

# **Report to District Development Control Committee**



**Epping Forest  
District Council**

**Date of meeting: 2 December 2008**

**Subject: Planning Application EPF/2358/07- 92 Crooked Mile,  
Waltham Abbey**

**Officer contact for further information: Jill Shingler  
Committee Secretary: S Hill Ext 4249**

---

## **Recommendation(s):**

- (1) That the Committee agrees the proposed wording of the legal agreement under section 106 of the Town and Country Planning Act which is required to be signed prior to issue of consent for the development; and**
- (2) That the Committee considers whether to impose a further condition to ensure that parking provision is made and retained**

## **Report Detail**

1. Planning application EPF/2358/07 for the erection of a two storey side extension at 92 Crooked Mile, Waltham Abbey was originally considered by this Committee in June of this year and it was deferred for additional information and considered again in August. At that second meeting Members resolved to grant consent for the development (demolition of a conservatory for the provision of double storey side extension to create care unit extension to family home) subject to 4 conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- (2) The proposed extension shall only be used as ancillary accommodation for the existing dwelling house and shall not be occupied as a unit separately from the dwelling known as 92 Crooked Mile.
- (3) Materials to be used for the external finishes of the proposed extension shall match those of the existing building.
- (4) A flood risk assessment shall be submitted to and approved by the LPA prior to the commencement of development. The assessment shall include calculations of increased run off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the extension hereby approved and shall be maintained in accordance with a management plan to be submitted concurrently with the assessment.

And subject to the applicant first entering into an agreement under s.106 of the Town and Country Planning Act requiring:

- (i) That the extension be used only for purposes ancillary to the use of the existing house as a dwelling house, and
- (ii) That the extension, or any part of it, shall not be severed from or sold separately from the existing house, and
- (iii) That a connecting internal door be provided between the extension and the existing house as shown on drawing no. C.H.3c prior to the occupation of the extension and thereafter be permanently retained without obstruction and capable of being opened.

2. Although the Committee has already made the decision on the application the matter is being brought back to Committee, unusually, as there was considerable concern from neighbours as to the nature of the application and the way in which the decision was made and Members had indicated that they wished all matters to be fully considered in the public forum. Therefore it is considered appropriate for Members to consider the final wording of the proposed Legal agreement that has now been drawn up, in order to ensure that it meets Members requirements. A copy of the Draft Legal Agreement is attached for the Committee's consideration.

3. Additionally, in reaching the decision to grant consent in August, Members took into account the revised plans that had been submitted, which indicated that additional parking could be provided in connection with the development, via access through the existing garage building, but did not impose any condition requiring that the parking as shown should be provided.

4. As the decision has not yet been issued, there is therefore an opportunity for Members to consider whether such a condition is necessary. If Members are of the view that the development is only acceptable if the parking is provided, than the following condition could be applied:

**Condition 5.** Prior to the first occupation of the extension hereby permitted, the existing garage shall be altered and the two parking spaces and turning area shall be provided as shown on the amended plans references C.H.6D and C.H.7, and thereafter retained so as to provide off street parking to serve the development at the property. Any security door provided at the front of the drive through section of the garage shall only be in the closed position if the property is unoccupied, or during the hours of darkness.

**Reason:-** The property lies on a busy road linking Waltham Abbey to Harlow, and near a bend on that road; it follows that parking on Crooked Mile to the front of the property is not very practical or safe. The property also has a side/rear boundary to Hereward Close which is a cul-de-sac, which presently gives access to a double garage within the curtilage of the property, but which neither provides much on street parking for residents or visitors or for vehicles serving these properties. The proposal has responded to these circumstances by suggesting alterations to the arrangement of the garage so as to provide extra parking and turning within the site, and it is important that these are provided and retained, in the interests of road safety and to secure the amenities of neighbours, but not in such a way as to leave the property unsecured.

5. The Committee is therefore asked to consider whether they wish to impose this condition.