

AREA PLANS SUB-COMMITTEE 'WEST'

24 September 2014

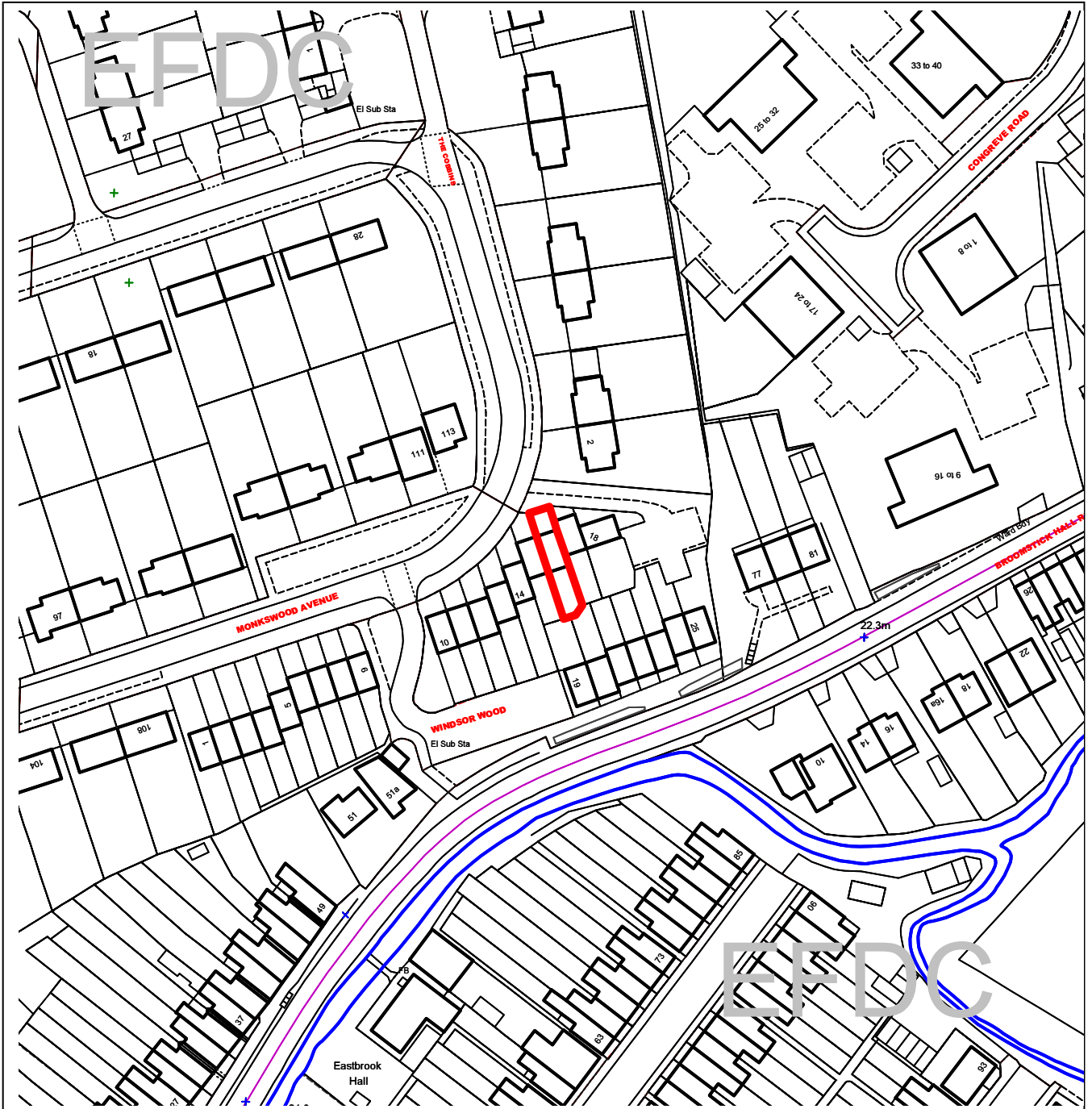
INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1871/14	16 Windsor Wood Monkswood Avenue Waltham Abbey Essex EN9 1LY	Refuse Permission	20
2.	EPF/1451/14	Rear of Jacks Hatch House Epping Road Epping Green Essex CM16 6QA	Grant Permission (With Conditions)	26
3.	EPF/1563/14	Lychgate House Church Street Waltham Abbey Essex EN9 1DX	Grant Permission	32



Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/1646/14
Site Name:	16 Windsor Wood, Monkwood Avenue Waltham Abbey, EN9 1LY
Scale of Plot:	1/1250

Report Item No:

APPLICATION No:	EPF/1871/14
SITE ADDRESS:	16 Windsor Wood Monkswood Avenue Waltham Abbey Essex EN9 1LY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Miss B Young
DESCRIPTION OF PROPOSAL:	TPO/10/90: G4 & G5 - Fell 2 x Sycamore trees.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566751

CONDITIONS

- 1 Both trees are considered to contribute to local visual amenity. It is recognized that their retention necessarily involves a degree of diminution of the owners' and their neighbours' enjoyment of their properties, but the degree of this infringement is able to be controlled substantially by pruning, while retaining the trees' amenity, As such, the loss of the trees' existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

This application is before this Committee because a number of representations have been made in support of this application to fell preserved trees which form part of this TPO and therefore falls outside the scope of delegated powers.

Description of Site:

The two sycamores are remnants of a 14 tree field boundary line incorporated as a feature within this dense new residential development

Description of Proposal:

Sycamore in G4, (garden of 25 Windsor Wood) – Fell
Sycamore in G5, (garden of 23 Windsor Wood) – Fell

Relevant History:

The TPO was made in 1990 before development due to the importance of the line of trees, in particular their visual significance from Broomstick Hall Rd. However the narrowness of the site and the trees' location in a line broadly across its centre meant that the agreed layout did not afford as much space for them as would have been desired.

TRE/EPF/0869/14, permission granted to prune G4 and G5; two sycamores by selectively reducing overhanging garden side and upper branches.

TRE.EPF/1904/13, permission refused at committee to fell G4 and G5; the two sycamores standing in the rear garden of 25 Windsor Wood and 23 Windsor Wood
TRE/EPF/1477/09; permission refused to fell G4; the two sycamores standing in the rear garden of 25 Windsor Wood in. An appeal was made against this decision and APP/TPO/J1535/973 upheld the appeal in part and granted consent to fell the dominant tree of the two but refused to allow the removal of the remaining tree within G4. A replacement rowan has been planted and provides some ornament and a small degree of privacy to 25 Windsor Wood.
Other planning decisions to trees protected by the order:
TRE/EPF/0758/12 allowed the removal of a smaller sycamore at 9 Windsor Wood, and permitted pruning to a larger sycamore next to it to give relief to the owner without threatening the integrity of the original line of trees.
TRE/EPF/1065/09 refused permission to fell a sycamore at 10 Windsor Wood.
TRE/EPF/1840/08 granted permission to fell a sycamore at 13 Windsor Wood

Consent has been granted on numerous occasions for selective crown reductions along the line of sycamores.

Relevant Policies:

LL9: Felling of preserved trees.

'the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree.'

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL objected to this application and commented that, 'Committee were concerned with the possible loss of two mature trees. Subject to advice from the Arboricultural officer, if permission is granted, Committee would like young replacements to be put in their place.

25 WINDSOR WOOD. In full agreement to have the tree in my garden removed. I have already had one tree cut down & have had to pay out £1400 to have the remaining tree cut back as I was not granted permission to have this tree removed too. The tree is a nuisance. It is far too large for my garden & I am unable to use my garden at certain times of year.

23 WINDSOR WOOD. This tree is a nuisance and has little or no value in my garden.

1. The roots have destroyed my patio area and damaged my shed foundations, which has subsequently had to be removed.
2. At 15 metres tall and with a span of 6 metres the tree is not in proportion to my small garden or its surroundings and both I and my neighbours are in permanent darkness, unable to enjoy our gardens.
3. The tree constantly drops leaves into gardens and if not quickly removed become a brown, mushy mess, which quickly finds itself in my house. ... it is a constant cycle of removing and disposing of leaves.
4. Tree sap makes stairs and patio slippery and covers garden furniture and clothing.
5. Loud birds foul the area from the tree and the mess enters the home.
6. The tree is a danger following the loss of a large branch from a considerable height placing several homes and families at risk of damage and injury.
7. 'Protected' status granted to this tree is outdated following the building of the properties on Windsor Wood and serious thought should be given to authorising the removal of this tree due to its negative presence in the its current surroundings.

