

The Crawley Borough Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016

Report of the Head of Economic and Environmental Services – PES / 229

1. Purpose

- 1.1 This report presents the single objection raised to the making of the 'Crawley Borough Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016'. The Committee is requested to consider the objection and determine whether to confirm the Tree Preservation Order with or without modification for continued protection or, not to confirm the Tree Preservation Order.

2. Recommendation

- 2.1 It is recommended that the Committee **CONFIRM** the 'Crawley Borough Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016' without modification.

3. Reasons for the Recommendation

- 3.1 Consideration has been given to the comments received during the public consultation period however, having regard to the considerable amenity value of the trees in their surroundings, they are considered worthy of protection for the reasons outlined in this report.

4. Background

- 4.1 The trees which are subject of this Order are 21 groups of trees and 16 individually identified trees located around the boundary of units 1-17 Whittle Way in Northgate. A copy of the TPO plan showing the location of the trees is attached to this report.
- 4.2 This Order has been made to consolidate two separate Orders, Whittle Way/James Watt Way No. 1 P16.6.48 and Gatwick Road, Whittle Way & James Watt Way No. 2, into one Order. The above mentioned orders were made but the records are unclear as to whether they were properly served. Given the importance of these trees to the green amenity of the area, particularly as screen trees for the industrial building, it was considered expedient to protect them through the making of a new Order.
- 4.3 The trees are a mixture of species, both broadleaved and coniferous, of varying age, size and condition and the majority are mature specimens in good condition. The schedule of trees which are covered by the Order is attached to this report.
- 4.5 The provisional Tree Preservation Order was made on 5th July 2016 and remains provisionally in force for a period of six months (until 5th January 2017). If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.
- 4.6 An application for works to protected trees was submitted by Advanced Arb Limited on behalf of the Gatwick Distribution Centre on 20th June 2016 ref. CR/2016/0595/TPO. These works consisted of general maintenance works such as containment pruning as well as the removal of several dead/dangerous trees. The works were considered in line with good arboricultural practice and consent has been granted.

5. Notification/ Consultation/Representation

- 5.1 Following the making of the Order, the Council is required to notify persons interested in the land affected by it a copy of the Order and notice with prescribed information. The Council therefore notified the owner(s)/occupiers(s) of the land and other interested parties that a provisional Tree Preservation Order has been made. The following addresses were notified:

Aegon UK Ltd
Units 1-5, Whittle Way
Units 6-8, Whittle Way
Units 9-10, Whittle Way
Unit 11, Whittle Way
Unit 12, Whittle Way
Unit 13, Whittle Way
Unit 14, Whittle Way
Units 15-17, Whittle Way

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the Order. The notification period for objections ended on 9th August 2016.

- 5.3 A single objection has been received from the director of LCG Limited, Unit 12 relating to the making of the Tree Preservation Order:

The following objection reasons have been submitted for consideration:

Amenity of the Trees

- *"They [the trees] do not have good landscaping or amenity value in the surrounding area. The buildings opposite (and surrounding most of Crawley's business estates) look in keeping with the "trade area" of Manor Royal and removal of the trees on this side of the road will be consistent and the appropriate action and this should be expedited";*
- *"[The trees] are not visually important to the area quite the opposite";*

Wildlife

- *"The only environmental value we can see is for the rats (who are very large) that occupy the bushes underneath the trees. The birds that do use the trees only increase problems to the roof of buildings along the way";*

Neighbour Amenity and Safety Issues

- *"The long-term potential (as your letter states) merely means "long-term problems" for our buildings, tree roots, over hanging branches, damage to windows, sunlight deficiency to staff working in buildings etc".;*

Other

- *"Is a cost the council does not need in maintaining them";*

6. Amenity Value/Assessment and Consideration of the Representations

Amenity of the Trees

- 6.1 It is considered that the trees are vital to the public realm for the softening effect they have on the Whittle Way industrial area. Those trees along the western boundary adjoin Gatwick Road which is a primary route into the Manor Royal Estate where (as set out in the Manor Royal SPD) landscaping and planting is expected as part of any redevelopment proposals. The rest of the site is within an area where the SPD seeks additional planting to soften the visual impact of the industrial buildings.

The units immediately opposite the subject site (on the south bound side of Gatwick Road) do indeed lack tree cover, however this is by no means typical of Gatwick Road which is very much lined by trees of a variety of size, species and planting densities, softening the 'hard edge' of the

industrial units and enhancing the visual amenity of the road. Far from the subject trees being out of place, they are in fact very much in keeping with the character of the road and the design and public realm aspirations of the Manor Royal SPD which actively encourages additional landscaping in the industrial area.

