

COUNCILLORS' INFORMATION BULLETIN

Tuesday, 7 April 2020

Bulletin No: IB/1021

INFORMATION ITEM	Pages
<p>1 Delegated Planning Decisions</p> <p>Delegated planning decisions for the week beginning 30 March 2020 are attached. Contact for enquiries: Jean McPherson, Group Manager: Development Management on 01293 438577.</p>	3 - 4
<p>2 Chief Executive - Emergency Urgency Decision - Planning Committee Decision - Objections to the Crawley Borough Council Tree Preservation Order Twelve Apostles, St Nicholas Church - 12/2019</p> <p>Under the Emergency Urgency Decision powers, the Chief Executive has taken a decision regarding objections to the Crawley Borough Council Tree Preservation Order: Twelve Apostles, St Nicholas Church - 12/2019.</p> <p>The decision was taken in consultation with the Chair of the Planning Committee Councillor Malik, and the Pound Hill South & Worth Ward Councillors.</p> <p>A copy of the full decision is attached as well as the relevant reports.</p>	5 - 22
<p>3 New Constitution</p> <p>Following a significant review, Full Council approved the new Constitution at its meeting on 26 February 2020. In line with the decision of the Full Council, the Monitoring Officer has approved that the new Constitution take effect from 14 April 2020.</p> <p>The Constitution has been designed to be more user friendly, fit for purpose and modern in structure, to enable users to take decisions and/or understand procedures and protocols in a way which encourages efficiency. Additionally, the Constitution has been designed to embrace the digital and electronic age.</p> <p>The new Constitution will be available to view from 14 April 2020 on the Democracy pages of the Council's website.</p>	



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4 **Staff Changes: March 2020**

Staff changes for March 2020 are attached for Councillors only.

5 **Press Releases**

Press releases are available at www.crawley.gov.uk/news

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CRAWLEY BOROUGH COUNCIL

DELEGATED PLANNING DECISIONS

The following decisions were issued, subject to conditions, under delegated powers for the period 30/03/2020 and 03/04/2020

Application Number	Location	Proposal	Date of Decision	Decision
CR/2019/0215/CC1	SAINSBURY SUPERSTORE, CRAWLEY AVENUE, WEST GREEN, CRAWLEY	Discharge of conditions 5 (relocated bus stop and route) and 7 (replacement trees) pursuant to CR/2019/0251/FUL for erection of goods online hub and compound, a replacement click and collect layby and associated alterations to existing car park	3 April 2020	APPROVE
CR/2019/0852/FUL	2 WALTON HEATH, POUND HILL, CRAWLEY	Erection of two storey rear and single storey rear/side extension	2 April 2020	PERMIT
CR/2019/0891/NM1	20 MOUNT CLOSE, POUND HILL, CRAWLEY	Non material amendment of approved planning application CR/2019/0891/FUL to increase the size of the rooflights on the front elevation and to align them with the ground and first floor windows	3 April 2020	PERMIT
CR/2019/0892/NM1	17 EASTWOOD, THREE BRIDGES, CRAWLEY	Non material amendment of approved planning application CR/2019/0892/FUL to change rear extension roof from pitch to flat with lantern over dining area	3 April 2020	PERMIT
CR/2020/0023/ADV	HOMEBASE, CRAWLEY AVENUE, WEST GREEN, CRAWLEY	Advertisement consent for 1 x internally illuminated flex fascia (advert 1), 8 x non-illuminated panels (adverts 2 - 9) and 2 x slim frame non-illuminated flex fascias (adverts 10 and 11)	3 April 2020	CONSENT
CR/2020/0068/TPO	17 HIGH OAKS, SOUTHGATE, CRAWLEY	Chestnut - reduce height and crown radius by 1-1.5m to appropriate growth points (amended description)	30 March 2020	CONSENT

Application Number	Location	Proposal	Date of Decision	Decision
CR/2020/0072/PA3	STERLING HOUSE, HIGH STREET, NORTHGATE, CRAWLEY	Prior approval for change of use from office (B1a) to residential (C3) for 17 residential units	30 March 2020	PRIOR APPROVAL REFUSED
CR/2020/0074/FUL	46 FILBERT CRESCENT, GOSSOPS GREEN, CRAWLEY	Erection of single storey rear extension	30 March 2020	PERMIT
CR/2020/0081/FUL	10 BIGGIN CLOSE, SOUTHGATE, CRAWLEY	Erection of single storey front extension, conversion of the garage/store to a habitable space and the removal of the garage door and installation of a wall and window	2 April 2020	PERMIT
CR/2020/0088/TPO	4 GRATTONS DRIVE, POUND HILL, CRAWLEY	Maple - cut back to the original cut points on the branches as shown on the photographs	31 March 2020	CONSENT
CR/2020/0092/TPO	VIRGIN ATLANTIC THE BASE, FLEMING WAY, NORTHGATE, CRAWLEY, RH10 9LZ	T8 - Oak: crown lift by pruning secondary branches only to give 3 metre clearance over adjacent cycle path, all cuts to appropriate growth points (amended description)	31 March 2020	CONSENT
CR/2020/0130/HPA	11 FOREST VIEW, FURNACE GREEN, CRAWLEY	Prior notification for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4950m, and have a maximum height of 3.9m and an eaves height of 2.5m	1 April 2020	PRIOR APPROVAL NOT REQUIRED