17 WINDSOR WOOD. Me and my wife are in total support with [the applicant] and surrounding neighbours, that the two trees in question require to be removed from rear gardens.

15 WINDSOR WOOD. Pleased to hear the news regarding the trees being removed.

Issues and Considerations:

Introduction

The applicant lives at 16 Windsor Wood: the application is based on her perception of the trees' negative impact on her ability to enjoy her property. She has a small garden, some 10m in length x 4.5m in width. The trees stand in 2 separate gardens immediately to the south of her garden. The response to the consultation with the trees' owners confirms that they support the felling, were it to be agreed.

There has been a history of applications to control most of the trees in this line. Given the limitations of space and the particular characteristics of the species, control by robust side reductions has been encouraged, with a lesser degree of height reduction. Removal has been agreed on specific occasions, either where the importance of the particular tree was seen to be limited or because the particular reasons given were seen to take precedence.

Both of these trees are healthy and attractive in themselves. Permission exists to prune both, as detailed above at TRE/EPF/0869/14.

Application

The reasons given for this latest application may be summarised, as follows:

- i) Both trees are too close to the houses.
- ii) The trees are too big for the gardens and are a nuisance and a danger. They upset everyone's life.
- iii) They reduce natural daylight considerably.
- iv) Constant mess from sap, leaves and bird mess, which damages furniture and gullies, prevents the use of the garden for entertaining guests, allowing children to play or to enjoy the outdoor space.
- v) G5 has destroyed a patio and caused the removal of an unsafe shed.
- vi) The amenity value of the trees is negligible.

Key issues and discussion

The trees appear healthy, with no outward signs of decay other than some minor wounding scars on the stem of G4. The problems referred above are what would be expected from trees of this species and none are such that they justify removal where there is significant public amenity. This is based on the provision of permission being granted to undertake remedial pruning, as there is in this case which exceeds the normally acceptable pruning specification.

Taking each point in turn:

- i) In terms of proximity to houses, the trees are not so close that they are a subsidence risk. No evidence is submitted in this respect. At 8 to 10 metres from either property, this relationship is normally deemed acceptable.
- ii) Both trees are similar in size but G4 has been controlled in spread and lower canopy and has a smaller outline than other trees along the line. G5, is a similar height but has not undergone such pruning works, which has resulted in a broad crown form. The permitted pruning to both trees is considered sufficient to address the overpowering issue.
- iii) Loss of light and living conditions in the homes will be difficult, particularly in the case of the tree G5, but with pruning both properties' problems could be significantly alleviated.
- iv) Mess is a real and inevitable issue where trees such as these grow in modest gardens but with selective pruning, as granted, can be substantially reduced, if not eliminated.

- v) Root damage to lightweight structures such as patios and even shed bases can be remedied without the need to fell but would require specific root pruning permission not currently granted on this tree; G5.
- vi) The appeal decision for G4, TRE/EPF/1477/09, which is most relevant in responding to the assertion that these trees have negligible amenity value, balanced the trees' landscape value against the extent of inconvenience they caused. It was considered by the inspector that the tree standing in 25 Windsor Wood was not of sufficient inconvenience to justify removal, having regard to its contribution to the local treescape. This remains the case for G4 and to a lesser extent to G5, which intrinsically is a tree of better form but located in a less publicly visible garden.

These trees continue to contribute as amenity features to the local treescape, despite a gap between them and the main group G2. Views from along Broomstick Hall Road still allow the original line of a tall row of trees to be read.

Conclusion

Members will recall that these issues have been addressed before and it was concluded then that the two sycamores are important visual assets, which contribute significantly to local character. While the difficulties of living in close proximity to sycamores is recognised, particularly as here where garden size is small, these problems have been addressed in the granting of an extensive pruning specification intended to alleviate if not completely remove the ongoing issues listed. It is, therefore, recommended to refuse permission to fell on the grounds of insufficient justification for either tree's removal. The proposal therefore runs contrary to Local Plan Policy LL9.

