

Planning Committee

Tree Preservation Order (no. 20/2011) Aldous Drive, Bloxham

23 February 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 20-11 with no objections relating to a tree at Aldous Drive, Bloxham (copy plan attached as Annex 1)

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 20/2011 at the site of Aldous Drive, Bloxham without modification in the interest of public amenity.

Summary

Introduction

- 1.1 The District Council made an emergency TPO on 24 November 2011 following an assessment of the trees prompted by information provided by the tree owner that a local resident had undertaken minor pruning works and their request that the tree be protected.
- 1.2 The tree to be protected is an individual Oak situated within the adjacent field boundary hedge it is highly visible from the new estate (Aldous Drive) and Milton Road.
- 1.3 No objections to the TPO have been received.

Conclusion

- 1.4 It is recommended that the Committee confirm Tree Preservation Order 15/2011 without modification.

Background Information

- 1.5 Statutory powers are provided through :
- i. Section 198 Town and Country Planning Act 1990.
 - ii. Town and Country Planning (Trees) Regulations 1999
- 1.6 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments 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.
- 1.7 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 24 November 2011. The statutory objection period has now expired and no objections to the Order have been received.

Key Issues for Consideration/Reasons for Decision and Options

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:	<p>The cost of processing the Order can be contained within existing estimates.</p> <p>Comments checked by Karen Muir, Corporate Systems Accountant, Karen.muir@cherwell-dc.gov.uk 01295 221559</p>
Legal:	<p>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.</p> <p>Comments checked by Ross Chambers, Solicitor, ross.chambers@cherwell-dc.gov.uk 01295 221690</p>
Risk Management:	<p>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</p>

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,
claire.taylor@cherwellandsouthnorthants-dc.gov.uk
0300 0030113

Wards Affected

Bloxham and Bodicote

Document Information

Appendix No	Title
Appendix 1	Plan
Background Papers	
TPO file reference 15-11	
Report Author	Mark Harrison, Arboricultural Officer - North
Contact Information	01295 221804 Mark.Harrison@Cherwell-dc.gov.uk