

**Report to District Development Control
Committee**

Date of meeting: 7 December 2010



**Epping Forest
District Council**

**Subject: Planning Application EPF/1662/10 – 1 Norman Close, Waltham
Abbey, Essex, EN9 1PY – Erection of two storey detached house.**

**Officer contact for further information: J Cordell
Committee Secretary: S Hill Ext 4249**

Recommendation:

**That the committee considers the recommendation of the Area Plans
subcommittee West to grant planning permission subject to the following
suggested conditions:**

**1. The development hereby permitted must be begun not later than the
expiration of three years beginning with the date of this notice.**

**Reason:- To comply with the requirements of Section 91 of the Town
and Country Planning Act 1990 (as amended).**

**2. No development shall have taken place until details of the types and
colours of the external finishes have been submitted to and approved
by the Local Planning Authority in writing prior to the commencement of
the development. The development shall be implemented in accordance
with such approved details.**

**Reason:- To ensure a satisfactory appearance in the interests of visual
amenity.**

**3. 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 Part 1, Class A, B and E
shall be undertaken without the prior written permission of the Local
Planning Authority.**

**Reason:- The development is located on a visually prominent site, in
close proximity to neighbours, and has limited amenity space, and
therefore control is required to ensure that there is no detrimental
impact on the street scene or neighbour and future occupiers amenities.**

**4. No development shall take place until details of foul and surface
water disposal have been submitted to and approved in writing by the
Local Planning Authority. The development shall be implemented in
accordance with such agreed details.**

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health.

5. The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

Reason:- In the interests of highway safety.

6. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

7. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model

Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported

in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

Reason: Since the site has been identified as being potentially at risk from off site ground gases and to protect human health and buildings.

Report

1. This application has been referred by the Area Plans Sub Committee West with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

Planning Issues

2. The sub-committee did not consider that the development would appear visually dominant and overbearing, would constitute a cramped form of development, nor that it would be detrimental to neighbours amenities or set an undesirable precedent. As such they considered that the proposal was acceptable.
3. Notwithstanding the discussions, Members recommended that the application be deferred to District Development Control Committee as it is contrary to Local Plan policy, yet no explanation was given as to why it was considered contrary to policy.

Conclusion

4. Whilst the proposal is recommended for approval by Area Plans Sub-committee West the planning officer's recommendation to refuse planning permission still stands. This is because the proposed development is considered to be on a prominent junction plot and the dwelling would appear dominant and overbearing, which would result in a visually cramped junction and would set an undesirable precedent for similar development.
5. Notwithstanding the above, should the Committee grant planning permission it is recommended that this be subject to the above suggested conditions.

ORIGINAL PLANS SUBCOMMITTEE WEST REPORT

Recommended reasons for refusal:

1. The proposed new dwelling is located on a visually prominent junction plot where the proposed new dwelling would appear visually dominant and overbearing resulting in a visually cramped junction and setting an undesirable precedent for similar works contrary to the aims and objectives of policies CP1, CP2, CP3, DBE1 and DBE3 of the Adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Brooks (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks permission to erect a detached 2 bedroom dwelling house on the land adjacent to 1 Norman Street. The dwelling would maintain a pitched roof with gable ends to match the existing 1 Norman Street, fronting onto 1 Norman Street and backing onto the frontage of 20 Tudor Way.

The dwelling would provide two parking spaces, one to the front, one to the rear, a private rear garden area and lounge, kitchen/diner and hall on ground floor with two bedroom and a bathroom at first floor.

Description of Site:

The application site comprises the present garden area for 1 Norman Close. The remainder of the garden area, some 75sqm would remain as rear garden serving the donor dwelling number 1. The site is located immediately on the junction between Norman Close and Tudor Way forward of number 20 Tudor Way.

The site is in the generally urban area of Waltham Abbey, outside of the Green Belt and any Conservation Areas.

Relevant History:

None relevant

Policies Applied:

Epping Forest District Local Plan and Alterations policies:

CP1 Achieving Sustainable Development Objectives
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
H2A Previously Developed Land
H3A Housing Density
H5A Provision of affordable Housing
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE3 Design in Urban Areas

DBE8 Private Amenity Space
DBE9 Loss of Amenity
ST1 Location of development
ST6 Vehicle Parking
I1A Planning Obligations

SUMMARY OF REPRESENTATIONS:

10 neighbouring properties have been notified. No objections have been received.

WALTHAM ABBEY TOWN COUNCIL: No objection

Issues and Considerations:

The main issues that arise with this application relate to the principle of residential development, density, design, layout, parking and amenity space, impact on the street scene and neighbouring amenity.

In principle the more efficient use of presently residential land is in keeping with the Council's broader sustainability objectives.

The site area is 150sqm, equivalent to 0.015ha resulting in a density equivalent to 66 dwellings per hectare. This is an indicative measurement and should not be used alone to assess the acceptability of proposals but in the context of design, layout, impact to amenity and street scene.

The design of the dwelling as a detached gable ended property is not considered unacceptable, the height and scale of the dwelling is in keeping with the design of neighbouring properties and whilst the street is predominantly comprised of semi-detached homes, a detached property would not be unacceptable. The proposed property provides a comparable depth of garden to neighbouring properties and two off street parking spaces, this is considered acceptable. The donor dwelling would retain sufficient parking and amenity also.

With regard to street scene, the proposed new dwelling is constructed entirely forward of the building line as viewed from Tudor Way. As a junction plot the site is visibly prominent and any two storey development in this position would appear visually prominent and crowd the appearance of the junction particularly on the approach into the cul-de-sac from Saxon Way and Tudor Way. Furthermore properties 19 and 22 Tudor Way and 16 Norman Close occupy a similar position on junction plots and whilst some of these properties have erected single storey side additions, two storey development so close to the junction has not been provided and the proposals would set an undesirable precedent. Officers are of the view that that a new dwelling in this location irrespective of scale or design would appear visually prominent and dominant at the junction to the detriment of the street scene and contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.

Policies DBE2 and DBE9 seek to prevent unacceptable impacts to neighbouring amenity by ensuring new developments do not have unacceptable adverse impacts on outlook, privacy and overshadowing. The proposed new dwelling would not have any significant adverse impacts on the donor dwelling being well aligned to minimise impacts. Notwithstanding direct impacts, the proposed new dwelling would be set significantly forward of number 20 Tudor Way and as a result would have a significant impact on the outlook from this dwelling less than 10m away.

Conclusion:

The proposed new dwelling, whilst meeting minimum requirements in terms of parking and amenity, the junction location is visually prominent, forward of the built form along Tudor Way and number 20 in particular and would result in the crowding of the junction also setting an undesirable precedent for similar development in the locality, therefore the proposals are considered unacceptable and Officers recommend refusal.