Agenda Item 2

RECORD OF DECISION TAKEN UNDER EMERGENCY URGENCY POWERS

SUMMARY OF DECISION TO BE TAKEN:

Objections to the Crawley Borough Council Tree Preservation Order Twelve Apostles, St Nicholas Church - 12/2019

ASSOCIATED COMMITTEE: Planning Committee – 6 April 2020

RELEVANT PERSONS CONSULTED:

Councillor Malik (Chair of Planning Committee) – Supports the TPO being implemented

Councillor Andrew Belben (Ward Member PHS&W) – Supports the TPO being implemented

Councillor Lanzer (Ward Member PHS&W) – No response received

Councillor Pendington (Ward Member PHS&W) – No response received

DECISION MADE:

In consultation with relevant persons, the Chief Executive CONFIRMS the Tree Preservation Order Twelve Apostles, St Nicholas Church - 12/2019 without modification.

REASONS FOR DECISION AND FURTHER INFORMATION:

A copy of the report and the background papers considered is attached to the decision

I hereby agree that I will take the decision as set out above, for the reasons detailed, under the Council's Emergency Urgency Powers.



Natalie Brahma-Pearl
Chief Executive

Date: 06th April 2020

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Crawley Borough Council

Report to Planning Committee 6th April 2020

Objections to the Crawley Borough Council Tree Preservation Order Twelve Apostles, St Nicholas Church - 12/2019

Report of the Head of Economy and Planning *PES 349*

1. Purpose

- 1.1 This report presents the Twelve Apostles, St Nicholas Church - 12/2019 Tree Preservation Order ("the Order"). An objection was made to the Order and therefore this report asks the Committee to determine whether to confirm the Order with or without modification for continued protection or, not to confirm the Order.

2. Recommendation

- 2.1 It is recommended that the Committee **CONFIRM** the Tree Preservation Order Twelve Apostles, St Nicholas Church - 12/2019 without modification.

3. Reasons for the Recommendation

- 3.1 The trees are considered to have good landscape amenity value in the surrounding area. The trees are prominent in the locality and have significant amenity value. The trees are visually important in the local area.

4. Background

- 4.1 The trees the subject of this Order are 12 trees within the church yard of St Nicholas Church creating an avenue along the main path from Lych Gate to the west door of the church (identified T1 to T12 on the attached plan). The trees consist of 8 Common Limes, 2 Turkey Oaks, 1 Wych Elm and 1 Horse Chestnut. Photographs of the trees are attached at the end of this report as Appendix 1. The church is located within the centre of Worth Conservation Area and the trees are known locally as the 'Twelve Apostles'.
- 4.2 On 28th August 2019 a Notice under Section 211 of the Town and Country Planning Act (as amended) was submitted to the Local Planning Authority (LPA) by the agent acting on behalf of St Nicholas Church. A Section 211 Notice is required where a person wishes to carry out any work to a tree or trees within a Conservation Area, on receipt of a notice the Local Planning Authority has six weeks to evaluate the tree or trees and decide whether to serve a Tree Preservation Order or to agree to the level of works proposed. The Notice was for the felling of the 12 trees, the principal reason for the felling being that the trees were causing damage and obstruction to the path. A site visit was carried out to assess the appropriateness of the notified works and during the site visit it was determined that, while the trees were over mature and not considered to be in good condition, they were not unsafe and were considered to have good amenity due to their size, maturity and location on approach to the church. The LPA therefore decided to protect the trees in order to safeguard their amenity, historic significance and contribution to the green amenity of the conservation area.

- 4.3 The provisional Tree Preservation Order was made on 8th October 2019 and remains in force for a period of six months until 8th April 2020. If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.
- 4.4 A TPO application to fell the trees was submitted in 9th October 2019 (reference CR/2019/0739/TPO) following service of the Order. Consent for these works was unanimously refused at the Planning Committee on 10th March 2020 for the following reason:
“The trees have amenity value and make a positive contribution to the approach to and setting of the church, the conservation area and Crawley’s environment. It has not been demonstrated to the satisfaction of the Local Planning Authority that the scheme for the proposed removal of all the trees is justified or that all alternatives have been fully explored.”

5. Notification/ Consultation/Representation

- 5.1 An LPA must, as soon as practicable after making an Order and before it is confirmed, serve persons interested in the land affected by the Order a copy of the Order and a prescribed notice. The Council therefore served on the owner(s)/occupiers(s) of the land and other interested parties a copy of the provisional Tree Preservation Order and notice. The following persons were served:

Owners and occupiers of the land:

- The Incumbent Of The Benefice Of Worth, Pound Hill & M'bower, The Diocese Of Chichester And His Successors, c/o Winckworth Sherwood LLP, Minerva House, 5 Montague Close, London, SE1 9BB

Owners and occupiers of adjoining land affected by the TPO:

- The Old Rectory Cottage, Church Road, Pound Hill, Crawley, RH107RT
- Bishops Lodge, Church Road, Pound Hill, Crawley, RH107RT
- Street House, Church Road, Pound Hill, Crawley, RH107RT
- Lodge Lane Cottage, Church Road, Pound Hill, Crawley, RH107RT
- Bridleworth, Church Road, Pound Hill, Crawley, RH107RT
- Oaksworth, Church Road, Pound Hill, Crawley, RH107RT
- Worth Rectory, Church Road, Pound Hill, Crawley, RH107RT

- 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 12th November 2019. Confirmation of the order is required within six months of the date upon which the Order was provisionally made.
- 5.3 One representation has been received from the Reverend at St Nicholas Church objecting to the Tree Preservation Order. The full objection letter is appended to this report as Appendix 2. The following reasons have been submitted for consideration.

