

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE – 6 NOVEMBER 2017

**TREE PRESERVATION ORDER NO.5/93 - APPLICATION TO FELL ONE FIR TREE
AT SPORTIF SUZUKI, MAIN ROAD, LONG HANBOROUGH, OX29 8BJ (141.219/3)**

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Nick Dalby, Tel: (01993) 861662)

1. PURPOSE

To consider an application to fell a fir tree included in Tree Preservation Order No.5/93.

2. RECOMMENDATION

That the application to fell the tree be refused.

3. BACKGROUND

- 3.1. An application has been received to fell a fir tree at Sportif Suzuki, Main Road, Long Hanborough which is identified as T1 in the above Tree Preservation Order.
- 3.2. The Order was made during the consideration of a planning application to construct a new petrol sales area, shop building, canopy and jetwash (93/1317). A large hornbeam tree growing towards the rear of the property was also included in the Order. This has since been removed to allow expansion of the business operation. The trees were growing in the garden of a residential property when the Order was made and the car sales and fuel business expanded over that property.
- 3.3. This application seeks permission to remove the fir tree. The reasons are that tree roots are breaking through block paving, roots going under forecourt shop, branches touching power line, main trunk obstructing view for customers leaving petrol station. Debris falling on displayed cars.

4. PLANNING ASSESSMENT

- 4.1. As part of the original planning application to extend the business operation it was considered necessary to retain existing vegetation growing along the eastern boundary of the extended site and the tree and shrubby vegetation growing along the southern boundary. This was to protect the amenities of the neighbouring residential property and to provide an evergreen backdrop to the development which introduced considerable intrusive visual elements to the street scene including enlarged canopy, cars sales area, other paraphernalia and additional lighting.
- 4.2. For various reasons all this vegetation has been removed, with only the larger tree remaining. It forms part of a loose group of other, mainly evergreen, trees which help soften the visual impact of the site and its discordant characteristics. It is of no great merit in its own right but does contribute to public amenity in the wider sense.
- 4.3. Turning to the reasons for requesting permission to fell the tree maintenance pruning could be carried out to deal with any issues connected to overhead services and the trunk is set back some distance from the edge of the carriageway so as not

to restrict forward visibility to any great degree. It is understood that the Parish Council has expressed concerns about highway safety at the site but the Highway Authority has been consulted and concluded that the tree does not cause such significant harm to highway safety to warrant its removal on these grounds alone. It is fairly predictable that parking cars beneath trees for any length of time will result in some form of debris falling onto them. The TPO predated the decision to park cars beneath the tree and this reason could be overcome by not doing so. The other two reasons relate to allegations of damage to property. If these reasons are stated in an application they must be supported with appropriate technical evidence to justify them. This is explained in the application form. No such evidence has been included and therefore these reasons are given little weight in the decision balance. However, installing block paving immediately adjacent to the trunk of a large tree and over a large part of its rooting area is highly likely to result in distortion to the surface over time necessitating occasional maintenance.

- 4.4. An offer has been made to plant a replacement tree as close to the existing one as safety permits. However, bearing in mind the reasons put forward to support this application it is unlikely that there would be space to plant a new tree that would replace the amenity lost by removing the existing one or that would not conflict with the preferred operational requirements.
- 4.5. In light of the above it is considered that the tree has a positive impact on the local environment and its enjoyment by the public and the reasons given to justify felling it do not outweigh the contribution it makes to public amenity. It is therefore recommended that permission to fell it be refused.

5. ALTERNATIVES/OPTIONS

The Council could decide to grant permission to fell the tree, with or without conditions requiring a replacement.

6. FINANCIAL IMPLICATIONS

Tree preservation order regulations make provision for the payment of compensation by the LPA for loss or damage caused or incurred as a result of its refusal of any consent under a TPO. However, the regulations include provisions to limit the LPA's liability and are dependent on the details of each particular case.

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Background Papers:
TPO 5/93