Wildlife

- 6.2 The trees are not being recommended for protection specifically due to their positive impact on wildlife in the area, although it is accepted that large, mature trees as well as groups of trees can harbour protected species.
- 6.3 The trees that are the subject of this TPO, including those along Gatwick Road have recently been subject to pruning works under TPO application ref: CR/2016/0595/TPO. These works consisted of general maintenance works such as thinning, reductions and pruning for clearance from buildings as well as the removal low quality and dying/dangerous trees in line with good arboricultural practice. These works should be adequate to address the issues caused by birds. The rat issue can be addressed by the removal of the low level undergrowth (much of which is not covered by the TPO). Removal of the trees would not address this issue with rats as they do not live in trees.

Neighbour Amenity and Safety Issues

- 6.4 The perceived issues raised by the objector can be easily mitigated by regular maintenance pruning in order to maintain adequate clearance from buildings and crown separations etc. With proper maintenance there is no reason why these trees cannot be retained in a manner which causes little conflict with the day to day operation of the industrial units.
- 6.5 The presence of a TPO does not prevent necessary works to be carried out to the trees in order to, for example, mitigate damage being caused to properties or to increase light levels etc. should these works be deemed justified by the Local Planning Department.

Other

- 6.6 The serving of a TPO does not absolve the land owner from his or her obligation to maintain the trees on their land, the making of an Order does not pass the cost of maintenance to the Local Planning Authority.

7. Implications

Human Rights Act 1998

- 7.1 The referral of this matter to the Planning Committee is in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. Those persons who made representations in objection to the TPO are entitled to attend the Planning Committee meeting and to make any further verbal representations at the meeting. The Planning Committee must give full consideration to any such representations.
- 7.2 Article 8 and Article 1 of the First Protocol – the right to respect for private/family life and the protection of property – also needs to be considered. These are qualified rights and can only be interfered with in accordance with the law and if necessary to use of property in accordance with the general interest. The recommended protection of the trees is considered to be in the general interest of the community and is considered to be both proportionate and justified.

Planning legislation

- 7.3 The law relevant to the protection of trees is set out in Part VIII of the Town and Country Planning Act 1990 as amended and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

8. Background Papers

8.1 The Crawley Borough Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016

Photo of trees adjacent to Unit 12, Whittle Way, Northgate.





Photo of trees (G8) adjacent Units 6-10



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SCHEDULE
SPECIFICATION OF TREES

Trees Specified Individually
(encircled in black on the map)

Reference on Map	Description	Situation
T1	Common Ash	Grid Ref: TQ-28493-39631
T2	Rowan	Grid Ref: TQ-28511-39628
T3	Corsican Pine	Grid Ref: TQ-28510-39599
T4	Corsican Pine	Grid Ref: TQ-28510-39579
T5	Norway Maple	Grid Ref: TQ-28514-39574
T6	Corsican Pine	Grid Ref: TQ-28510-39542
T7	Goat Willow	Grid Ref: TQ-28509-39534
T8	Downy Birch	Grid Ref: TQ-28493-39521
T9	Corsican Pine	Grid Ref: TQ-28499-39521
T10	Common Ash	Grid Ref: TQ-28505-39521
T11	English Oak	Grid Ref: TQ-28495-39515
T12	Corsican Pine	Grid Ref: TQ-28487-39511
T13	Common Ash	Grid Ref: TQ-28498-39509
T14	Common Ash	Grid Ref: TQ-28501-39492
T15	Corsican Pine	Grid Ref: TQ-28498-39448
T16	Common Ash	Grid Ref: TQ-28497-39434

Groups of Trees
(within a broken black line on the map)

Reference on Map	Description	Situation
G1	Norway Maple (6)	Grid Ref: TQ-28450-39631
G2	English Oak (4)	Grid Ref: TQ-28478-39634
G3	Norway Maple (3)	Grid Ref: TQ-28502-39630
G4	Corsican Pine (7)	Grid Ref: TQ-28513-39618
G5	Rowan (2)	Grid Ref: TQ-28508-39611
G6	Norway Maple (2), Silver Maple	Grid Ref: TQ-28516-39607
G7	Silver Birch (3)	Grid Ref: TQ-28513-39589
G8	Norway Maple (3)	Grid Ref: TQ-28511-39556
G9	Norway Maple (3)	Grid Ref: TQ-28486-39522
G10	Norway Maple (3)	Grid Ref: TQ-28505-39515
G11	Corsican Pine (2)	Grid Ref: TQ-28492-39506
G12	English Oak (2)	Grid Ref: TQ-28497-39495
G13	Field Maple, Norway Maple (5)	Grid Ref: TQ-28499-39471

Groups of Trees
(within a broken black line on the map)

