

Application Number: BH2009/03020 **Ward:** Stanford

Address: The Pantiles, Shirley Drive

Proposal: To fell 1 x Beech (*Fagus sylvatica*) covered by Tree Preservation Order (No 9) 2006

Officer: Di Morgan, tel. 01273 292929

Date Received: 24 November 2009

Applicant: Dr Michael Austin

1 Introduction

1.1 The purpose of the report is to consider the above application.

2 Recommendation

2.1 That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 6 of this report and resolves to **grant** consent subject to the following conditions:

- The felling shall be carried out within two years under the supervision and to the satisfaction of the Local Planning Authority.
- The said existing tree shall be replaced by a tree of a size and species and in a position to be agreed by the Local Planning Authority.
- The replacement tree shall be planted during the period November to March next, following the felling of the existing tree, and such planting shall be in all respects to the satisfaction of the Local Planning Authority.
- If, within a period of two years from the date of the planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

3 Description of the Application Site

3.1 This property has a large garden, mostly set to grass, within which there are 14 other trees covered by this Preservation Order. The property houses a dental practice meaning that as well as occupiers of the house, there is a constant stream of visitors to the property.

4 Proposal

- 4.1 The tree, the subject of this application is mature, and is located approximately 5 m away from the property on the edge of a lawned area. The tree has a lop sided canopy due to suppression by surrounding trees. Foliage size, shape and colour are all indicative of sound vigour. Deadwood <150mm diameter is present throughout the canopy. The canopy is unbalanced to the north largely due to a proliferation of branches from a multiple branch union at 12m. The resultant limbs are weighted significantly over the adjacent property. Visual assessment from ground level using binoculars indicates that the stem-branch unions have bark inclusions suggesting potentially compromised points of attachment.
- 4.2 A further major limb union at 6.5m gives rise to a heavy limb to the south. The main stem is deeply fluted from 0.3 – 0.5 m on the western side and 0.3 – 0.5 m on the northern side.
- 4.3 Reaction wood is evident on buttress roots to the north and west, however, decay detection with a probe and sounding mallet suggests that no decay is present. The formation of the reaction wood is potentially as a result of historical stem / root loss or damage.
- 4.4 Given the significant above ground defects and unbalanced canopy to the north, it is felt by the applicant that this tree currently presents an unacceptable risk and has a limited safe useful life expectancy. Whilst the defective branch structure could be mitigated by a canopy reduction this would need to be significant and is likely to render the tree unsightly resulting in a loss of visual amenity. Moreover, it is unlikely the tree would respond well to such a significant reduction. Taking these factors into account, the applicant wishes to remove this tree.

5 Considerations

- 5.1 The tree the subject of this application is a mature Beech tree, approximately 16 m in height with an uneven crown spread of 11 – 14 m.
- 5.2 The tree is approximately 5m away from the property itself. Hairline cracking is evident in the paved area between the tree and the house, indicating that root activity may be close to the property.
- 5.3 Weak stem unions in the tree as outlined above need to be addressed. It is usual to prune a tree hard to sufficiently reduce the risk of stems failing, however, Beech trees do not respond well to such pruning and such action could be to their ultimate detriment.
- 5.4 The tree, which has recognised potential points of failure, is close to a property that has a constant stream of visitors. Ignoring the recognised points of potential failure is not an option.

6 Conclusion

- 6.1 This is a mature Beech with visible signs of weakness that cannot be ignored. Harsh pruning of the tree to sufficiently reduce the risk of it failing in an uncontrolled manner may lead to the decline of the tree. Even if it does not lead to its decline, such pruning would render the tree unsightly resulting in a loss of visual amenity and therefore potentially render it unworthy of its present status of Preservation Order.
- 6.2 Given the above, it is recommended that permission be given to fell this tree at this time and a replacement secured for future generations.

BH2009/03010: The Pantiles, Shirley Drive



The tree
the subject
of this
application.



Cracking in
paving
between
house/tree.

Text1



(c) Crown Copyright. All rights reserved Licence No: 100020999 Brighton & Hove

BRIGHTON & HOVE CITY COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING (TREE PRESERVATION) (No 9) ORDER 2006

APP. No. BH2010/03020

ADDRESS:
The Pantiles
Shirley Drive

J. Rowlands



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationery Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.

Scale 1:750

J. Rowlands
Director of Environment