In the event of members allowing the felling of either or both trees it is recommended that a replacement planting condition be attached to the decision notice requiring new trees to be planted at the same location within one month of the felling.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

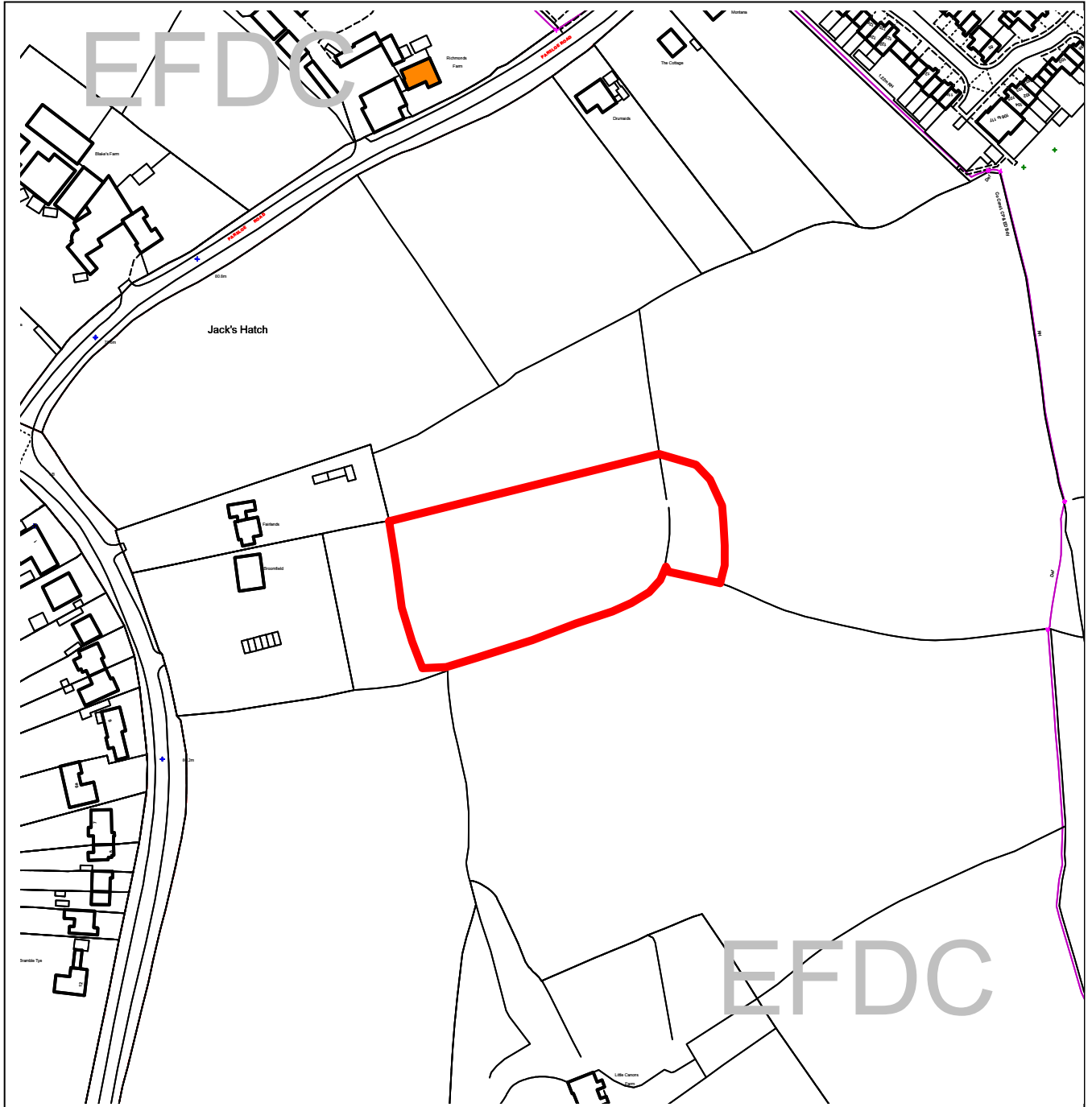
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AGENDA ITEM NUMBER 2



