

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Tuesday, 8 March 2022 at 7.00 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

Membership:

Councillors

R D Burrett (Chair), S Buck (Vice-Chair), Z Ali, A Belben, I T Irvine,
K L Jaggard, S Malik, M Mwangale, S Raja and P C Smith

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The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Ward	Pages
1. Apologies for Absence		
2. Disclosures of Interest		
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.		
3. Lobbying Declarations		
The Planning Code of Conduct requires that councillors who have been lobbied, received correspondence, or been approached by an interested party regarding any planning matter should declare this at the meeting which discusses the matter. Councillors should declare if they have been lobbied at this point in the meeting.		
4. Minutes		5 - 8
To approve as a correct record the minutes of the Planning Committee held on 8 February 2022.		
5. Objections to the Crawley Borough Council Tree Preservation Order - The Tweed - 06/2021	Ifield	9 - 18
To consider report PES/396 of the Head of Economy and Planning.		
RECOMMENDATION to CONFIRM.		
6. Objections to the Crawley Borough Council Tree Preservation Order - 6 Wilson Close - 07/2021	Maidenbower	19 - 28
To consider report PES/398 of the Head of Economy and Planning.		
RECOMMENDATION to CONFIRM.		

7. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

With reference to planning applications, PLEASE NOTE:
Background Paper:- Crawley Borough Local Plan 2015-2030

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services team on 01293 438549 or email: democratic.services@crawley.gov.uk

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Crawley Borough Council Minutes of Planning Committee

Tuesday, 8 February 2022 at 7.03 pm

Councillors Present:

R D Burrett (Chair)

Z Ali, I T Irvine, K L Jaggard, S Malik, M Mwagale, S Raja and P C Smith

Officers Present:

Valerie Cheesman	Principal Planning Officer
Siraj Choudhury	Head of Legal, Governance and HR
Heather Girling	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)

Apologies for Absence:

Councillor A Belben and S Buck

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor P Smith	Planning Application CR/2021/0763/FUL – Units 1-16 Oakwood Industrial Park, Gatwick Road, Northgate, Crawley (Minute 4)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District

2. Lobbying Declarations

No lobbying declarations were made.

3. Minutes

The minutes of the meeting of the Planning Committee held on 11 January 2022 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2021/0763/FUL - Units 1-16 Oakwood Industrial Park, Gatwick Road, Northgate, Crawley

The Committee considered report [PES/379a](#) of the Head of Economy and Planning which proposed as follows:

Alterations to Units 1-3 and 5-16 comprising overcladding existing roof material with profiled metal sheeting and translucent sheet rooflights and retention of profiled metal roof to Unit 4.

Councillors Ali, Burrett and P Smith declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application which sought permission to over clad the existing roof of Units 1-3 and 5-16 in the Oakwood Industrial Park, within the Manor Royal Business District. The existing roof material was corrugated asbestos cement sheeting with a number of translucent roof lights positioned across the roof. It was proposed to clad over the top of the existing roof, encapsulating the existing roof with a new profiled metal sheeting roof, resulting in a slight increase in height. New translucent roof lights would be positioned over the existing roof lights. Unit 4 already had the new metal roof and this application also sought to regularise this change.

The Committee was updated that, since the publication of the report, further information had led to amendments being made to conditions 3 and 5. This included confirmation of the roof material details together with receipt of the Construction Method Statement, which covered the issue of the impact on the protected trees to the eastern and southern boundaries. The Officer then gave detail of the various relevant planning considerations as detailed in the report and following this, the Committee then considered the application.

It was commented that it was unexpected to find a relatively new building containing asbestos. In response, it was noted the asbestos was not being removed and the construction of the new roof was specifically designed to address this situation and was subject to a condition.

A query was raised regarding the suitability of using cladding given the material's recent history and whether that being proposed within this application was fire resistant. It was clarified that the details of such building materials would come under the jurisdiction of Building Control regulations.