- The trees are not of good quality and are detrimental to the locality as they completely obscure the Grade 1 listed 10th century church
- The trees are not as visually appealing as other trees in the church yard and their presence is actually to the detriment of other more impressive trees within the church yard
- The access path (the only access to the church) is difficult and dangerous as a result of damage caused by the trees especially for those who are infirm or disabled as well as for the Pallbearers
- Rerouting the path is not an option due to the risk of disturbing ancient graves
- Without removal of trees we will be unable to provide safe access for our visitors and parishioners today and in the future
- The plans we have prepared include the planting of new trees to enhance the landscape and local environment

6. Amenity Value/Assessment

- 6.1 While the trees are over-mature and coming to the end of their useful life (within 20-40 years), the presence of an avenue of trees leading up to the church is considered important both in terms of their amenity and historic significance, this avenue of trees are well known in the local area and enjoyed by local residents. While in the future, it may not be appropriate to retain these particular trees for safety reasons, it is considered important that a tree lined avenue is retained and the imposition of a Tree Preservation Order ensures that their current high level of amenity will be retained and that when required in the future replacements will be planted at such time as the removal of the trees is unavoidable.
- 6.2 The trees are large and do obscure the church however, the trees were planted in the Victorian period which means this vista from the north has been obscured for some considerable time. The fact that the trees are obscuring the view of the church is not, on its own considered justification for removing these trees which are considered to have significant visual and cultural significance.
- 6.3 The trees are coming towards the end of their useful lives and are not in the condition they once were, however this does not mean they lack amenity and they certainly do not detract from the setting of the church and the character of the surrounding conservation area. These trees are still making a good contribution to the green amenity of the area and when their removal is deemed necessary their replacements will be absolutely essential in order to ensure that this contribution is continued.
- 6.4 While the trees may be damaging the access path, the Planning Committee as the Local Planning Authority in determining application CR/2019/0739/TPO did not consider that their removal was justified for this reason.
- 6.5 It is accepted that the rerouting of the path is not practically possible due to the unavoidable risk of disturbing graves, however when the existing trees eventually require removal in order to facilitate repair or complete relaying of a the path or due to their declining condition, the replacement of the trees will be enforceable by virtue of a tree replacement condition on any future consent.

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.

Planning legislation

- 7.2 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

- The Crawley Borough Council Tree Preservation Order Twelve Apostles, St Nicholas Church - 12/2019
- The Worth Conservation Area Statement (February 2018)
- Officer Report to committee on 10th March 2020 and meeting minutes.

Contact Officer: Russell Spurrell
Direct Line: 01293 438033
Email: russell.spurrell@crawley.gov.uk

SCHEDULE SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	Horse Chestnut	Grid Ref: TQ-30158-36230
T2	Common Lime	Grid Ref: TQ-30163-36220
T3	Common Lime	Grid Ref: TQ-30165-36216
T4	Common Lime	Grid Ref: TQ-30166-36212
T5	Common Lime	Grid Ref: TQ-30168-36209
T6	Turkey Oak	Grid Ref: TQ-30169-36206
T7	Common Lime	Grid Ref: TQ-30173-36209
T8	Wych Elm	Grid Ref: TQ-30171-36212
T9	Turkey Oak	Grid Ref: TQ-30169-36217
T10	Common Lime	Grid Ref: TQ-30167-36221
T11	Common Lime	Grid Ref: TQ-30165-36227
T12	Common Lime	Grid Ref: TQ-30163-36232

