

## Agenda Item:

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**Meeting:** Development Management Committee  
**Date:** 26<sup>th</sup> August 2009  
**Subject:** Confirmation of Tree Preservation Order No. 3/2009 (Land between No. 80 and 100 Common Road, Kensworth)  
**Report of:** Background to Tree Preservation Order and outline of unresolved objection from Andrew Belson (Arboricultural Consultant) on behalf of Black Horse Construction  
**Summary:** To request that the Committee consider the unresolved objection made following the making of Tree Preservation Order No. 3/2009 and to confirm the Order without modification.

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Contact Officer: Andy Jones X 5161  
Public/Exempt:  
Wards Affected: South East Bedfordshire  
Function of:

### RECOMMENDATIONS:

1. That the Committee confirms the Tree Preservation Order, which was provisionally made for 6 months, and is due to expire on the 5<sup>th</sup> September 2009.

### Background

1. The affected trees are situated within the grounds of a disused Public House, "The Old Red Lion", in Common Road, Kensworth, which is the main road that runs through the village. The Tree Preservation Order (TPO) was made in response to concerns from nearby residents, who believed the land to be a potential development site and who valued the surrounding trees and their contribution to the setting of their village. Following a site visit on the 2<sup>nd</sup> March 2009, a TPO was made on two groups of trees and three individual specimens for the reasons that:-
  - The trees made an important contribution to a designated "Area of Outstanding Natural Beauty and their destruction would be harmful to the character and visual amenities of the area.
  - The trees made an important contribution to a designated "Area of Great Landscape Value" and their destruction would be harmful to the character and visual amenities of the area.
  - The trees are visible from the surrounding public highway and footpaths and make a positive contribution to the visual amenity and character of the area.

- The TPO comprises of some trees being grouped together to give a strong collective impact, where they form a connective link with similar groups of trees in the surrounding rural environment.
  - The TPO also comprises of individual trees having individual merit due to their location, form, stature and inherent aesthetic qualities.
2. Following the serving of the TPO, an objection was received from Andrew Belson, Arboricultural Consultant on the 30<sup>th</sup> March 2009, on behalf of clients Black Horse Construction. The grounds for objections were based on identification of the following:-
- T1 Walnut is situated very close to the property and the public amenity value of the tree is somewhat limited.
  - G1. The quality of the trees in this group is poor, with a Willow that is imbalanced due to the loss of a major limb and that the Beech were originally grown as a hedge which has now adversely affected the branch structure as the trees have got taller.
  - G2. Two of the three trees included in this group are of poor form; one Sycamore has weakly attached regrowth from previous low quality pruning. One Ash is also of poor form with co-dominant main stems with included bark.
3. The Tree & Landscape Officer's reply to these points in respect of the objection were:-
- That any undesirable features of certain trees should not be a reason to refute the TPO, but should instead form the basis of remedial work undertaken as part of the TPO application process that will allow the work to be brought under Local Planning Authority control and replacement tree conditions imposed where necessary.
  - That the TPO reaffirms the requirement for tree protection, as proposed in the Tree Protection Plan subsequently made after an application was received and approved for development of the site, that these trees should be protected from damage during development works.
  - That the site was earmarked for development where it was identified that there was a foreseeable threat posed to the trees in general.
  - That it is common practice to safeguard trees on potential development sites through TPO's where "their removal would have a significant impact on the local environment and its enjoyment by the public.
4. Following the response from the Tree & Landscape Officer, there was no further correspondence received and the objection remains unresolved.

**CORPORATE IMPLICATIONS**

**Council Priorities:**

**Financial:**

**Legal:**

**Risk Management:**

**Staffing (including Trades Unions):**

**Equalities/Human Rights:**

**Community Safety:**

**Sustainability:**