



# Epping Forest District Council



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Application Number:	EPF/2257/21
Site Name:	67 Hemnall Street Epping CM16 4LZ
Scale of Plot:	1:500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2257/21
<b>SITE ADDRESS:</b>	67 Hemnall Street Epping CM16 4LZ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mrs Carol Kurbish
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/32/08 (Ref: T5) T1: Lime - Crown lift to up to 5m above ground level, as specified.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=656453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656453)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches up to 65 mm in diameter, necessary to give 5 metres clearance above ground level and to give statutory clearance to public highways.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (2010) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 5 The works hereby authorised shall be undertaken only within the periods 1st January to 1st March inclusive and 1st July to 1st October inclusive.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3:*

**Description of Site:**

The property is a detached modern residential dwelling, located in a tree lined residential street with similar aged houses immediately adjacent. The subject tree is a large and well grown specimen, about 19-20 metres tall, planted in the small front lawn. It is an elegant and valuable landscape feature in the local street scene and provides significant amenity along with several other mature street trees lining this part of Hemnall Street.

### **Description of Proposal:**

T1. Lime. crown lift to 5-6 metres above ground level, as specified.

### **Relevant History:**

EPF/0536/21 Demolition of existing dwelling and construction of new dwelling.

### **Policies Applied:**

Epping Forest District Local Plan (1998) and Alteration (2006)s:

LL08 Works to preserved trees.

*'the Council will give consent for works to a tree protected by a TPO provided it is satisfied that the health and appearance of the tree will not be impaired, and the works will not unjustifiably inhibit or prevent the full and natural development or the works are necessary to its continued retention and consistent with good arboricultural practice.'*

### **DEVELOPMENT PLAN CONTEXT**

*Local Plan (1998) and Alterations (2006)*

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

CP2 - Protecting the quality of the rural and built environment  
DBE2 - Impact on Neighbouring Properties  
DBE9 - Loss of Amenity

*NPPF, 2021*

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

*Epping Forest District Local Plan Submission Version (LPSV), (2017)*

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in Favour of Sustainable Development

## **Consultation Carried Out and Summary of Representations Received**

### **EPPING TOWN COUNCIL- OBJECTION**

Epping Town Council strongly objects to the unacceptable level of pruning, causing irreparable damage likely to result in the ultimate demise of the tree and the harm to the street scene such major works would cause.

69 Hemnall Street objects to the grotesquely excessive works. Such large scale cutting can be expected to damage the tree that has a habit of naturally drooping lower limbs.

65 Hemnall Street objects to this healthy and significant tree being aggressively lifted to the detriment of its health and appearance for no apparent reason other than to allow access for site construction.

Epping Society objects on grounds that the proposed works would be detrimental to the health of the tree and that no reason or tree report have been submitted.

### **Main issues and Consideration:**

The applicant has instructed a tree contractor to submit the application with recommendations for its management.

Following a discussion with the contractor, the main issue in respect of the pruning of the tree is its downward sweeping lower lateral boughs, growing close to the ground at under 1.8 metres above pavement level and around 2 -3 metres over the garden. This growth will continue to extend further and is likely to cause issues with pedestrians and road users.

The main issues to consider relate to: Health and Appearance and Landscape Amenity

#### **1.Consideration of the arboricultural and Landscape Amenity impacts of a 5 metre crown lift from ground level**

The Lime tree stands approximately 19 metres in height with a low crown apron of extended lateral and pendulous boughs growing towards the road and over the pavement. It appears to be in good health with vigorous shoot extension, abundant bud development and good crown density. The crown break occurs at around 5.5 metres from which the main leaders grow vertically into a well-shaped crown, with typical branch distribution and hierarchy. Some internal branches crowd and cross other larger boughs.

The proposed specific reduction of the lowest lateral and pendulous branches, under 65mm in diameter, made at natural target pruning points will result in a 2 to 3 metre raising of the crown to a height of around 5 metres above ground level. In the context of the overall size of the tree and its canopy volume, this represents less than a 17% loss of foliage, which is within the normal tolerance of a healthy tree.

Any crown lift will raise the tree's centre of gravity. Consideration should be given to the proportion of branch loss to the overall tree's height and canopy sail area. In this proposal the increase in height of this key point will be around 15% and only at the cost of small diameter branches, which represents a relatively small increase to the risk of stem fracture. The tree has good stem taper, indicating good physiological development and should accommodate a relatively small change in its centre of gravity.

It would be acceptable to selectively prune out small diameter, congested internal branches that might restrict airflow through the crown. Some of these crossing and competing branches show signs of potential grafting likely to produce weak unions or tightly included bark forks.

Well executed cuts that retain furnishing growth at branch ends will maintain a good form and give clearance above the pavement and garden without detriment to the tree's landscape amenity.

## 2. Consideration of the objections

The general concern of all objectors is that the proposed pruning is excessive and damaging to both the tree's health and appearance. It is accepted that the tree might be allowed to continue growing naturally until the down swept branches touch the ground but this is only usually possible in parkland or arboretum settings, where there are no constraints to the tree's natural growth pattern. Even then, lime is capable of over growing these extended low laterals, which can split out under wind loads due to the low wood strength this species has.

There are clear signs of previous pruning to lower laterals that have encroached over pavement and possibly into the road. It is reasonable to manage this low and vigorous growth to a height of about 5 metres in height, which will maintain the tree's general symmetry and graceful form without harm to either its health or the wider landscape amenity.

## Conclusion

The proposal, after examination of the tree and discussion with the applicant's agent does justify the specified crown lift from around 2 to 5 metres above ground level by the conditioned pruning of only those small diameter branches under 65mm in diameter to suitable unions. The tree will continue to be healthy and prominent, but management is prudent given its location over a pavement and beside a narrow and well used road. The proposal, in this instance, accords with Local Plan Landscape Policy LL8. and is recommended for approval, subject to the above condition.

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

or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)