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

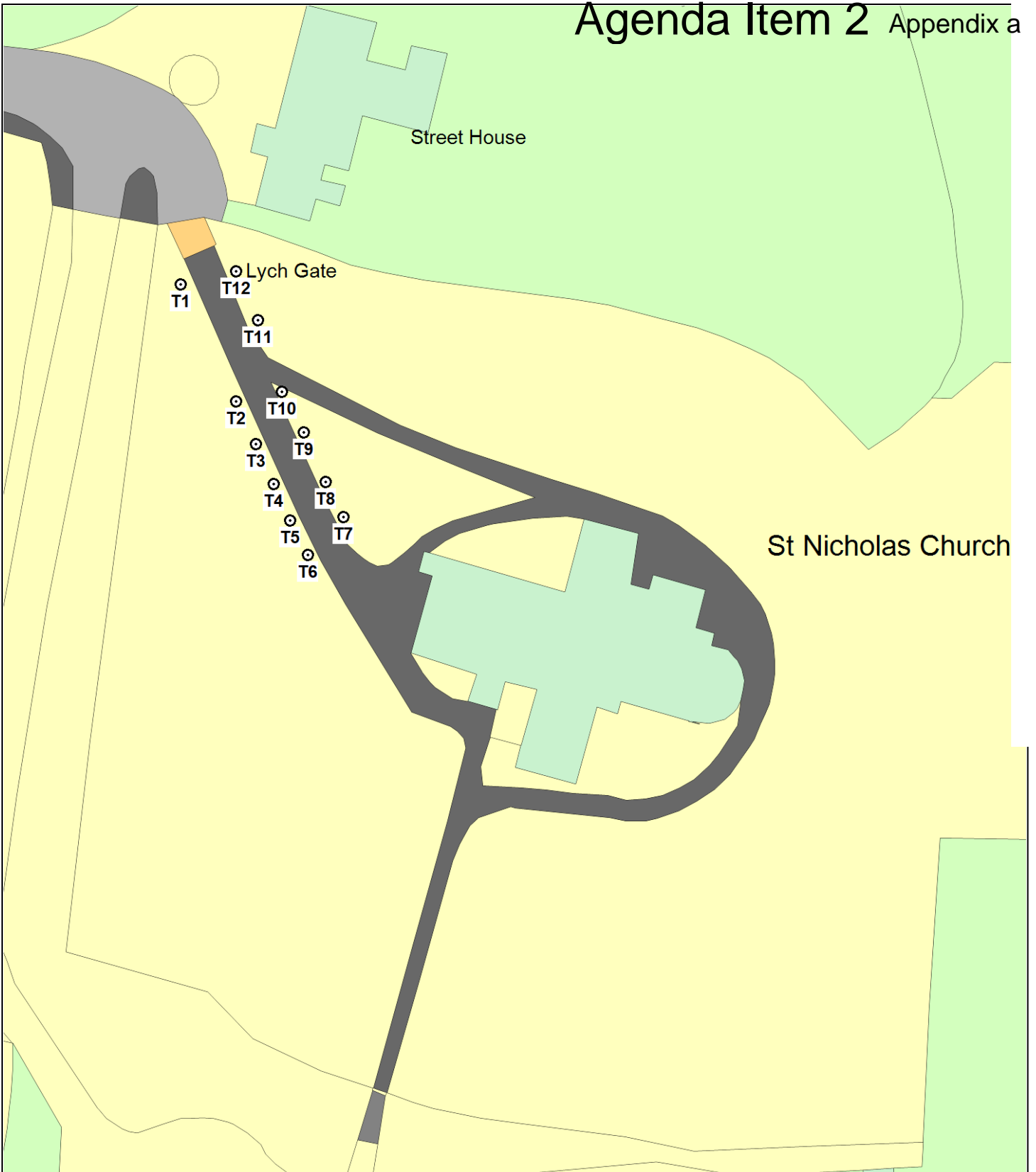
Reference on Map	Description	Situation
NONE		

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 12/2019
Twelve Apostles, St Nicholas Church**

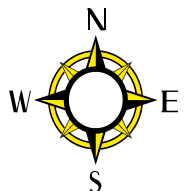
**Clem Smith
Head of Economy and Planning Services**



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

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Scale	1:500
Date	17/03/2020



OFFICER SITE PHOTOS – APPENDIX 1

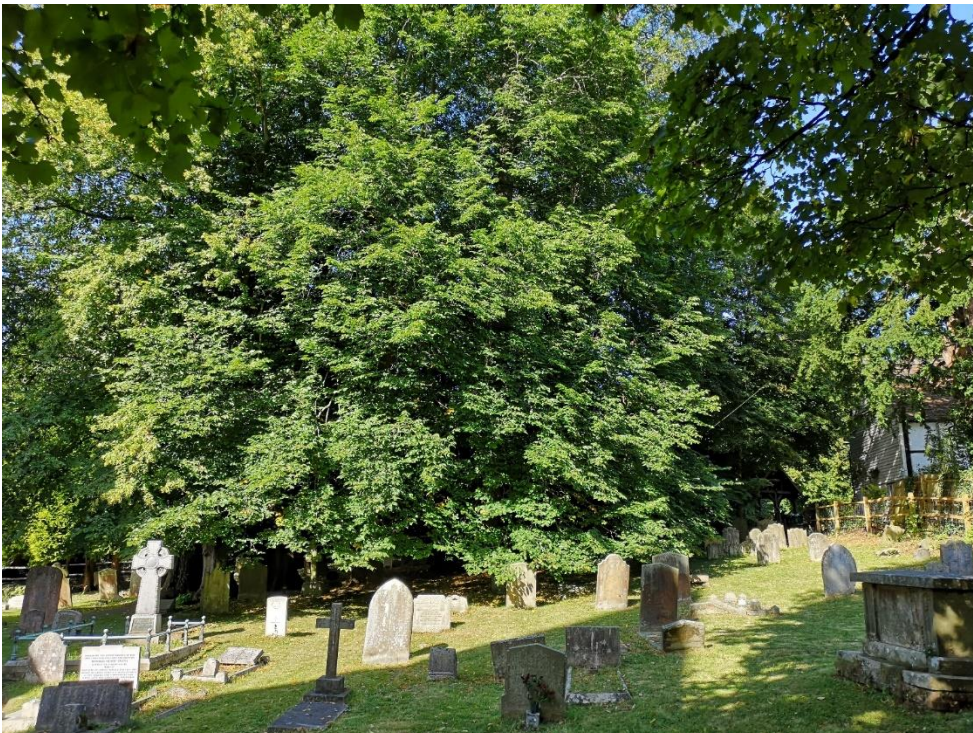
Photo of trees viewed from outside the Lychgate



Photo of trees viewed from church end



Photo of trees viewed from the east



COPY OF OBJECTION LETTER RECEIVED – APPENDIX 2

The Reverend Michael Boag, Worth Rectory, Church Road, Worth, Crawley RH10 7RT
Parish of Worth, Pound Hill, Maidenbower and Forge Wood

Russell Spurrell
Economy and Planning Services
Town Hall
The Boulevard
Crawley
RH10 1UZ

16 October 2019

Dear Russell

Just to follow up our application for tree works that Jonathan Cerowski has sent you, I am writing to add a little background to the application and to ask you, please, not to confirm the provisional tree preservation order issued on 8 October 2019, concerning the trees growing next to the access path to St Nicholas' Church, which was based on their visual importance.

