



COUNCIL OF THE ISLES OF SCILLY

Planning Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

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OFFICER REPORT – DELEGATED

Application number: P/18/064/TWA	Expiry date: 26 September 2018
Received on: 15 August 2018	Neighbour expiry date: 5 September 2018
UPRN: 000192000999	Consultation expiry date:
Legal agreement: No	Site notice posted: 15 August 2018
Departure: No	Site notice expiry: 5 September 2018

Applicant:	Mr Arthur Miller
Site Address:	The Distillery Old Town Lane Old Town St Mary's Isles Of Scilly TR21 0NN
Proposal:	Removal of 2 elm trees.
Application Type:	Tree Works Applications

Description of site and development:

This is a notification of an intent to remove x2 Elm Trees at Old Town Road, Old Town St Mar's. The trees are Elm Trees, which have been pollarded within the last 2 years. The works are stated to be required on the basis that (the trees) present a significant threat of root damage to drainage and foundations, they are adjacent to the distillery being only 4m and 6m from property respectively and present risks to foundations and nearby drainage runs. The applicant is concerned with the size of the trees being 'incongruous' to the scale of the site and interference with overhead cables.

Public representations:

None

Constraints and designations:

Conservation Area, AONB and Heritage Coast. Close to the Scheduled Monument at Ennor Castle.

Relevant policies, SPGs and Government guidance:

Not applicable

Appraisal/key issues and conclusion:

A tree within a conservation area is protected in the same way as a tree with a formal Tree Preservation Order. Any person wishing to remove or carry out pruning works to such trees must serve a Section 211 Notice, under the Town and Country Planning Act. This notifies the LPA of the intended works and

provides 6 weeks to determine whether the tree or trees require further protection through a Tree Preservation Order.

The assessment for determining whether the works proposed are acceptable is primarily based on the amenity value provided by the tree(s). The trees in question are highly visible in the public realm and as such have the potential to add value to the physical environment. Whilst they have been pollarded in the last 2 years they have regrown and have well-shaped crowns. There is a degree of maintenance required to remove epicormics growth and pittosporum grown from around the base, which would improve the appearance of the trees. The base around the trees is largely enclosed, save for the small area which encloses the trees. Each tree is surrounded by a low picket fence. Overall, however it is considered that the trees hold a significant amount of amenity value and are important in the conservation area. It is considered that total loss of these trees would have a detrimental visual impact. The applicant has stated that the area will be improved, post tree removal, with a stone wall and more appropriate scale planting.

The applicant has stated that (the trees) present a significant threat of root damage to drainage and foundations. They are growing adjacent to distillery and are only 4m and 6m from property respectively which presents a risk to foundations and nearby drainage runs. The applicant has supported the risks with an extract from a Kew Root Survey Table. It is considered, however that the applicant has been very selective with the information provided and has misunderstood what has been provided. A link to the full document from which this table was taken is set out below. It is noted that in the context of the table there are many factors to consider between tree and building interactions.

<https://www.localsurveyorsdirect.co.uk/sites/default/files/attachments/treesdraft060227.pdf>. For example the applicant has underlined a sentence below the table about soil moisture levels and trees. This relates to changing soil water volumes caused by trees which is only an issue on shrinkable soils such as clay. Unless the property is on a shrinkable soil this is not a material consideration. No evidence has been provided to demonstrate this is the case.

The applicant has stated that this species is notorious for such damage, due to their root system seeking out water. It is considered that this is an inaccurate statement on the basis that trees do not seek out water. The first paragraph on page 14 of the above linked document (which the Root Survey table is taken from) states that it is a common perception roots find water, but they do not. Roots are opportunistic and if they happen across it they will proliferate. Where tree roots do block drains, it is where they have been able to penetrate pipes through existing cracks and defects and then proliferate due to the relatively large amounts of water and air present (page 20, 4th paragraph of the above linked document). No evidence has been submitted to suggest there are structural problems with drainage pipes.

The applicant also stated that the trees pose a risk of damage to telephone wiring. It is considered that such concerns could be addressed through regular pollarding, which will help to reduce the likelihood of cable damage. The trees were last pollarded in 2016 under P/15/100/TWA (demonstrating adequate management of this particular problem). It is recommended that a regular regime could be continued and should be encouraged to prevent the possibility of branch failure at weak attachment points from the new growth. Further to this the applicant is also concerned with the trees being incongruously large relative to the property. It is not considered that the trees are out of scale with the surroundings, but again, regular pollarding would help resolve this issue.

The applicant has stated that new planting could be planted in place of the lost trees. It is noted that such replanting works could not be conditioned and in order to be satisfied with the replacement planting there would need to be a degree of control, which could only be imposed through conditions. The presence of a TPO allows the conditioning of replacements.

On the basis that tree removal is insufficiently justified and the trees hold a significant amount of amenity value, it is recommended that the Council make individual Tree Preservation Orders on the trees.

Recommendation:

Make an Interim Tree Preservation Order on the x2 Elm Trees

Signed: 	Dated: 10/09/2018	Signed: 	Dated: 10/9/2018
Planning Officer		Senior Manager	