CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

TREE PRESERVATION ORDER (NO. 8) 2009 ASH TREE AT 1 THE PHELPS, KIDLINGTON

1 Introduction and Purpose of Report

1.1 To seek the confirmation of an unopposed Tree Preservation Order relating to a Ash Tree at 1 The Phelps, Kidlington (copy plan attached as Annex 1).

2 Wards Affected

2.1 Kidlington North.

3 Effect on Policy

3.1 None.

4 Contact Officer(s)

4.1 Jon Brewin (Ext 1708),
Richard Hurst (Ext 1693).

5 Background

5.1 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments or the Head of Urban and Rural Services 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 trees in question are under imminent threat and that their retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.

5.2 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 5 August 2009. The statutory objection period has now expired and no objections were received to the Order.

6 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

6.1 The following details have been approved by Rosemary Watts (Ext 1566) (Risk) and Eric Meadows (Ext 1552) (Financial).

6.2 Risk assessment – the existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such trees are structurally sound and pose 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.

6.3 Financial effects – the cost of processing the Order can be contained within existing estimates.

6.4 Efficiency savings – none.

7 Recommendation

7.1 It is RECOMMENDED that the Committee resolves to confirm the Order without modification.

Background Papers:

(a) TPO file reference 8242.