While these trees may once have been considered to have good landscape amenity value, they are now detrimental to the locality. The avenue of nine and group of four trees in question, obscure and when in leaf completely hide from view, the Grade I tenth-century Anglo-Saxon church. They also conceal and are not as visually important as the fine, varied and interesting trees in the rest of the churchyard. Their prominence in this location (they are only visible from within the churchyard or from the area next to the lychgate) is actually to the detriment of more impressive trees (as well as the church). Without them, access to the church and the view of the church and churchyard from the lychgate would be greatly enhanced.

We held a well-attended public meeting to discuss the trees on 15 May 2019, at which our scheme was presented and explained, no objections were raised but plenty of questions asked. I was delighted that Cllrs Bob Lanzer and Alison Pendlington were able to be there. Your notice inviting comments was in a prominent position from 3 September until the deadline of 24 September, during which period no comments were received.

The access path, the only public access to the church, is difficult and dangerous because of these trees, especially for those approaching the church aided by a stick, a walking frame, or in a wheelchair, or indeed in a coffin (the lowest pair being barely 60cm apart). An earlier plan to leave the trees standing and create a new path around them, thus disturbing the ancient graveyard but not solving the problem, was presented, considered by the DAC and rejected five years ago. The suggested new path shown on the provisional TPO, does not exist and cannot be considered. The new plan we have been working on for two years now is needed, wanted, practical, achievable, supported and fully funded. Without the removal of these trees, we will not be able to provide the safe access our visitors and parishioners today, and in the future, require. The plans we have prepared include the planting of new trees, to enhance the landscape and local environment. Determining species and exact location of the new trees we will do in consultation with the DAC and I would also welcome your advice. If you have any questions, do please call me on

Best wishes

Fr Michael

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 10 March 2020
REPORT NO: PES/330(b)

REFERENCE NO: CR/2019/0739/TPO

LOCATION: [ST NICHOLAS CHURCH, CHURCH ROAD, POUND HILL, CRAWLEY](#)
WARD: Pound Hill South and Worth
PROPOSAL: LIME T2 - FELL, LIME T3 - FELL, LIME T4 - FELL, LIME T5 - FELL, TURKEY OAK T6 - FELL, LIME T7 - FELL, WYCH ELM T8 - FELL, TURKEY OAK T9 - FELL, LIME T10 - FELL, LIME T12 - FELL
AND REPLACE WITH 12 NO. GLASTONBURY THORNS AS PER DRG NO. P2179 - 014 (AMENDED DESCRIPTION)

TARGET DECISION DATE: 11 December 2019

CASE OFFICER: Mr R. Spurrell

APPLICANTS NAME: Father Michael Boag
AGENTS NAME: Cowan Architects Ltd

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
2179-014		Proposed tree planting plan
2179-004		Tree Removal Plan

REASON FOR REPORTING TO COMMITTEE:-

Number of objections received with Officer recommendation to Consent works.

INFORMATION CONSIDERED:

- Application form dated 9 December 2019
- Concept Design Document dated 27 February 2019
- Arboricultural Inspection Report dated 3 December 2018
- 'Statement Of Significance' dated August 2019
- 'Statement Of Need' dated January 2018

CONSULTEE COMMENTS

None

PUBLIC CONSULTATIONS

Site notices attached to trees and public information board in Church Road

REPLIES RECEIVED

Four representations have been received from members of the public objecting to the proposed works for the following reasons:

- The trees make a positive contribution to the approach to the church.

- Crawley has lost too many of its ancient trees and this historic corner is a haven for them.
- Removal of trees would bring about a change in the local (churchyard) landscape and street scene and would have an adverse impact
- These are Victorian planted 'legacy' trees that should be retained.
- The 'Twelve Apostles' could and should be retained for the management and enjoyment for the immediately foreseeable future – tree replacement should be deferred until the trees are a risk or lower amenity category
- One or two trees encroach into the path and may have to be removed but this does not justify destruction of all of them.
- Replacing all the trees would ruin the lovely view which could not be replaced in most of our lifetimes.
- If any trees cannot be made safe they should be removed and replaced gradually to allow for some sort of continuity. At the very least alternate trees should be removed so the avenue effect is saved.
- Could a parallel path be opened up for wheelchairs and the lime avenue retained?
- Mature trees are a treasure which cannot be mitigated by replacement trees.
- The Wych Elm is an uncommon species that should be retained.
- The trees are good quality 'Category B' trees and have a further life expectancy of 20-40 years as part of this categorisation.
- Other options of a replacement path compliant with Part M of the Building Regulations have been dismissed. The alternative option put forward in 2013/2014 should be considered and would allow for the retention of the trees.
- Why are they being removed? Could the trees be trimmed?
- *'We harp on about global warming and then go and remove these iconic trees. We have no right to do this'*
- The application merits being called in to committee for consideration