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Application Number:	EPF/1451/14
Site Name:	Rear of Jacks Hatch House, Epping Road, Epping Green, CM16 6QA
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/1451/14
SITE ADDRESS:	Rear of Jacks Hatch House Epping Road Epping Green Essex CM16 6QA
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Ian Gudgeon
DESCRIPTION OF PROPOSAL:	Erect stables and manege for keeping and exercising of horses. Three stables plus tack, hay and washroom, manege and change of use of land to horse keeping.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564810

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 development hereby permitted will be completed strictly in accordance with the approved drawing no: 02 Rev: B
- 3 The site, stables and horse exercise area shall be used for the keeping of horses in association with the residential dwellinghouse known as Jacks Hatch House, Epping Road, and not for any commercial purposes including livery.
- 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.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 6 No hardstanding shall be laid until details of the size, location and materials of the proposed hardstanding have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved.
- 7 Details of the means of storing and disposing of manure shall be submitted to and approved in writing by the Local Planning Authority and completed in accordance with these details prior to first occupation of the stables.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site comprises a 1.5 hectare site to the rear of Jacks Hatch House on the eastern side of Epping Road, Jacks Hatch. The site is currently open and undeveloped land in the ownership of the resident of Jacks Hatch House and has no current use (although it is likely that the former use of the land was part of a larger agricultural holding). There is no access to the application site except from through Jacks Hatch House. The site is located within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the erection of a stables and horse exercise area and for a change of use of the land for the keeping and exercising of horses. The proposed stables would be L shaped reaching a maximum width of 14m and maximum depth of 17.9m with a shallow pitched roof reaching a ridge height of 3.9m. The proposed horse exercise area would measure 20m x 45m and would be enclosed by post and rail fencing.

Relevant History:

None relevant to the application site.

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
GB2A - Development in the Green Belt
DBE1 - Design of new buildings
RST5 - Stables

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

1 neighbour was consulted and a Site Notice was displayed on 28/07/14.

PARISH COUNCIL – Object:

- Green Belt – no special circumstances
- Reduces the green buffer between the parish and Harlow
- Loss of agricultural land
- Concern as to possible future use

Issues and Considerations:

The main considerations are the impact on the Green Belt and with regards to the overall design and impact on the character of the area.

Green Belt:

Paragraph 81 of the NPPF states that “*local planning authorities should plan positively to enhance the beneficial use of the Green Belt*” through, amongst other things, providing “*opportunities for outdoor sport and recreation*”. Furthermore, paragraph 89 states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”.

Horse keeping has long been recognised as an outdoor sport/recreational use. The proposed stable building would contain three stable boxes along with a hay room, tack room and wash room. The proposed stables would be relatively small scale and appropriate in relation to the size of the site.

Although the manege would introduce a large area of semi-hardstanding to this green field it is not considered that the proposed development would be detrimental to the openness of the Green Belt and examples of this type of horse exercise area can be found throughout the District. The manege would be enclosed by a traditional post and rail fence, which is not considered harmful to the appearance or character of the Green Belt, and would be used in association with the proposed outdoor sport/recreational use of the site.

Due to the above the proposal would not constitute inappropriate development harmful to the openness of the Green Belt.

Design:

The proposed building is a simple designed structure with a low pitched roof that would be wholly appropriate to its use. It would be located beyond the residential curtilage of the applicant’s dwelling so public views of the structure would be limited. It is considered that the design of the proposed stables is acceptable.

Confirmation has been received that an area of hardstanding would be laid immediately adjacent to the stables and would ‘square off’ the L shape. This degree of hardstanding would not be unduly detrimental to the appearance of this area, however for the purposes of control a condition should be imposed requiring details of the hardstanding to be agreed prior to it being laid.

The horse exercise area would be enclosed by a traditional post and rail fence, which would be wholly appropriate to this rural site and would not detrimentally harm the character or appearance of the area.

Other Considerations:

Both the stables and manege would be sufficient distance from any neighbouring residents to not result in any loss of amenity.

Details of how foul sewage from the wash area would be disposed of would need to be agreed by condition, as would the means of disposing of surface water drainage.

The Parish Council have raised concerns regarding the loss of green buffer between the parish and Harlow, however the proposed development is wholly appropriate to a rural location such as this and the site would remain predominantly open and undeveloped. As such it is not considered that this would result in any significant reduction in green space nor would it result in any possible merging of Jacks Hatch with Harlow town.

