

South Hams Planning
Application to work on Trees subject to a Tree Preservation Order
Officer Report, Assessment and Recommendation

Case Officer: Lee Marshall

Parish: Salcombe **Ward:** Salcombe and Malborough

Application No: 1554/22/TPO

Agent:

Mr Keith McBride
Dart Tree Consultancy
Wrigwell Estate
Ipplepen
Newton Abbot
TQ12 5UA

Applicant:

Proctor
Greystones
Devon, Salcombe
TQ8 8LQ

Site Address: Greystones, De Courcy Road, Salcombe, TQ8 8LQ

Proposed works: T231: Beech - crown height reduction by 2m. Due to poor condition and to allow Oak to take dominance.

T232: Yew - crown height reduction by 2m. For garden management. T233 & 234:

Sweet Chestnuts - crown height reduction by 3m. For garden management.

T235 & T237: Beech - fell. For safety.

T236: Pine - fell. For safety.

T238: Sycamore - fell. For safety.

T263: Sweet Chestnut - crown height reduction by 2m; lateral crown reduction on NE side by 1m. For garden management.

T3: Quercus Ilex - lateral crown reduction on S side by 3m. To remove encroachment into garden.

T4: Quercus Robur - lateral crown reduction on S side by 3m. To remove encroachment into garden.

T2: Quercus Robur - lateral crown reduction (over Greystones) by 3m. To remove encroachment into garden.

Site assessed by	: L Marshall
Date	: 31/05/2022

Assessment

1.

Are the trees covered by a current TPO?

Yes

2.

Are some, or all, of the works exempt from the need for formal consent?

No

3.

Description of the tree(s) and location.

Agreement was not found with the majority of works proposed excluding those against T235 & 236, given letters of objection for works from the Town Council and the South Hams Society delegation was sought, and granted as follows –

Dear Councillors,

We have received an application to undertake works as follows:

T231: Beech - crown height reduction by 2m. Due to poor condition and to allow Oak to take dominance. T232: Yew - crown height reduction by 2m. For garden management. T233 & 234: Sweet Chestnuts - crown height reduction by 3m. For garden management. T235 & T237: Beech - fell. For safety. T236: Pine - fell. For safety. T238: Sycamore - fell. For safety. T263: Sweet Chestnut - crown height reduction by 2m; lateral crown reduction on NE side by 1m. For garden management.

2 letters of objection have been received, 1 from Salcombe Town Council, the 2nd on behalf of the South Hams Society.

A summary of the points of objections is as follows with my response below in italics

Salcombe Town Council

Documents supporting the application are inadequate or missing, the application should not have been validated. Does not consider that garden management is a sufficient reason for undertaking works on trees protected by TPO's. If adequate evidence was forthcoming then same species replanting would be required, being subject to a new TPO.

The South Hams Society

Notes that the removal of 4 trees and reason in respect of garden management would be harmful to the TPO, further observing the Salcombe Neighbourhood Development Plan advocates the protection of all woodlands visible from the estuary.

As per my comments below I find agreement that garden management is not a sufficiently weighted reason to allow major tree works on duly protected trees, where The Town and Country Planning Act places a duty to only allow tree works that are in the interests of safety or good tree management.

In respect of missing information I am aware that a version of the report was originally uploaded with the plan missing, I have requested this be rectified and apologise for any confusion this may have caused.

Agreement is found with the comments that garden management is not a sufficiently weighted reason to undertake trees duly protected by TPO's and that it is my professional opinion that refusal for the proposed works against T231, T232, T233, T234, T237, T238 & T263 be made. However in respect of T235 Beech and T236 Pine I would recommend approval for the felling with replanting.

T235 Beech has suffered recent major crown failure of circa 50% of the crown and has multiple fungal brackets of Ganoderma sps. actively growing on the lower stem around a 2m linear decaying wound from ground level, the safe retention of this tree is unfortunately not possible and the opportunity to fell and replace should be taken. Please see image T235.

T236 is a mature to over mature Black Pine with an extremely biased crown habit growing out of the woodland and over the footpath and property below. It rests within the yolk like crown break area of T237 Beech tree and it is my professional opinion that its safe retention is impossible given the increasing weight posed on the tree below as the pine continues to develop its upper crown now it is released from the shading influence of the neighbouring trees. It would be a technically challenging removal but I would consider better undertaken in a controlled manner than when a likely catastrophic failure event may occur noting the property, phone lines and public footpath below. Please see images T236-1 & 2. Both trees could be readily replaced such that the long term harm to visual amenity would be addressed.

The Scheme of Delegations states that where an application has been made to work on a TPO tree and that the Officer recommendation is to:

a) Issue a split decision refusing all elements, but allowing the felling of T235 Beech and T236 Pine and require their replacement by way of a replanting Condition of the same species.

that the decision is delegated to the CoP Lead in consultation with the Ward Member(s) and Chair of the DM Committee. Once notified of a proposed recommendation, Member(s) have a period of 5 days to consider whether

they wish the application to be dealt with under delegated powers or refer the matter to the DM Committee under the Town and Country Planning Acts, Orders, and Regulations (as set out in Part 3 of the Council's Constitution and as amended from time to time). On this basis I seek delegated authority to issue a split decision as described.

The case can be reviewed at: <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/221554>

Kind regards

Lee

4.

What is the amenity value of the tree(s)?

High en masse as wooded garden in the AONB at the ria mouth

5.

What impact will the works have on local amenity?

High, readily appreciable and of long term detriment to the visual landscape excluding as described above

6.

Do the proposed works accord with good arboricultural practice?

No

7.

Is any damage likely to arise if consent is refused?

No – Based upon the information supporting the application, noting the 2 dangerous trees are approved for felling

8.

Assessment. Give a succinct assessment of the application and appraisal of the proposed works considering the submitted justification.

Key points: See above

9.

Decision

Split Decision

10.

Has the application been assessed in relation to Article 1, Protocol 1, Article 2 and Article 8 of the Human Rights Act. **Yes**

11. Tree Condition and decision summary- assess and refer to submitted application report.

Tree No.	Species	Height (m)	Spread (m)	Age Class	Life Expectancy	Condition	Assessment of Stated Reasons for Works
1							
2							
3							
4							
5							
6							
7							
8							

Key:

Species: Common name with botanical name in brackets where applicable

Height: Measured in metres (m) from ground-level. Where many trees are inspected, 1 in 10 trees are measured with the remainder estimated against the measured trees.

Spread: Measured in metres, the broadest diameter of the crown.

Age Class:

Life Expectancy:

Condition:

Young *First 1/3 life expectancy* **S** *Short (<10 years)* **Good** *Free from significant defects with a healthy crown*

Middle Age 1/3 to 2/3 life expectancy **M** Medium (10-40 years) **Fair** Some defects, generally healthy crown

Mature Final 1/3 life expectancy **L** Long (40 + years) **Poor** Structural defects, poor general health and vigour

Assessment of Stated Reasons for Works: Inspectors recommendation on whether the works should be REFUSED or APPROVED

The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name: L Marshall

Date: 04/07/2022