THE APPLICATION SITE

- 1.1 The application relates to trees which form an avenue along the path that runs from the Lych Gate to western door of the Church. The path is the primary access route for worshipers to the church extending from Church Road under the Lych Gate to the main door of St Nicholas Church which is a Grade I listed building located with the Worth Conservation Area.
- 1.2 The trees are protected by the 'Crawley Borough Council (12 Apostles, St Nicholas Church) Tree Preservation Order served provisionally on 8 October 2019, confirmation must be on or before 8 April 2020 (Reference 12/2019 Tree Numbers T1-T12)

THE PROPOSAL

- 2.1 The proposal is to fell 10 trees (5 on each side of the pathway) and replace them with 12 no. Glastonbury Thorns on either side of the path and located slightly further away from the path edges in-between the graves.
- 2.2 The agent is Cowan Architects acting on behalf of St Nicholas Church (the applicant). The reasons for the tree felling are summarised as follows:
 - The path is the only means of public access to the church and is used multiple times a day. The path is relatively straight but slopes dropping around by 3.5m from the Lych Gate to the church. A high number of people visiting are young or elderly, using prams, mobility aids, wheelchairs.
 - The trees and their buttress roots encroach on to the path reducing its width. It is becoming increasingly difficult to negotiate the path between trees especially for pall bearers where there is now considered insufficient width or for people to walk two abreast down the path.
 - The roots alongside and under the path have made it buckled and uneven. Its uneven surface is a safety hazard / trip hazard for path users.

- The Church has statutory duty under Disability Discrimination Act 1995 to take reasonable steps to remove or alter physical features to improve access for disabled people or make alternative access available.
- The path was repaired within the last two years and re-laid, however, the trees are now so matured and due to the fact that they were planted very close to the edge of the path and as they have increased in girth the stems are now damaging the path as well as the roots from underneath.

2.3 The applicants state that they have considered the following options prior to the submission of the application:

- 1 Cutting the roots away from pathway:- This has been discounted due to concerns about the future stability of the trees post works and would pre-dispose the trees to serious decay, physiological stress and possible death.
- 2 Re surface pathway:- This does not resolve the problem of restricted width (now 1m). Biannual resurfacing would be required which is financially unsustainable.
- 3 Re-route pathway:- Not feasible owing to constraints of established consecrated land and the positions of existing graves etc.
- 4 Remove / replace trees and refurbish path: The current application proposal.

2.4 The application has been amended since it was first submitted with two trees (a Horse Chestnut and a Lime) closest to the Lych Gate now proposed to be retained. A tree replanting plan has also been provided.

PLANNING HISTORY:-

- 3.1 CR/2019/0633/TCA - Fell 12 trees which flank the entrance pathway between the Lych Gate & Church (OBJECTION AND TPO SERVED). TPO 12/2019 'The Crawley Borough Council Twelve Apostles, St Nicholas Church Tree Preservation Order was made on the 8th October 2019 and protects 12 trees along the church footpath comprising 8 Limes, 2 Turkey Oaks, 1 Wych Elm and a Horse Chestnut.
- 3.2 CR/2017/0952/TCA - Group of 13 x trees made up of 10 lime trees, 3 x turkey oaks and 1 x horse chestnut tree from entrance down to church - Section fell to ground level, grind out stumps and replace footpath. – Request Withdrawn

PLANNING POLICY:-

- 4.1 This application must be considered in the context of Part VIII of the Town and Country Planning Act 1990 and The Town and Country Planning (Tree Preservation) (England) Regulation 2012.

National Planning Practice Guidance – “Tree Preservation Orders and trees in conservation areas”.

- 4.2 This states that *“In considering an application, the Local Planning Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it” (Para 089)*
- 4.3 *“When considering an application the authority is advised to:*
 - *assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
 - *consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
 - *consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
 - *consider whether any requirements apply in regard to protected species;*
 - *consider other material considerations, including development plan policies where relevant; and*
 - *ensure that appropriate expertise informs its decision.*

Authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It

should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.” (Para 090)

Green Infrastructure Supplementary Planning Document (2016)

- 4.4 This non-statutory document (adopted October 2016) sets out further guidance on the importance of green infrastructure within the borough. Pages 24 and 25 deal specifically with trees protected by a TPO.

Worth Conservation Area Statement (February 2018)

- 4.5 The document states that St Nicholas Church is at the heart of Worth Conservation Area and the desire to preserve and enhance its character and setting was a key reason for its designation in 1987. The key feature of the area is the rural landscape character of the former low density rural hamlet.
- 4.6 The Church is a Grade 1 listed Saxon building and the churchyard is integral to its context, that of the Conservation Area and the wider countryside setting that offers “*a feeling of tranquil contemplation that reinforces the area’s rural character*”. The document highlights that the churchyard is largely enclosed by mature trees and contains a number of mature yew trees. The document also references the ‘narrow avenue of lime trees’ visible on the 1875 map known as the ‘Twelve Apostles’ which lead to the Lychgate.
- 4.7 Part 5 in the document entitled ‘Conservation Area Management Plan’ makes specific reference to the application trees stating:
“The council is aware that the row of trees known as the ‘twelve apostles’ in the churchyard of St Nicholas’ are, as a result of root and trunk growth, obscuring access to the path for church users, particularly for people with mobility issues and also pallbearers during funerals. The Crawley Borough Council Arboricultural Officer has advised that the trees are near the end of their natural life, and it is possible that the trees may need to be felled in the near future. Given the important heritage contribution made by the tree-lined avenue, particularly in shaping the secluded rural character of the churchyard, should the trees need to be felled, the tree-lined avenue should be reinstated through replacement tree planting of a suitable species”.