Whilst historically the application site would have constituted agricultural land this would likely have been as part of a far larger area. The site is now owned (and recently cleared/tidied) by the owners of Jacks Hatch House, and given its limited size it is unlikely that this would ever be reused for agricultural purposes, unless amalgamated with surrounding land. Therefore it is not considered that the loss of any historic agricultural use of this parcel of land would be detrimental to the area.

The potential future use of the site is not a material planning consideration, as any further development would require planning consent and would be subject to assessment at that time. However, despite the application stating that the stables would be for personal use, consideration is required as to the possible future commercial use of the site. Given that the site is land locked with the only access being through Jacks Hatch House it is not considered appropriate for the site to be used for commercial stabling. As such a condition should be added ensuring that the site is only used for the keeping and stabling of horses, ancillary to the residential property at Jacks Hatch House.

Conclusion:

The proposed use of the land, stable building and horse exercise area would not constitute inappropriate development within the Green Belt, and the design and location of these would be acceptable. As such, the proposal would comply with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval, subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

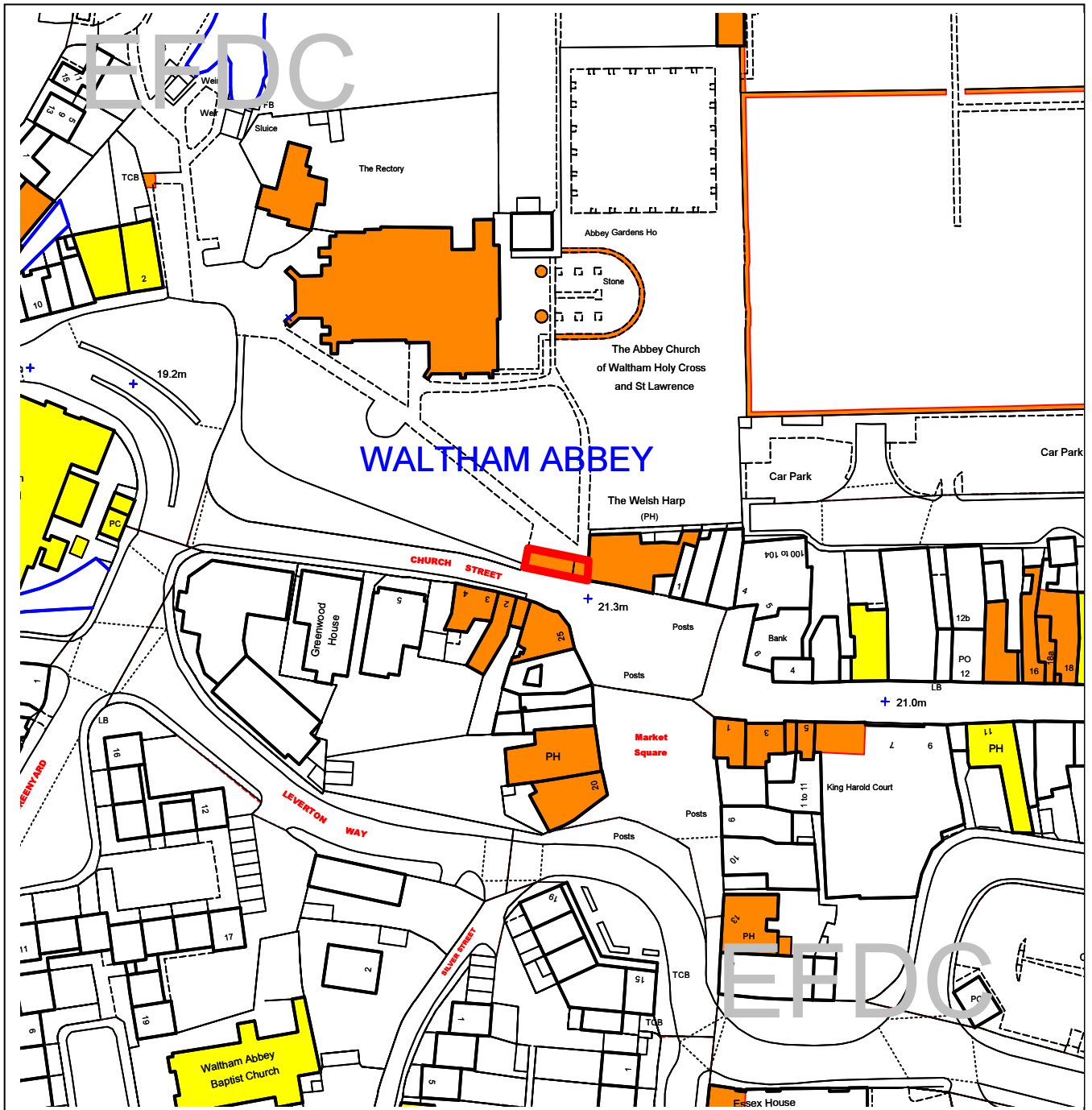
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AGENDA ITEM NUMBER 3



