

Planning Committee

Tree Preservation Order (No. 09/2012) - One tree located between numbers 29 and 31 Morris Drive

13 September 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 09/2012 with no objections relating to one tree located between numbers 29 and 31 Morris Drive (copy plan attached as Annex 1)

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 09/2012 at the site of Morris Drive, Banbury without modification in the interest of public amenity.

Summary

Details

- 1.1 The District Council made an emergency TPO on 13 July 2012 following an assessment of the tree prompted by rumours that the adjacent residents were seeking the removal of the tree.
- 1.2 The tree to be protected is a willow.
- 1.3 No objections to the TPO have been received.
- 1.4 It is recommended that the Committee confirm Tree Preservation Order 09/2012 without modification in the interest of public amenity.

Background Information

- 2.1 Statutory powers are provided through :
 - i. Section 198 Town and Country Planning Act 1990.

ii. Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 2.2 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.
- 2.3 The above mentioned Tree Preservation Order was authorised and made on 13 July 2012. 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

None

Implications

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

Comments checked by Karen Muir, Corporate Systems Accountant 01295 221559

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 01295 221563

Wards Affected

Banbury Hardwick

Document Information

Appendix No	Title
Appendix 1	Plan
Background Papers	
None	
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