PLANNING CONSIDERATIONS:-

- 5.1 The determining issues in this application are the effect of the proposal on the health, character and appearance of the trees and the level of amenity that they provide within the surrounding area and whether in the light of this assessment the proposal is justified in accordance with the criteria set out in Para 090 of the Planning Practice Guidance.

Amenity value

- 5.2 The trees are large and mature with an estimated useful life expectancy of 20-40 years. The trees create an attractive avenue leading up to the west door of the Church and have the effect of largely screening the Church from view when entering the church yard. The trees while substantial in form are over mature and the dominant girth of the trunks are a significant feature along the pathway.
- 5.3 While large specimens, the application trees are viewed in the relatively limited landscape context of the Lych Gate to the church and are not especially visible in wider views from within the conservation area, as the trees around the churchyard boundary provide a more robust screen and sense of enclosure to the setting of the church.

Justification for the felling

- 5.4 The applicant’s justification for felling is set out in paragraph 2.2 of this report.

- 5.5 The trees were planted over 100 years ago on each side of the path to form an avenue leading up to the Church, unfortunately they were planted very close to the edge of the path and over the years they have increased in girth to the point where the path has become badly damaged and uneven. The trees have also narrowed the path to the point that it is becoming impassable for pallbearers and wheelchair users.
- 5.6 It is considered there is little that can be done to manage the encroachment of the trunks and roots into the path without damage to the amenity or health of the trees. The path needs to be repaired but this is neither practical nor cost effective as long as the trees remain.
- 5.7 The trees especially the limes are now over-mature and are posing an increasing risk to those visiting the church. It is considered that their useful life expectancy is now relatively limited (20-40 years) and their condition will only deteriorate and pose an increased trip hazard risk and increased level of obstruction over time.
- 5.8 It is considered that the applicants have provided a reasonable justification in this case for the removal of the trees.

Protected Species

- 5.9 The trees have not been surveyed for protected species and given their species and maturity protected species may be present. It is therefore recommended that the applicants are reminded of their duties under the Wildlife and Countryside Act and that appropriate checks should be made to ensure that no protected species are present and where found the appropriate licences are obtained for their safe removal prior to the felling of the trees.

Development Plan and Other Material Considerations

- 5.10 The Development Plan and Green Infrastructure SPD acknowledges the significant amenity value that trees (and landscaping) can contribute to the setting of development. It encourages space for trees to be included in designs and landscaping the retention of trees of amenity value. It acknowledges the importance of Tree Preservation Orders in protecting the trees with a high level of public amenity.
- 5.11 The Worth Conservation Area Statement estimates the trees to be over 100 years old, however the Church is of the Saxon period and therefore very much older (over 1000 years old). The trees were planted in Victorian times as avenues of large trees were popular at the time, this reflected tastes of this period. The Conservation Area Statement while referencing the trees affords them only limited historic significance in the wider context of the Church, churchyard and Conservation Area. The enclosed wooded boundaries of the churchyard reinforce the wooded character and setting of the church and rural nature of the Conservation Area to a much greater degree albeit reference is also made to the importance of the large yew trees within the churchyard.
- 5.12 The Conservation Area Statement does acknowledge the importance of retaining a tree lined avenue leading up to the Church but it is considered that these trees, which are now reaching the end of their life, should be removed and replaced with trees of a more appropriate size and be positioned so as not to cause ongoing damage to the path.
- 5.13 During the course of the application a replacement planting scheme has been provided by the applicants and the two trees nearest the Lych Gate are now being retained as these do not impact on the path. The Glastonbury Thorns would be an appropriate replacement species for those removed as once established would create an attractive tree lined pathway and ensure easier management of the pathway with a more open view of the church from the Lych Gate in the longer term.
- 5.14 The replacement planting sites have been carefully chosen to avoid the graves. It is not possible to replant the tree avenue in the exact location of the trees that would be felled as the stump and root removal of these specimens would result in damage and disturbance to the churchyard and also the any potential archaeology below ground. The removal of large, veteran or historically/culturally

significant trees is the exception and not the rule, however occasionally, as in this case, it is considered unavoidable.

Other Matters

- 5.15 While the representations are noted and some have suggested removing some but not all trees, this is not considered practical if a replacement tree avenue is to be established. Two larger trees near the Lych Gate are now to be retained as there was insufficient justification for removing these as they are clear of the pathway. It is not considered the Wych Elm is a particularly uncommon species and it is not worthy of retention for this reason. While alternative options and pathways may have been looked at in the past, the Local Planning Authority has to make its decision on the application and information now submitted by the applicants and in this case, given the supporting information before it, considers the felling of the trees is justified.

CONCLUSION

- 6.1 The trees are clearly causing damage and access issues for visitors and worshipers at the Church. Furthermore, the trees are deteriorating in condition and have a relatively limited useful life expectancy and could soon begin to pose a risk to the public due to increased shedding of deadwood etc.
- 6.2 The short term loss of visual amenity within the church yard is considered acceptable on balance considering the safety risks and access issues, as well as the potential for escalating costs associated with ongoing repair works to the existing path should the trees be retained. The long term retention of the trees is considered difficult and in direct conflict with the need to secure safe and adequate public access to the church.
- 6.3 It is therefore recommended that the trees should be removed in order to allow the path to be repaired and replacement trees (Glastonbury Thorns) to be planted as a new avenue, set at an appropriate distance back from the path. Glastonbury Thorn is an appropriate choice since it is a native attractive species and flowers twice a year.

