

# **PLANNING COMMITTEE**

## **Tree Preservation Order (no. 22/2010) Birch, Sycamore & Maple tree at 35 Austin Drive, Banbury**

**27 January 2011**

### **Report of Head of Strategic Director Planning, Housing & Economy**

#### **PURPOSE OF REPORT**

To seek the confirmation of an unopposed Tree Preservation Order relating to a Birch, Sycamore and Maple tree (copy plan attached as Annex 1) at 35 Austin Drive, Banbury Tree Preservation Order No. (22/2010)

This report is public
-----------------------

#### **Recommendations**

---

The meeting 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 and made on 30 September 2010. The statutory objection period has now expired and no objections were received to the Order.

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

---

3.1 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

---

Banbury Hardwick

### Document Information

---

Appendix No	Title
Appendix 1	Plan
<b>Background Papers</b>	
NONE	
<b>Report Author</b>	Michael Sands, Democratic & Scrutiny Officer
<b>Contact Information</b>	01295 221554 michael.sands@Cherwell-dc.gov.uk