

Planning Committee

Tree Preservation Order (No. 16/ 2011) – Open Space Greenwood & Shakespeare Drive, Bicester

23 February 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (16/2010 Open Space, Greenwood & Shakespeare Drive, Bicester. relating to an 'Area' Order containing multiple mixed species of broadleaf tree (copy plan attached as Appendix 1).

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm the Order without modification

Background Information

- 2.1 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised and made on 19/09/2011. The statutory objection period has now expired and no objections were received to the Order.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 TPO raised due to concerns regarding the future management of the trees by a private owner who had purchased the site via auction following administration procedures brought against the original development company responsible for developing the Greenwood Drive area.
- 3.2 This open space area is legally subject to a section 106 agreement signed before proceedings were brought against the developer.
- 3.3 The TPO not only protects the existing trees on site but also provides a constraint for any future submitted applications for development or change of land usage.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To confirm the Tree Preservation Order

Option Two Not to confirm the Tree Preservation Order

Implications

Financial: The cost of processing the Order can be contained within existing estimates.

Comments checked by Karen Muir, Corporate Systems Accountant, Karen.muir@cherwell-dc.gov.uk 01295 221559

Legal: The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor, ross.chambers@cherwell-dc.gov.uk 01295 221690

Risk Management: The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or

damage occurring before an application is made.

Comments checked by Claire Taylor, Corporate
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Wards Affected

Bicester Town

Document Information

Appendix No	Title
Appendix 1	Plan
Background Papers	
TPO File reference 16-11	
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