RECOMMENDATION RE: CR/2019/0739/TPO

CONSENT - Subject to the following condition(s):-

1. This consent is valid for a period of two years from the date of this notice and shall only be carried out once.
REASON: To enable the Local Planning Authority to control the works in the interests of good tree management in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
2. All works should be carried out in accordance with BS3998: 2010 'Tree Work Recommendations'.
REASON: In the interests of visual amenity and to ensure the continuing health of the tree(s) in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.
3. Within 12 months of the felling of trees, 12 no. Glastonbury Thorn trees shall be planted in accordance with the details in a planting methodology that has first been submitted to and approved in writing by the Local Planning Authority. The trees shall be planted in the locations shown on the tree replacement plan (drg no. P 2179 - 014) unless the Local Planning Authority agrees in writing to any variation. The trees shall be not less than nursery standard size and conform to British Standard 3936: Nursery Stock Specification. In the event that the trees die within five years following such planting, they shall be replaced with similar trees in a similar position during the next planting season.
REASON: In the interests of the amenity of environment of the locality in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

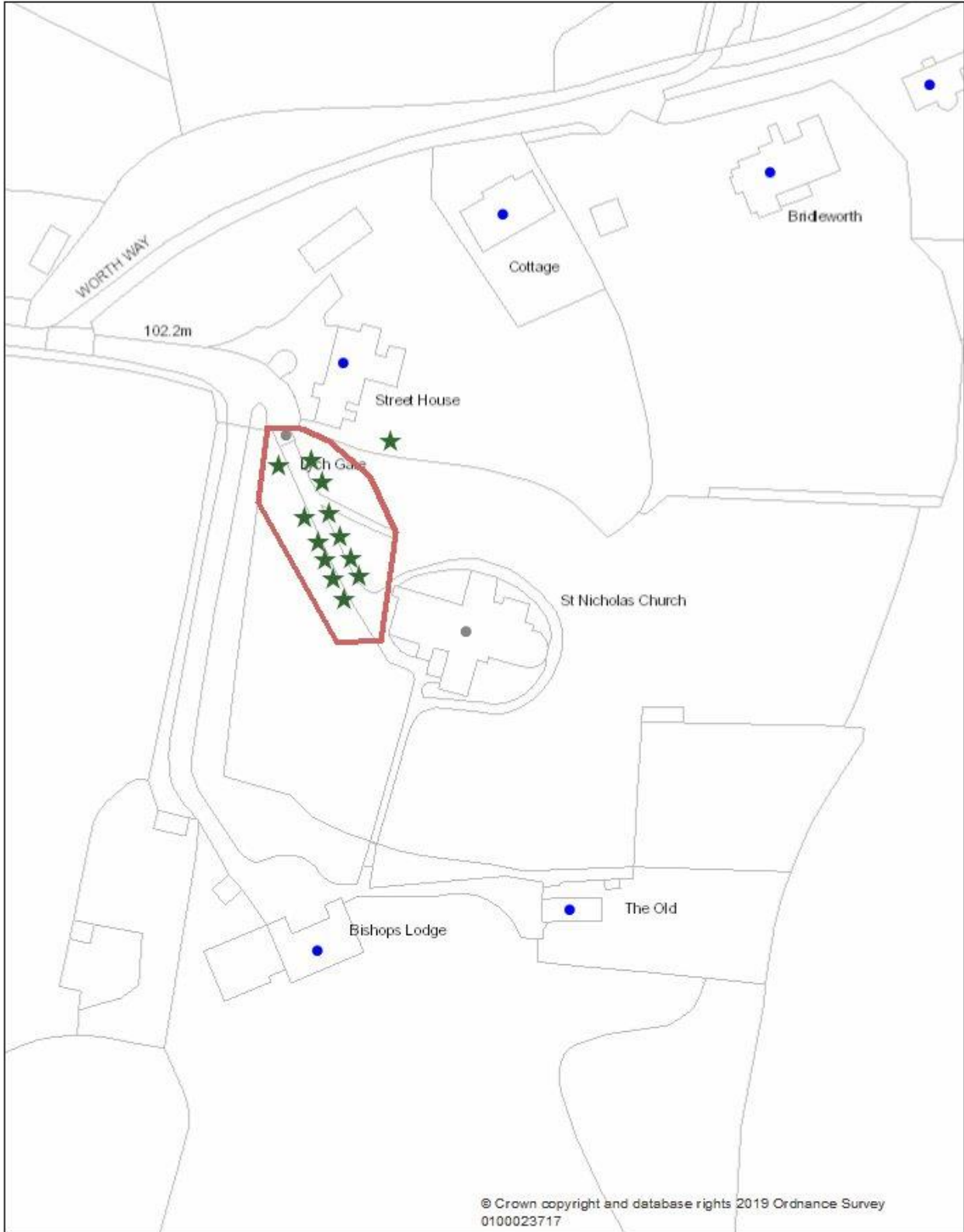


ArcGIS Web Map



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Agenda Item 4

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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