

# Planning Committee

## Tree Preservation Order (No 12) 2009 Lime Tree at 14 Main Street, Mixbury

28 January 2010

### Report of Head of Development Control and Major Developments

#### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order relating to a Lime Tree at 14 Main Street, Mixbury (copy plan attached as Annex 1) Tree Preservation Order No. (12/2009)

This report is public

#### Recommendations

The Planning Committee is recommended:

- (1) To confirm the Order without modification

#### Background Information

- 2.1 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.
- 2.2 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 26 November 2009. The statutory objection period has now expired and no objections were received to the Order.

## **Key Issues for Consideration/Reasons for Decision and Options**

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3. None

## **Implications**

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

Comments checked by Eric Meadows, Service Accountant PH & E, 01295 221552

**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 Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

## **Wards Affected**

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Fringford Ward

## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 8389	
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