

Planning Committee

Tree Preservation Order No. 18/2011 'Stonebrook House, Williamscott'

23 February 2012

Report of Public Protection and Development Management

PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order No 18/2011 'Stonebrook House, Williamscott, **with modification** relating to 5 No Poplar trees(copy plan attached as Appendix 1) at the same address.

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order No 18/2011 with modification following consideration of the information contained within the report.

Background Information

- 2.1 The above mentioned Tree Preservation Order was authorised and made on 15 November 2011. The statutory objection period has now expired and no objections were received to the Order.
- 2.2 The TPO was made following receipt and assessment of a section 211 'Notice of Intent' submitted by the homeowner Mr I. Fuller.
- 2.3 The 'Notice' was to remove 1 No poplar tree from his garden, following my assessment I could see no justifiable reason to remove the tree and also had future concerns regarding a similar level of threat facing the additional 4 No poplar trees which formed a cumulative significant group.
- 2.4 The TPO was originally made to include all five poplar trees.
- 2.5 Mr Fuller received arboricultural advice from a private consultant who recommended further discussion with myself which would allow Mr

Fuller to fully explain his reasoning behind the 'Notice'.

- 2.6 There were perceived concerns regarding the oppressive nature and structural condition of a large tree with a lean towards the house which was easily within falling distance.
- 2.7 Although no defects were noted during my inspection, I reviewed my initial decision and decided that the group could afford the removal of this tree (T3) without any loss to amenity or character of the area. This reversal of decision on this one tree (T3) would allow for the homeowners to address their perceived concerns without any due loss to the amenity value of the group as a whole.
- 2.8 I have now therefore decided to request conformation of the provisional TPO with the one modification to remove T3.

Key Issues for Consideration/Reasons for Decision and Options

Implications : TPO to be confirmed with modification to allow for the removal of T3 to address perceived concerns and fears of homeowner.

If modified the TPO will consist of 4 No poplar trees identified as T1, T2, T4 & T5.

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

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| Option One | To confirm the Tree Preservation Order with modification |
| Option Two | Not to confirm the Tree Preservation Order with modification |

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,
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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
Performance Manager,
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Wards Affected

Cropredy

Document Information

Appendix No	Title
Appendix 1	Plan
Background Papers	
TPO File reference 18-11	
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