plans D3260 rev 01
- House Plots 280 to 285 First Floor Plans D3261 rev 01

### GA Elevations

- Block A Proposed Elevation AA D3700 rev 0
- Block A Proposed Elevation BB D3701 rev 00
- Block A Proposed Elevation CC D3702 rev 00
- Block A Proposed Elevation EE D3704 rev 00
- Block A Proposed Elevation FF D3705 rev 00
- Block A Proposed Elevation GG D3706 rev 00
- Block A Proposed Elevation HH D3707 rev 02
- Block A Proposed Elevation JJ D3708 rev 00
- Block B Proposed Elevation AA D3710 rev 00
- Block B Proposed Elevation BB D3711 rev 02

- Block B Proposed Elevation CC D3712 rev 02
- Block B Proposed Elevation DD D3713 rev 00
- Block B Proposed Elevation EE D3714 rev 00
- Block B Proposed Elevation FF D3715 rev 00
- Block B Proposed Elevation GG D3716 rev 02
- Block B Proposed Elevation HH D3717 rev 00
- Block B Proposed Elevation JJ D3718 rev 00
- Block C Proposed Elevation AA D3720 rev 00
- Block C Proposed Elevation BB D3721 rev 00
- Block C Proposed Elevation CC D3722 rev 02
- Block C Proposed Elevation DD D3723 rev 00
- Block C Proposed Elevation EE D3724 rev 00
- Block C Proposed Elevation FF D3725 rev 00
- Block C Proposed Elevation GG D3726 rev 00
- Block C Proposed Elevation HH D3727 rev 00
- Block C Proposed Elevation JJ D3728 rev 00
- Block D Proposed Elevation AA D3730 rev 01
- Block D Proposed Elevation BB D3731 rev 00
- Block D Proposed Elevation CC D3732 rev 00
- Block D Proposed Elevation DD D3733 rev 00
- Block E Proposed Elevation AA D3740 rev 01
- Block E Proposed Elevation BB D3741 rev 01
- Block E Proposed Elevation CC D3742 rev 01
- Block E Proposed Elevation DD D3743 rev 00
- Proposed Typical House 01 Elevations AA BB D3750 rev 00
- Proposed Typical House 01 Elevations CC DD D3751 rev 00
- Proposed Typical House 02 Elevations AA BB D3752 rev 00
- Proposed Typical House 02 Elevations CC DD D3753 rev 00
- Proposed Typical House 03 Elevations AA BB D3760 rev 01
- Proposed Typical House 03 Elevations CC DD D3761 rev 01

#### Site Sections

- Proposed Site Sections AA & BB D3500 rev 01
- Proposed Site Sections CC & DD D3501 rev 01
- Proposed Site Sections GG & HH D3503 rev 01
- Proposed Site Sections JJ & KK D3504 rev 01
- Proposed Site Sections LL & MM D3505 rev 01
- Proposed Site Sections NN & PP D3506 rev 01
- Proposed Site Sections QQ D3507 rev 01

#### Bay Studies

- Proposed Elevation detail 01 D3810 rev 00
- Proposed Elevation detail 02 D3811 rev 00
- Proposed Elevation detail 03 D3812 rev 00
- Proposed Elevation detail 04 D3813 rev 00
- Proposed Elevation detail 05 D3814 rev 00
- Proposed Elevation detail 06 D3815 rev 00
- Proposed Elevation detail 07 D3816 rev 00
- Proposed Elevation detail 08 D3817 rev 00
- Proposed Elevation detail 09 D3818 rev 00
- Proposed Elevation detail 10 D3819 rev 00
- Proposed Elevation detail 11 D3820 rev 00
- Proposed Elevation detail 12 D3821 rev 00
- Proposed Elevation detail 13 D3822 rev 00
- Proposed Elevation detail 14 D3823 rev 00
- Proposed Elevation detail 15 D3824 rev 00
- Proposed Elevation detail 16 D3825 rev 00
- Proposed Elevation detail 17 D3826 rev 00
- Proposed Elevation detail 18 D3827 rev 00

- Proposed Elevation detail 19 D3828 rev 00
- Proposed Elevation detail 20 D3829 rev 00
- Proposed Elevation detail 21 D3830 rev 00
- Proposed Elevation detail 22 D3831 rev 00
- Proposed Elevation detail 23 D3832 rev 00
- Proposed Elevation detail 24 D3833 rev 00

Landscape Proposal

- Ground Floor Landscape General Arrangement Plan 1 of 2 L101 rev 05
- Ground Floor Landscape General Arrangement Plan 2 of 2 L102 rev 03
- First Floor Landscape General Arrangement Plan L111 rev 03
- Overall Landscape Illustrative Masterplan Plan 1 of 2 C0106 L1000a rev 04
- Overall Landscape Illustrative Masterplan Plan 2 of 2 C0106 L1000b rev 04
- Amenity Space Calculation Plan L901 rev 00

Wellness Centre

- Wellness Centre Proposed Ground Floor Plan DR-A-83100 rev 04
- Wellness Centre Proposed First Floor Plan DR-A-83101 rev 03
- Wellness Centre Proposed Roof Plan DR-A-83102 rev 04
- Wellness Centre Proposed Site Location Plan DR-A-80100 rev 05
- Wellness Centre Proposed Site Plan DR-A-80102 rev 04
- Wellness Centre Proposed Site Sections Plan DR-A-80103 rev 03
- Wellness Centre Proposed Elevations sheet 01 DR-A-84100 rev 03
- Wellness Centre Proposed Elevations sheet 02 DR-A-84101 rev 03
- Wellness Centre Proposed Sections DR-A-85100 rev 04
- Wellness Centre Proposed Isometric Floor Plans DR-A-86000 rev 03