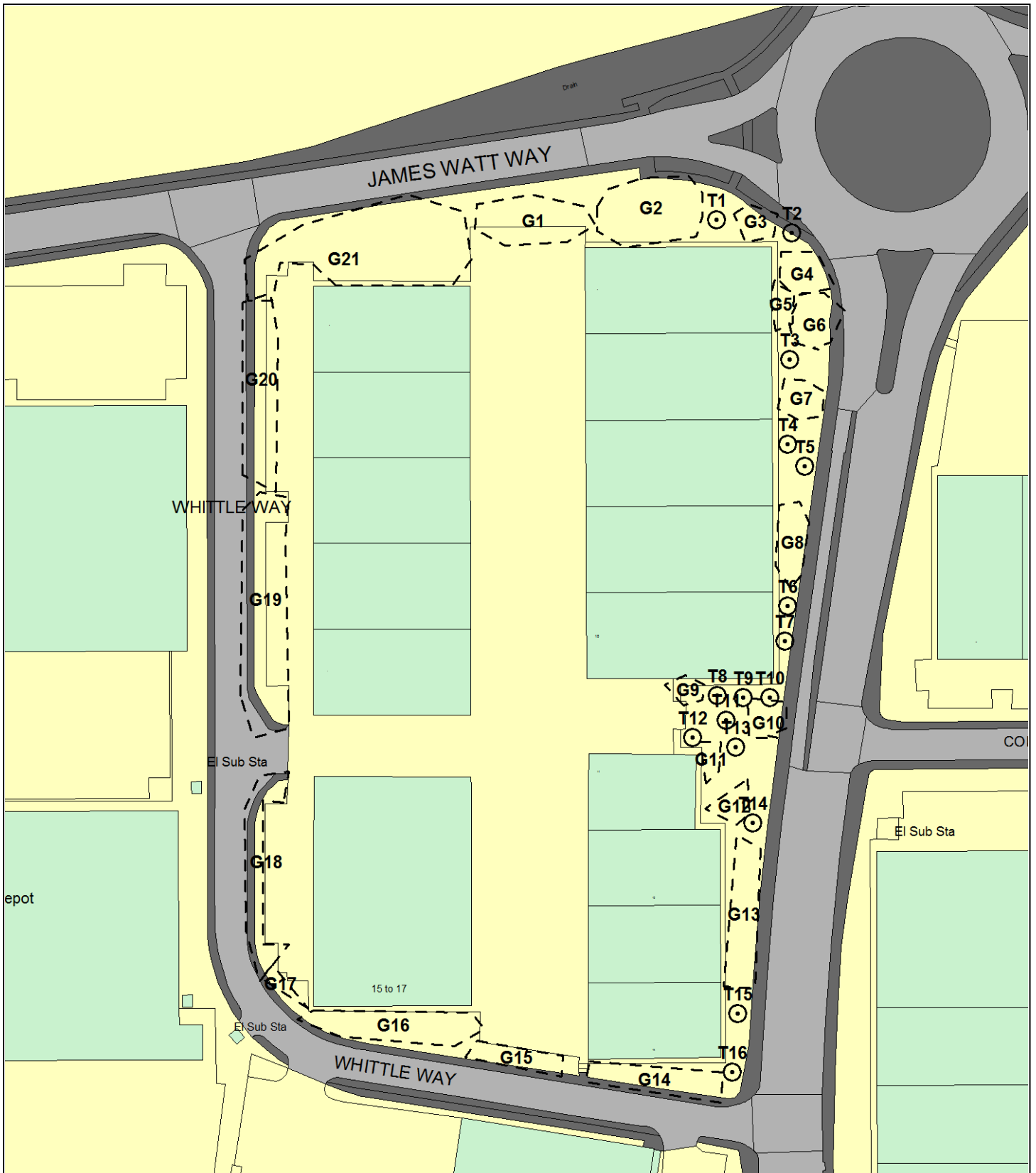
Reference on Map	Description	Situation
G14	Norway Maple (3), Silver Maple, Rowan	Grid Ref: TQ-28479-39432
G15	Norway Maple (2), Rowan (3)	Grid Ref: TQ-28447-39438
G16	Norway Maple (4), Common Ash	Grid Ref: TQ-28418-39445
G17	Rowan, Swedish Whitebeam	Grid Ref: TQ-28392-39455
G18	Norway Maple (7), Swedish Whitebeam	Grid Ref: TQ-28388-39483
G19	Norway Maple (8), Silver Birch (2), Goat Willow	Grid Ref: TQ-28388-39543
G20	Norway Maple (3), Silver Maple	Grid Ref: TQ-28387-39594
G21	Norway Maple (11), Common Ash	Grid Ref: TQ-28407-39622

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

Reference to an Area
(within a dotted black line on the map)

Reference on Map	Description	Situation
NONE		



**Tree Preservation Order No 15/2016
Units 1-17, Whittle Way, Northgate**

**Clem Smith
Head of Economic and Environmental Services**

The scale shown is approximate and should not be used for accurate measurement.

Scale 1:1250

Date 15/12/2016

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