RESOLVED

Permit subject to the conditions and informative set out in report [PES/379a](#) including amended conditions 3 and 5 as follows:

3. The proposed new roof shall be constructed in Tata Steel HPS200 Ultra in Goosewing Grey (RAL 7038) unless otherwise agreed in writing by the Local Planning Authority. Only the approved details shall be implemented.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

*5. The development hereby permitted shall be carried out in accordance with the Method Statement by Advanced Roofing Services dated 28 January 2021 and the site set up image submitted with the application. Only the approved details shall be implemented and the approved measures shall be retained during the construction period.
REASON: To ensure the protection of the trees in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.*

5. Objections to the Crawley Borough Council Tree Preservation Order – The Tweed - 06/2021

The Committee was informed that due to an administrative error, representations and notifications regarding the “Objections to the Crawley Borough Council Tree Preservation Order - The Tweed - 06/2021” needed to be thoroughly undertaken and completed for this item. Report [PES/396](#) was therefore deferred to the next scheduled meeting of the Committee.

RESOLVED

That the Committee agreed to defer report [PES/396](#) to the next scheduled meeting of the Committee.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 7.19 pm.

R D Burrett (Chair)

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Crawley Borough Council

Report to Planning Committee

8 March 2022

Objections to the Crawley Borough Council Tree Preservation Order – The Tweed - 06/2021

Report of the Head of Economy and Planning – *PES/396*

1. Purpose

- 1.1 This report presents The Tweed - 06/2021 Tree Preservation Order. The Committee is requested to consider the objections received 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 the Planning Committee CONFIRMS the Tree Preservation Order – The Tweed - 06/2021 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. The trees has significant wildlife value.

4. Background

- 4.1 The trees the subject of this Tree Preservation Order (TPO) are a group on land to the north of and adjacent to The Tweed, Tweed Lane, Ifield. This land was formerly part of the garden of the Tweed and has been sold off as a residential plot for a single dwelling. There are a total of 10 individual trees comprising large, mature specimens of oak, ash and sycamore. T1, T2, T3, T4, T5 and T6 cover the eastern half of the site, the western half of the site is open with T7 - T10 located along the western boundary. The site is within the Ifield Village Conservation Area. A copy of the TPO showing the location of the trees is attached to this report.
- 4.2 The TPO was made following receipt of a notification for tree works in a conservation area submitted under section 211 of the Town and Country Planning Act by the landowner. A site visit was undertaken and it was determined that the trees were of high amenity value. The Council therefore decided to protect the trees in order to allow tighter control over the works undertaken, to ensure their protection during any building works and to ensure replacements for any felled trees.
- 4.3 The provisional TPO was made on 15th September 2021 and remains provisionally in force for a period of six months (until 15th March 2022). If the TPO is confirmed the protection becomes permanent; if the TPO is not confirmed it ceases to have effect.
- 4.4 Since the making of the TPO, consent for the felling of T3 and T10 was granted under application reference CR/2021/0758/TPO in November 2021. T3 (oak) while in basically good health and condition and with some cohesive strength with the rest of the group, was suppressed by the adjacent trees and was obstructing the roof of the car port. It was therefore considered on balance that removing T3 and replacing it elsewhere within the site would enhance amenity in the long term. T10

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(ash) was located on the western boundary, growing out of the bank of the drainage ditch and was leaning considerably into the site. Following a closer inspection of the tree in connection to the above TPO application, the tree was considered to be a safety concern and its removal was considered justified with a condition requiring a replacement.

5. Notification/Consultation/Representation

5.1 A Council must, as soon as practicable after making a TPO and before it is confirmed, serve persons interested in the land and affected by the TPO a copy of the order and a prescribed notice. The Council served the owner(s)/occupiers(s) of the land and other interested parties a copy of the provisional TPO and notice. The following persons were served.

Owners and occupiers of the land:

- The owner/occupier, 75 Malthouse Road, Southgate, Crawley, RH10 6BQ

Owners and occupiers of adjoining land affected by the TPO:

- The owner/occupier, The Tweed, Tweed Lane, Ifield, Crawley, RH11 0NH
- The owner/occupier, 1 Tweed Cottages, Tweed Lane, Ifield, Crawley, RH11 0NH

5.2 The Council is required to consider any objections or representations made within 28 days of the date of the TPO. The notification period for objections ended on 20th October 2021. Confirmation of the TPO is required within six months of the date upon which it was provisionally made.

5.3 Three representations have been received; from the owner of the plot as well as the nearby neighbours at The Tweed and at 1 Tweed Cottages, all objecting to the TPO. The full objection letters are attached to this report as appendix A. The following reasons have been submitted for consideration.

Objections received from the owner of the land:

- T1 oak – numerous dead limbs overhanging public footpath, in need of deadwooding and removal of limbs in direct conflict with telephone cables.
- T3 oak – growing with a very uneven crown and has branches that frequently drag across the tiled roof of the existing car port.
- T5 ash – evidence of dieback highly visible and significant. This tree has a life expectancy of less than 10 years due to the presence of dieback; frequently sheds limbs. It will conflict with the new dwelling.
- T7 ash – evidence of dieback very visible as well as significant rot up to 400-500mm deep in one particular hole. Sheds limbs.
- T10 ash – this tree is now leaning significantly into our plot and poses a real threat. In strong winds this tree sways notably, with a very uneven crown, having dropped a large limb approx. 5 weeks ago. Ash dieback is very clear.

Objections received from the neighbours:

- The tree (T10) is growing out of the side of the bank of a drainage ditch [which] could lead the tree to sink into the ditch thus exacerbating the problem.
- The reinforced concrete floor of the workshop situated on the west side of the tree (T10) is evidencing an east to west crack in line with the tree.
- The tree (T10) is already suffering from ash dieback and is already shedding limbs in severe weather. Strong gale force winds cause the tree to sway
- Due to the position of these trees in relation to our garden we suffer from a large amount of shading in the latter half of the year.
- T2 is very much a concern as it is a very large double-trunked sycamore, very close to the boundary. There is a bough which overhangs our garden which could cause damage to the garage if it came down.

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6. Amenity Value/Assessment

- 6.1 Since the TPO was made, there have been a number of visits to the site and various works consented to the trees following a more thorough site inspection and to address concerns raised by the site owner and neighbours.
- 6.2 Works to T1 (oak) for the removal of damaged limbs overhanging the footpath have been granted under the emergency 5 Day Notice procedure (reference CR/2021/9013/5DN). Further surgery was consented under CR2021/0758/TPO to prune branches obstructing the telephone cables so the nuisance highlighted by the landowner has been addressed.
- 6.3 Consent to fell T3 (oak) was granted under CR/2021/0758/TPO with a condition to replant in a suitable location to be agreed with the Planning Department. It was considered that a replacement tree of better quality will offer greater amenity and enhance the character of the Conservation Area further in the longer term. This new specimen will be protected under the TPO – once the tree is planted the TPO will need modification to plot the new tree's location. This can be done by officers under delegated authority.
- 6.4 Works were consented to T5 (ash) for a crown lift and removal of deadwood under application CR/2021/0604/TPO as requested by the applicant (the landowner). The tree is showing signs of dieback although it could not be determined if this is due to ash dieback or other factors such as drought stress to which ash is susceptible. The tree is still considered to be worthy of retention and the works consented are considered to be sufficient to address the issues above. The planning application for the new dwelling at the plot (reference CR/2020/0693/FUL) identifies T5 for retention and clearly does not consider it to be a constraint to development.
- 6.5 Works were consented to T7 (ash) for a 3m reduction in height and lateral spreads under CR/2021/0758/TPO as requested by the applicant (the landowner). Upon inspection during the site visit in relation to the application, the tree was found to be in reasonably good condition with no major structural defects at the time of inspection. The tree is located at the edge of a drainage ditch and is either twin-stemmed or more likely two trees that have grown together and become conjoined at the base, one of the stems is positioned on the side of the bank of the drainage though this stem showed no signs of instability or subsidence. It is considered that the works permitted have addressed the issues expressed above.
- 6.6 Permission to fell T10 was granted under CR/2021/0758/TPO with a condition to replant a replacement in a suitable location to be agreed with the Planning Department. A replacement tree of better quality is considered to offer greater amenity and enhance the character of the Conservation Area further in the longer term. This new specimen will be protected under the TPO – once the tree is planted the TPO will need modification to plot the new tree's location. This can be done by officers under delegated authority.
- 6.7 The hornbeam (*Carpinus*) at the front of the plot referenced by the landowner is not covered by the TPO.
- 6.8 With regard to the objection on grounds of shading, trees can be pruned within reason (and subject to consent) to allow more light to pass through, however trees necessarily cause shade and there is no right to light in relation to trees. The fact that a tree is casting shade over a property should not automatically disqualify a tree from protection, in this case it is considered that the contribution that these trees make to the wider green amenity and character of the area far outweighs the negligible shading impact on neighbouring properties.
- 6.9 For the reasons set out above, it is considered that the substantive objections raised to the making of the TPO have been addressed through further consultation with the affected parties, including the granting of consent for some tree works. The TPO should be confirmed for amenity reasons.

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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 control the use of property in accordance with the law and if necessary to control the use of property in accordance with the general interest. The recommended continued protection of these trees by confirming the TPO 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 Council Tree Preservation Order The Tweed - 06/2021

Application CR/2021/0758/TPO – Officer Report and Photographs – see planning register <https://planningregister.crawley.gov.uk/Planning/Display/CR/2021/0758/TPO#>

Application CR/2021/0604/TPO – Officer Report and Photographs - see planning register <https://planningregister.crawley.gov.uk/Planning/Display/CR/2021/0604/TPO#>

Application CR/2020/0693/FIL – Application Plans and supporting details – see planning register <https://planningregister.crawley.gov.uk/Planning/Display/CR/2020/0693/FUL#>

Contact Officer: Russell Spurrell

Direct Line: 01293 438033

Email: russell.spurrell@crawley.gov.uk

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SCHEDULE

SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	English oak	Grid Ref: TQ-24932-38127
T2	sycamore	Grid Ref: TQ-24924-38131
T3	English oak	Grid Ref: TQ-24924-38124
T4	English oak	Grid Ref: TQ-24914-38123
T5	Common ash	Grid Ref: TQ-24911-38131
T6	sycamore	Grid Ref: TQ-24906-38133
T7	Common ash	Grid Ref: TQ-24885-38133
T8	English oak	Grid Ref: TQ-24881-38128
T9	English oak	Grid Ref: TQ-24883-38122
T10	Common ash	Grid Ref: TQ-24883-38117

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		

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**Tree Preservation Order No 06/2021
The Tweed**

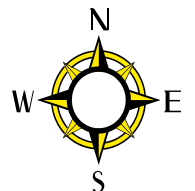
The scale shown is approximate and should not be used for accurate measurement.

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

Scale 1:1250

Date 24/01/2022

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Appendix A (Report PES/396) - Representations Received

From Landowner (Sent 18 October 21)

Dear Mr Spurrell,

Please see below our responses to the TPO placed on the trees on nest to the Tweed.

We firstly would like to point out that we heard nothing from CBC until the 16/9/21, which was the very day that this TPO was placed, despite the application being received and registered on 9/8/21.

You will also note that on Monday 4/10/21 a very large oak tree fell across the power lines to the rear of our plot and UKPN have had to carry out emergency works to make safe.

We now consider our proposals urgent due to the number of broken damaged limbs suspended directly over a public footpath, as well as numerous dead limbs in the oak tree T1 on the map (Clive Mayhew arb report) which has the telephone cables passing immediately through the crown.

We object the TPO being applied to various trees on the site, and having had an extensive arboricultural report carried out by The Mayhew Consultancy in October 2020 believe that it should not apply to the following trees.

I quote all tree numbers from the Mayhew consultancy map.

T1 Oak, numerous dead limbs overhanging a public footpath, in need of deadwooding, and removal of limbs in direct conflict with the telephone cables to Tweed cottages.

T3 Oak, this has been classified in the Mayhew report as a grade c tree, with a life expectancy of less than 10 yrs, is growing with a very uneven crown and has limbs that frequently drag across the tiled roof of the existing carport. We have applied to remove this tree. By removing this tree T2 & T4 should thrive.

T5 Ash, evidence of dieback highly visible and significant. This tree has a life expectancy of less than 10yrs due to the presence of dieback, frequently it sheds limbs. It will conflict with the new dwelling. We have applied to remove this tree.

T7 Ash, evidence of dieback very visible, as well as significant rot up to 400-500 mm deep in one particular hole at approx head height. Sheds limbs.

T10 Ash, this tree is now leaning significantly into our plot and poses a real threat.

In strong winds this tree sways notably, with a very uneven crown, it dropped a large limb approx 5 weeks ago and ash dieback is very clear.

When we discussed this tree after you placed the TPO, you were in agreement that it was leaning significantly into the plot and did pose a threat, even more so once the proposed dwelling is built. It has also caused a significant crack in the concrete base of [neighbour's] shed to the rear. The Mayhew consultancy regard this as a class C tree. We have applied to remove this tree.

We are happy to replace the trees we propose to remove, sorbus aucuparia would be a viable alternative and can accommodate them off site in [neighbour's] land too.

There are also significant damaged limbs caught up in the Carpinus to the front of our plot, one in particular has snapped off and is hung up, whilst there are other dead standing stems which pose a threat. Tweed Lane is itself a public footpath and we feel it is now urgent that this is dealt with very soon. Doing nothing for several more weeks is not an option, people and property could be injured or damaged if limbs were to fall.

I posted the 'works to TPO trees' paperwork on September the 17/9/21, in the drop box at the front of the CBC building. Yet I heard nothing until today from one of your colleagues saying that the paperwork had just landed on her desk (Mandy Graves). I have made phone calls and left messages but none have been returned.

We hope this situation can be dealt with urgently and not just ignored until the last day.

Action is required urgently as we approach winter and the weather worsens.

I look forward to your prompt reply.

Yours faithfully

From Neighbour

Sent: 13 October 2021 20:30

To: Trees, Protected <[ProtectedTrees@Crawley.gov.uk](mailto:ProtectedTrees@ Crawley.gov.uk)>

Subject: Provisional Tree Preservation Order No 06/2021

Dear Russell,

Further to your visit to The Tweed and your letter dated 15th September, we are writing to set out our objections to a TPO being placed on the common ash ref T10 on the plan enclosed with your letter. You will recall at the time of your visit on 15th September, we discussed the state of the tree and we pointed out the following issues:

1. The tree is growing out of the side of the bank of a drainage ditch and you commented that such a position could lead to the tree sinking further into the ditch thus exacerbating the existing lean.
2. We drew your attention to the fact that strong gale force winds cause the tree to sway into the existing lean such that the trunk, when measured at 1.5m above ground, moves by approx. 5cm.
3. The reinforced concrete floor of the existing wooden workshop situated on the west side of the tree is evidencing an east west crack directly in line with the tree.
4. The tree is clearly suffering from ash die back and is already shedding limbs in severe weather.

In view of the above, you concluded that the tree was not a worthy specimen and is already in a dangerous condition. We are therefore following your advice and writing to you setting out our objections to the TPO and requesting permission to fell the tree.

In view of the 20th October deadline stated in your letter of 15th September, would you be kind enough to acknowledge receipt of this email.

Kind regards

From Neighbour

Sent: 18 October 2021 15:34

To: Trees, Protected <[ProtectedTrees@Crawley.gov.uk](mailto:ProtectedTrees@ Crawley.gov.uk)>

Subject: The Crawley Borough Council The Tweed Tree Preservation Order No.06/2021

I am writing regarding the proposed TPOs on land adjacent to our property at 1 Tweed Cottages, Tweed Lane, Ifield, Crawley.

My comments/objections are as follows:

Tree nos. T3, T5, T6, T7

Due to the position of these trees in relation to our garden we suffer from a large amount of shade in the latter half of the year, so I see no reason why these trees cannot be topped, if necessary, without any detriment to them. In fact T5 is suspected to have Ash die-back.

T2 is very much our concern as it is a very large double-trunked Sycamore very close to the boundary. In fact there is a bough which overhangs our garden which could do damage to our garage if it came down.

Regards

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Crawley Borough Council

Report to Planning Committee

8 March 2022

Objections to the Crawley Borough Council Tree Preservation Order – Trees to Rear of 6 Wilson Close - 07/2021

Report of the Head of Economy and Planning – *PES 398*

1. Purpose

- 1.1 This report presents the Trees To Rear of 6 Wilson Close - 07/2021 Tree Preservation Order. The Committee is requested to consider the objections received 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 Planning Committee CONFIRMS the Tree Preservation Order – Trees to Rear of 6 Wilson Close - 07/2021 without modification.

3. Reasons for the Recommendation

- 3.1 The trees have been identified as having significant long term potential. The trees are prominent in the locality and have significant amenity value. The trees provide an important visual screen between (future) properties. The trees are clearly visible from the public highway.

4. Background

- 4.1 The trees the subject of this Tree Preservation Order (TPO) are a group of two consisting of a grey alder and an ash-leaved maple located on a thin strip of amenity land to the rear of 6 Wilson Close and adjacent to Lucerne Drive, in Maidenbower. The land on which the trees are located forms one of several small strips of amenity land adjacent to Lucerne Drive (see attached map).
- 4.2 In August 2021, an enquiry was received from the owner of 5 Wilson Close regarding the removal of these trees, though no reason was given. In September 2021, a separate inquiry was made about the same trees from the occupier at 6 Wilson Close. On 20th September 2021, a site visit was undertaken and it was determined that the trees were of high amenity value. The Council therefore decided to make a TPO in order to ensure protection of these trees going forward and to allow the Planning Department control over any works that may be required.
- 4.3 The provisional TPO was made on 1st October 2021 and remains provisionally in force for a period of six months (until 1st April 2022). If the TPO is confirmed, the protection becomes permanent. If the TPO is not confirmed, it ceases to have effect.
- 4.4 The trees are visible for some distance along Lucerne Drive in both directions as well as from Henley Close. The trees form a screen between the houses of Wilson Close and Lucerne Drive and Henley Close – this is one of several small pockets of trees that create an important screen between the two areas of development. These pockets of green amenity land help to soften the hard edge of development along Lucerne Drive and enhance the green character of the area.

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- 4.5 These trees make an important contribution to the green amenity of the area and their loss or unconstrained/excessive pruning would have a detrimental impact on amenity. The serving of the TPO on these trees sought to prevent this.

5. Notification/Consultation/Representation

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

Owners and occupiers of the land:

- George Wimpey Southern Counties Ltd, Gate House, Turnpike Road, High Wycombe, HP12 3NR

Owners and occupiers of adjoining land affected by the TPO:

- The owner/occupier, 5 Wilson Close, Maidenbower, Crawley, RH10 7NX
- The owner/occupier, 6 Wilson Close, Maidenbower, Crawley, RH10 7NX
- The owner/occupier, 64 Carter Road, Maidenbower, Crawley, RH10 7NY
- West Sussex County Council, County Hall, West Street, Chichester, PO19 1RG

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the TPO. The notification period for objections ended on 5th November 2021. Confirmation of the TPO is required within six months of the date upon which it was provisionally made.

- 5.3 One representation has been received from the owner of the neighbouring property at 6 Wilson Close, objecting to the TPO. The full objection letter is appended to this report as Appendix A. The following reasons have been submitted for consideration.

Objections received from neighbour at 6 Wilson Close:

- Your letter totally contradicts the email received confirming no issues to have the trees trimmed. My question is what has changed?
- I witnessed a double decker bus on learner training swerve at the last moment into the opposite lane to avoid an overhanging branch from our tree. Had a vehicle been coming in the opposite direction then this could have been a fatality.
- Already this morning I heard a large crash from what appears to be a high sided lorry coming into contact with the overhanging branches.
- I trust that the Council will be responsible should an accident occur as you oppose the trimming. Legal responsibility will fall on you [the Council] as I have documented evidence that you will not allow trimming.
- From opening of business today I hold the Council responsible for any accidents, damage sustained to any person or vehicle.
- This is a health and safety issue to motorists as well as the passing public walkers and children.

6. Amenity Value/Assessment

- 6.1 A TPO status enquiry was received from the owner of 6 Wilson Close on 13th September 2021 seeking to trim the trees and a response was sent by a member of the admin team on 15th September advising that the trees were not protected. This information was factually correct at that time.

- 6.2 Unfortunately, there was a miscommunication between staff as that response was not checked with the Tree Officer before being sent. The Tree Officer was due to assess these trees following the enquiry of August 2021. Following a site visit to assess the suitability of the trees it was determined that they were worthy of preservation and a TPO was duly served on 1st October 2021.

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- 6.3 West Sussex County Council's Highways Department, as statutory undertaker, has the power to undertake works to protected trees, where said works are required for the safe use of the highway, without the need to apply for to the Local Planning Authority for consent. The imposition of a TPO does not therefore preclude the pruning of trees by the highways authority where required. It is recommended that the neighbour(s) contact WSCC and request that the trees are inspected.
- 6.4 The imposition of a TPO does not exonerate the landowner of their duty to maintain the trees on their land in a safe condition, or from responsibility should damage or harm occur as a result of neglect of this duty.
- 6.5 The imposition of a TPO by the Council does not transfer this responsibility on to the Council; this still lies with the landowner. The Council is not responsible for the trees or any accidents or damage caused by the trees.
- 6.7 The landowner is responsible for the trees and West Sussex Highways is responsible for the safe use of the highway. The objector is neither the landowner nor the Highways Authority and therefore has no responsibility for these trees.
- 6.8 The imposition of a TPO does not preclude works to trees where, following the submission of a tree works planning application, such works are considered justified and the necessary permissions granted. To date no tree works have been applied for.
- 6.9 The Council has not stated that trimming works to the trees would not be allowed. The advice has been that an application should be made and this would be considered.

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 control the use of property in accordance with the law and if necessary to control the use of property in accordance with the general interest. The recommended continued protection of these trees by confirming the TPO 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 Council Tree Preservation Order Trees To Rear Of 6 Wilson Close - 07/2021

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

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SCHEDULE

SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	Grey Alder	Grid Ref: TQ-29622-35366
T2	Ash Leaf Maple	Grid Ref: TQ-29620-35361

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

Reference on Map	Description	Situation
NONE		

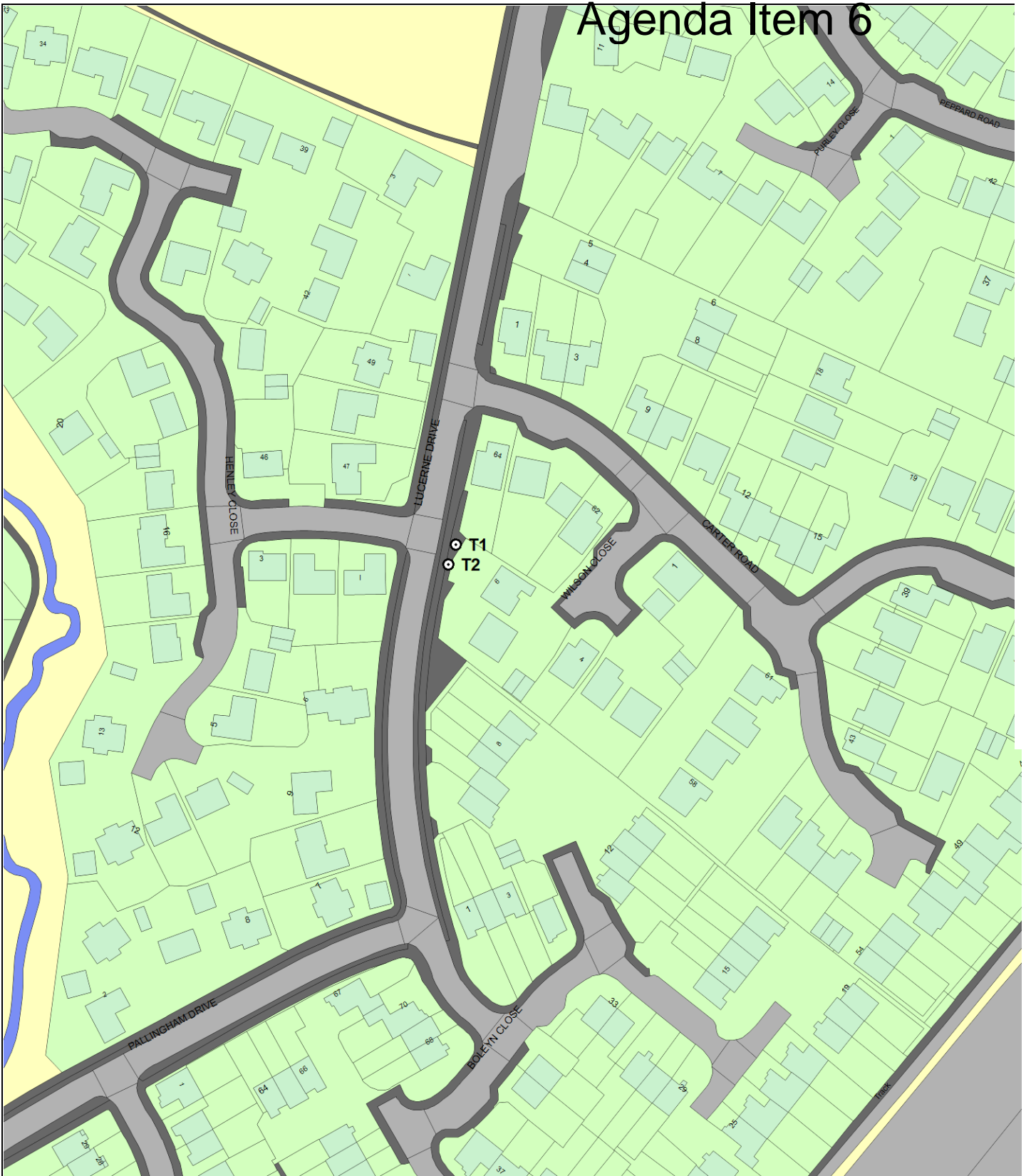
Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

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

Reference on Map	Description	Situation
NONE		

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Tree Preservation Order No 07/2021
Trees To Rear Of 6, Wilson Close

Clem Smith
Head of Economy and Planning Services

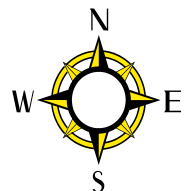


The scale shown is approximate and should not be used for accurate measurement.

Scale 1:1250

Date 15/02/2022

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Appendix A (Report PES/398) - Representations Received

From 6 Wilson Close (sent 6 October 2021)

Dear Mr Spurrell,

With reference to your letter received dated 1st October concerning a Tree Preservation Order.

May I refer to an email received from one of your colleagues reference DCPT362865945.

Your letter totally contradicts the email received confirming no issues to have the trees trimmed (not removed).

A lot of work has gone on obtaining quotes from registered tree surgeons and a job created to have the work done.

My question is - what has changed?

I also wish to point out that just yesterday 6th October I witnessed a double decker bus on learner training swerve at the last moment into the opposite lane to avoid an overhanging branch from our tree.

Another question - I trust that the council will be responsible should an accident occur as you oppose the trimming. Legal responsibility will fall on you as I have documented evidence that you will not allow trimming, this now is a health & safety issue?

This needs to be addressed urgently - from the opening of business today I hold the council responsible for any accidents, damage sustained to any person or vehicle.

If needed I will speak to the Police to visit the area & share my concerns and the potential serious incident from yesterday.

I need an urgent response please.

Yours sincerely
X

From 6 Wilson Close (sent 7 October 2021 05:19)

(In response to the following email)

On 15 Sep 2021, at 11:56, Trees, Protected <ProtectedTrees@crawley.gov.uk> wrote:

Dear X

According to our records the trees at the above location are not the subject of a Tree Protection Order nor are they in a Conservation Area. Therefore you do not require consent from Crawley Borough Council to carry out the works you describe.

Kind Regards

Susan Mitchell

Dear Ms Mitchell,

Thank you for your email regarding the information concerning that our trees are not protected.

I received a letter 2 days ago from the council that the trees are NOW protected from trimming.

The letter states that the trees have long term value & potential.

So what has changed, also why has your email been contradicted? Could you investigate this please.

In my appeal I stated that I witnessed a double decker bus swerve into the opposite lane on Lucerne Drive at the last minute to avoid our overhanging and overgrown trees.

The bus driver was under training. Had a vehicle been coming in the opposite direction then this could have been a fatality.

I also included in the appeal that for urgent health & safety reasons that trimming has to take place.

I am guessing that the council are now responsible should any accidents or injuries take place then it is out of my hands.

Please can you get back to me as soon as possible. I have appointed a registered tree surgeon at great expense to professionally trim the trees to a safe & acceptable level.

The work is already booked in following your response.

I look forward to hearing from you.

Yours sincerely

X

From 6 Wilson Close (sent 7 October 2021 11:57)

(In response to the following email)

On 7 Oct 2021, at 11:34, Trees, Protected <ProtectedTrees@crawley.gov.uk> wrote:

Dear X

This is a matter for the Tree Officer, Mr Russell Spurrell, to address.

I have forwarded your email to him.

He is not in the office today, but I believe he will be tomorrow, as will I. I will discuss then.

Do you have the TPO reference?

Kind Regards

Susan Mitchell

Dear Ms Mitchell,

Thank you for getting back to me.

The reference on the letter is Ref 07/2021.

Already this morning I heard a large crash from what appears to be a high sided lorry coming into contact with the overhanging branches.

Please can you raise this as urgent, as detailed to Mr Spurrell this is a health & safety issue to motorists as the passing public walkers & children. I am not responsible for injuries & damage.

The email chains are being held for the possibility of legal proceedings to the council.

Thank you again for your response.

Kind regards

X

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