

Planning Committee

Tree Preservation Order (No. 16) 2010 Sycamore Tree at Turnstile House, Barford St. Michael

7 October 2010

Report of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 16-10 with one objection relating to a Sycamore tree at the site of Turnstile House, Barford St. Michael OX15 0RF (copy plan attached as Annex 1)

This report is public

Recommendations

The Meeting is recommended:

- (1) To confirm Tree Preservation Order 16-10 at the site of Turnstile House, Barford St. Michael OX15 0RF without modification in the interest of public amenity.

Summary

Introduction

- 1.1 The District Council made an emergency TPO 30th June 2010 following a site visit to assess a section 211 (Town and Country Planning Act 1990) notification to undertake tree works to the tree which lies within the Barford St. Michael conservation area.
- 1.2 The tree is a fully mature Sycamore tree (a tree which has reached the typical shape and habit of the species and is within the last two thirds of its expected life).

Guidance in determining the suitability of a tree for a TPO is provided by the TEMPO method (Tree Evaluation Method for Preservation Orders). This has been undertaken and the results included in this document as appendix 2.

The tree is not in a prominent position within the village, however being such a large tree can still be seen from the main road through the village. It provides a contribution to the local amenity although this is limited to the rear of the surrounding properties. The tree is important as wildlife habitat providing significant wildlife and environmental benefits to the local area. One letter objecting to the TPO has been received from:

- i. Mr Johnathan M Hindle, Turnstile House, Barford St. Michael, Oxon, OX15 0RF.

13. The objections and due consideration are as follows:

- a. "The TPO has been made for the wrong reasons and is not necessary". (Mr Hindle never intended to remove the tree)

CDC Following a section 201 notification* from Mr Hindle, a TEMPO (Tree Evaluation Method for Preservation Orders) assessment was undertaken on the trees (Appendix 2) due to their stature and future potential in the wider landscape. One tree included in the application was considered worthy of a Preservation order and one was not.

* Town and country planning (Trees) regulations 1999 section 201 notifications requires that for trees situated within a conservation area, six weeks prior notice be given before work is undertaken to trees above 75mm at 1.5m above ground level.

The human rights of the objectors and others affected by the decision, i.e. Article 1 of the first protocol – right to peaceful enjoyment of possessions and Article 8 protection of the right to respect ones private and family life, home and correspondence, were taken into consideration by the amenity value checklist (TEMPO assessment) completed when the Tree Preservation Order was made. To confirm the Order does not place a disproportionate burden on the owner, who retains the right to make applications for works to the tree.

Conclusion

- 2.1 All the issue raised by the objector has been addressed through normal, proper procedure and the decision to place a tree preservation order on the tree was made without bias or malice, based purely on the trees merits. Therefore it is recommended that the Committee confirm Tree Preservation Order 16-10 without modification.

Background Information

- 3.1 Statutory powers are provided through :
- ii. Section 198 Town and Country Planning Act 1990.
 - iii. Town and Country Planning (Trees) Regulations 1999
- 3.2 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments or in his/her absence the Development Control Team Leader or the Team Leader Development Control & 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.
- 3.3 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 9 April 2009. The statutory objection period has now expired and one objection was received to the Order.

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 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

Deddington

Document Information

Appendix No	Title
Appendix 1	Plan
Appendix 2	TEMPO assessment
Appendix 3	TEMPO assessment guidance notes
Background Papers	
TPO file reference 05-10	
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