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Application Number:	EPF/1563/14
Site Name:	Lychgate House, Church Street Waltham Abbey, EN9 1DX
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/1563/14
SITE ADDRESS:	Lychgate House Church Street Waltham Abbey Essex EN9 1DX
PARISH:	Waltham Abbey
WARD:	
APPLICANT:	Miss Isabelle Perrichon
DESCRIPTION OF PROPOSAL:	Change of use from mixed use A3/C3 tearoom and flat to single dwelling house C3 residential. No internal or external alterations to the buildings.
RECOMMENDED DECISION:	Grant Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=565350

CONDITIONS

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

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

Lychgate House is a grade II listed building located on the northern side of Church Street at the entrance to the Abbey Gardens and adjoining the Welsh Harp Public House within the Waltham Abbey Conservation Area. The building currently has a tea room within the original living room at ground floor with the remaining space in use as a dwelling with the kitchen in shared use.

Description of Proposal:

The proposal is to return the building to a single residential use by changing the existing ground floor tearoom area back to a private living room/dining room. No internal or external alterations are proposed or necessary to enable this.

Relevant History:

EPF/1070/81 Change of use of ground floor room of dwellinghouse as tea_shop – Approved
LB EPF/0040/81 Listed Building consent for use of ground floor room of dwellinghouse as tea shop – Approved.

Summary of Representations

1 neighbouring property was consulted
A site notice was erected and the application was advertised.
No responses were received.

TOWN COUNCIL – Object. The committee raised concerns regarding parking, no suitable space for refuse bins, and a loss of a commercial property in the Town Centre.

Policies Applied:

HC6 Character appearance and setting of Conservation Areas
HC7 Development within Conservation Areas
HC13 Change of use of Listed Buildings
TC3 Town Centre Function
TC4 Non Retail frontage
ST6 Vehicle Parking

Issues and Considerations:

This is a simple application to revert the ground floor room, in the building back to a living room to enable the use of the building as a single dwelling house.

The main considerations are the impacts on the listed building, the conservation area and on the function of the Town Centre.

The building which dates from the 16th/17th century was built for residential use and its character is as such. The best use of any historic building is always its intended original use, as its form, appearance and character follow this function. Therefore the reversion of the building back to this use is of benefit to the listed building and to the conservation area and is supported by the Council's Conservation Officer.

Whilst the site is within the boundary of the Town Centre within which policy seeks to prevent residential use at ground floor, in this instance the reversion back to the original use, after just 30 years as a tea room is not considered harmful to the town centre function, there are plenty of alternative A3 uses within the Town Centre area and the loss of this small facility will not impact adversely. The site is not within the identified Key retail frontage and has no "shop front".

The site has no residential curtilage and no parking facilities, but at present it has a residential use *and* a commercial use and the parking requirement for the mixed use would be greater than that for the single dwelling. The lack of garden space is as existing and historic and particularly given the siting adjacent to the abbey gardens this is not considered reason for refusal.

The Town Council has raised concern at the lack of refuse storage space, but again the existing mixed use would generate far more refuse than a single dwelling and therefore if there is an existing issue it is likely to be reduced by the proposal.

Conclusion

In conclusion, is a minimal change which has advantages with regard to the historic interest of the listed building and the character of the conservation area, will reduce parking and refuse needs for the property and will not adversely effect the Town Centre function. The application is in accordance with the policies of the Local Plan and the NPPF and is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Mrs Jill Shingler

Direct Line Telephone Number: (01992) 564106

Or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk