

Planning Officer's Report – LDCA MAY 2021

APPLICATION	2021/21 – Proposed Removal of Two Ficus Trees
PERMISSION SOUGHT	Full
REGISTERED	18 th March 2021
APPLICANT	Aubrey and Kenneth Geogr
PARCEL	JT100061
LOCALITY	The Run, Rear of Market Street, Jamestown
ZONE	Intermediate
CONSERVATION AREA	Jamestown Conservation Area
CURRENT USE	Adjacent Residential Properties
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 19th March 2021▪ A site notice displayed in accordance with Regulations.
EXPIRY	9 th April 2021
REPRESENTATIONS	None Received
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

1. Sewage & Water Division	No Objection
2. Energy Division	No Objection
3. Fire & Rescue	No Response
4. Roads Section	No Objection
5. Property Division	No Response
6. Environmental Management	No Objection
7. Public Health	No Response
8. Agriculture & Natural Resources	No Response
9. St Helena Police Services	Not Consulted
10. Aerodrome Safe Guarding	Not Consulted
11. Enterprise St Helena (ESH)	No Objection
12. National Trust	No Response

13. Sure SA Ltd

No Objection

14. Heritage Society

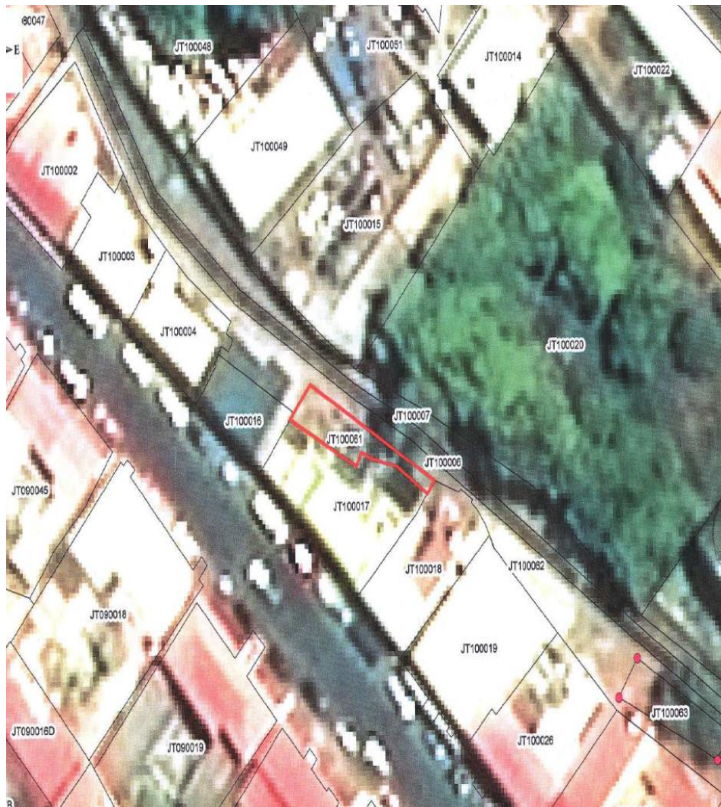
Objection - Comments

B. PLANNING OFFICER'S APPRAISAL

LOCALITY & ZONING

The application relates to a residential plot with two Ficus tree along the Run in Jamestown. The location of the trees is within the Run, on the western side and is just south of the south-west corner of the Brewery Yard at the Run. The Run is part of the historic public realm of Jamestown, which is frequented by walkers between the upper Jamestown and central area of the town. The location of the trees is an area designated within the Intermediate Zone and within the proposed Jamestown Conservation Area.

Diagram 1: Location Plan



THE PROPOSAL

The proposal is to remove the two Ficus tree due to their position close to the residential buildings and in the long-term they could problems for the residential properties and also to the users of the Run. To support this request, assessment of these trees has been undertaken to accompany the development application and to enable the Planning Officers to consider potential impact on the buildings, the local amenity and within the wider public realm and to make a recommendation.

ASSESSMENT OF TREE CONDITION

The trees have been assessed by the Forestry Section of ANRD and this has been submitted with the development application.

Tree No. 1: - This tree is approximately 40ft high with small moderate volume of new growth that has been regenerated from past works, the canopy is not extensive and the spread does not extend to or beyond the edge of The Run. There are new shoots present at the base of the tree, however the tree is in reasonable condition and appears to be stable with no obvious damage, apart from severe cut planes left from previous attempts to remove the tree.

In the short to medium term if left to grow unchecked the spread of the canopy will impact the neighbouring residential property and users of The Run causing potential issues with tree debris blocking gutters, littering courtyards and leading to the creation of slip and fall hazards and potentially causing damage to private property and injury to both landowners and the general public through falling limbs that have dried off and died back within the canopy.

Diagram 2: Tree No. 1



Diagram 3: Tree No. 1 Condition of Canopy



The overall structure of the tree has been severely altered, through the removal of its uppermost limbs through previous works that have been undertaken and as a result the structure has planes of approximately 1-1.5ft in diameter from which the canopy has formed.

Tree No. 2: This tree is in a good condition and appears stable with no evidence of physical damage or pest and disease attack. It currently stands approximately 60-70 ft. high and is located in close proximity to the applicant residential dwelling and directly on the edge of The Run. The tree is in close proximity to the concrete bridge that allows access from one side of The Run to the other.

Diagram 4: Tree No. 2



The upper most limbs of this tree are currently growing directly over The Run in the area which is used by the public; there are a number of dry, dead limbs currently overhanging this area and also pose a risk to pedestrian using the area for recreation purposes or as a route into central Jamestown.

Diagram 5: Tree No. 2 Condition at the top



The canopy spread is also impacting the existing new dwelling as well as users of the area, new growth is current growing into the building and will impact the windows to be installed; in time the private property (mango production area) on the opposite side of The Run will also be impacted as the spread will potentially cause issues with shade which will potentially decrease fruit production.

Both trees are situated close to a number of sewage waste pipes which could also cause issues in the medium to long term that will need to be addressed if the impact on sewage pipes becomes an environmental concern.

Options for Consideration

Two options for the management of the trees has been considered and these include the removal of the trees or considerable reduction in order to over the problems for the present, however for the future the protection of the property and the safety of users of this area would still.

Option 1: Removal of the Trees

- the removal of the trees will eliminate all risk to users of The Run from falling tree debris, as well as possible landowner liability for any losses or injury sustained to persons as a direct result from the tree;

- If option of tree removal is most appropriate solution then works can be undertaken immediately, whereas the maintenance works need to be undertaken during an appropriate season to enable the trees to regenerate, reduces the period of on-going risk to users of the area as the works of tree felling can occur at any time;
- There is no continued financial obligation for tree maintenance for the landowners; and
- peace of mind provided for the landowners as obvious threat to the public is removed from their private property.

Option 2: To Support the Reduction in Height:

- tree is essentially healthy and provides recognised environmental benefits;
- reduction in height at this level will allow the canopy to be managed without impacting persons using The Run, allow the current development to be completed, while ensuring that the environmental benefits that the tree provides are not lost, whilst removing the risk and potential liability as feared by the landowner;
- to retain the tree and in order to achieve this, the works need to be undertaken during the winter months to reduce the stress placed upon the tree, and until such time, the landowners will still have the aforementioned concerns; and
- option requires annual financial commitment from the landowners to continuously maintain the on-going growth.

POLICY CONSIDERATION

The proposed development is assessed against the LDCP Policies set out below:

- Intermediate Zone: Policies IZ1 (a, b)
- Energy Policy: E5
- Built Heritage Policy: BH1 c)

Representation

Representation has been received from the Heritage Society in respect of the proposed development and issues raised include the following:

- these two trees are significant elements in the landscape of the Historic Conservation Area and the tree assessment shows that both trees are healthy and therefore the Society strongly objects to remove of these trees as they are important to the character of the Historic Conservation Area;
- **Society calls upon the Chief Planning Officer to initiate an Urgent Tree Preservation Order upon both trees which are the subject of this application with immediate effect in accordance with Section 43 of the Land Planning and Development Control Ordinance** and the application to be assessed in the context of Tree Preservation Orders;
- LDCP Built Heritage Primary Policy BH1(c) states that *“Development in Historic Conservation Areas will be permitted only if it enhances and protects the character of the Area by reference to scale, proportion, details and external materials of the proposed development in relation to those of the Historic Conservation Area.”*; and

- application is devoid of any clear evidence of the land parcel boundaries in relation to the trees and it is not clear in whose property they fall or whether they are boundary markers themselves.

The representation also states that the Society remains committed to improving the environment of St Helena and would be pleased to offer any and further assistance and describes its objectives as:

- *to awaken public interest in and appreciation of the geography, history, natural history, architecture and culture of St. Helena;*
- *to promote high standards of planning and architecture in or affecting St. Helena;*
- *to secure the preservation, protection, conservation, development and improvement of:*
 - *man-made and natural features of historical or public interest in St. Helena,*
 - *flora, fauna and the resources of the sea,*
 - *wrecks of historical and educational interest, and*
 - *places of historical interest or outstanding natural beauty or scientific importance.*

Officers Response

The issues raised by the Society have a level of relevance in that it is recognised that all trees and their form are an important features of the historic built environment and its landscape. In view of this, whilst these trees are not protected under the Tree Preservation Order (TPO), as the trees are located within the Historic Jamestown Conservation Area they will be assessed as trees with a TPO. Therefore, it is not considered necessary to initiate an Urgent TPO in order to consider this development application. The applicant has been advised that no work should be undertaken to these trees due to their location within the conservation area. The assessment of these trees will be against all relevant LDCP policies and impact on the wider environment and the landscape.

The trees are considered to be within the boundary of the residential plots of the applicant and they do not appear to be within an area that can be identified as being within the Run that is a public right-of-way. If that was the case then the responsibility for the trees would have rested with SHG Crown Estate Services.

OFFICER ASSESSMENT

There is no doubt that these trees are healthy, however the major issues regarding these three is their precarious positions and the current and future perceived risk that these trees create to the neighbouring properties and the health and safety risk to the residents and the pedestrian that use the Run. There is also no doubt that all trees have considerable amenity value for the area and the wider landscape and in respect of these trees, the amenity value they provide is questionable due to their physical appearance. Tree No 2, in particular, is at an angle to the ground base and the banking and has little functional shape and with many dead limbs.

Tree No. 1 whilst having a reasonable shape and appearance in its streetscape and against building elevation, however its position is major concern and will have adverse impact to the residential building. A level of pruning and removal of dried and over-hanging limbs may provide a temporary solution, however its impact of the structure of the residential property would remain on-going concern.

Both trees have number of issues in respect of their value in the immediate area and the impact on the neighbouring property that needs to be managed with an appropriate action. Some level of maintenance works to remove the dead and over hanging limbs and cropping the height of tree may provide a short-term solution, however, in the long-term the level of even growth will continue to be a problem and likely to effect the residential property's stability. In view of this, would the most action be to tallow the removal of the tree. This will ensure the residential property's position is undermined by the tree and its roots and also ensure safety of the pedestrians that use the Run.