

# Crawley Borough Council

## Report to Planning Committee

8<sup>th</sup> April 2019

### Objections to the Crawley Borough Council Tree Preservation Order Land north of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018

Report of the Head of Economy and Planning – PES318

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#### 1. Purpose

- 1.1 This report presents the Land north of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018 Tree Preservation Order. The Committee is requested to consider the objections and comments 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 Committee **CONFIRM** the Tree Preservation Order Land north of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018 with modification.
- 2.2 The modification wording as set out in the tree specification schedule attached to the report, is identified below:
- Under the heading of 'Woodlands' replace the word 'continuous' with the word 'dotted' and add after 'line' the words 'and shaded dark green'.
  - Under the heading of 'Reference to an Area' replace the word 'dotted' with the word 'continuous'.

#### 3. Reasons for the Recommendation

- 3.1 The trees are considered to have good landscape amenity value in the surrounding area. The trees have been identified as having significant long term potential. In addition:-  
The trees are under threat as the site is being considered for development.

#### 4. Background

- 4.1 The trees the subject of this Order occupy a broadly rectangular area of land of approximately 0.37 ha located on the eastern side of London Road / A23 situated to the North of Hydehurst Cottage and to the south of the former Lowfield Heath filling station which is now occupied by Maple Manor Parking. The site is a young woodland which appears to have become established since around 1990 when the land was last cleared by its owners and the Local Planning Authority placed a Tree Preservation Order on 4 remaining trees at the site (TPO reference - London Road No 4 P16.6.16 - confirmed 24<sup>th</sup> June 1991) which still remains in effect.
- 4.2 The trees are native deciduous species which have established in the last 30 years or so, providing a relatively dense screen and stand to a height of approximately 10m tall. While as individual specimens these trees are not worthy of protection, they have strong visual cohesion as a group and are

considered to have good landscape amenity value and significant long term potential. They contribute to the green landscaped boundary along the eastern side of London Road, the wider countryside character of the area and also serve to screen wider views of the airport parking on the land to the north and east. Photographs of the site are attached to this report.

- 4.3 The Order was served following receipt of a pre-application enquiry to develop the site, the indicative drawings proposed the removal of all the trees from the site. The trees were considered to be under threat and the LPA decided to protect them to ensure their continued contribution to the green amenity of the area.
- 4.4 The provisional Tree Preservation Order was made on 24th October 2018 and remains provisionally in force for a period of six months until 24<sup>th</sup> April 2019. If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

## 5. Notification/ Consultation/Representation

- 5.1 In order to confirm the Order, the Council 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:

### Owners and occupiers of the land:

- The Occupier, 1b Gatefield Lane, Faversham, Kent, ME13 8NX
- The Occupier, 26 Gordon Square, Faversham, Kent, ME13 8HN
- The Occupier, Middleroom cottage, New Barns, Greybury Lane, Marsh Green, Edenbridge, Kent, TN8 5QP
- Paisley Amber Developments Limited, 87a High Street, Wanstead, London, E11 2AE
- HX Properties, Ashford Road, Newingreen, Hythe, Kent, CT21 4JF
- Maple Manor Parking, 283 Westferry Road, London, E14 3RS
- Royal Bank of Scotland Plc, 135 Bishopsgate, London, EC2M 3UR
- Exxon Mobil House, Ermyrn Way, Leatherhead, Surrey, KT22 8UX

### Owners and occupiers of adjoining land affected by the TPO:

- The Owner/Occupier, Hydehurst Cottage, London Road, Northgate, Crawley, West Sussex, RH109SW
- The Owner/Occupier, Maple Manor Parking, London Road, Northgate, Crawley, West Sussex, RH109SW
- The Owner/Occupier, Parking Services Ltd, London Road, Northgate, Crawley, West Sussex
- West Sussex County Council, County Hall, West Street, Chichester, West Sussex, PO19 1RG

- 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 **28th November 2018**. Confirmation of the order is required within six months of the date upon which the Order was provisionally made.
- 5.3 Two representations have been received in relation to the provisional order. One representation from Exxon Mobil was received confirming they had no land interest.
- 5.4 The second representation was submitted on behalf of 3 named site owners and set out the following comments:

### Inaccuracies with the TPO Paperwork

- The site address is wrong - the land registry address is 'Land on the east side of London Road, Lowfield Heath'.
- The map is wrong - as there is no filling station and no pond behind.
- The land in question is marked with a broken line but specification of trees reference states 'none'.

### Tree Health and Amenity issues

- Disagrees that the trees on site are in good health as many are dead or rotten (photos provided).

- Disagrees that the trees have good landscape and amenity value as they don't look nice from the road, they don't screen the surrounding area or cover any building, they don't provide a backdrop and the area is a wasteland dumping site rather than a woodland (photos and video provided).
- The site is subject to constant traffic noise is untidy and is not a rural idyll, it has no visual or rural character as the area is surrounded by parked cars and dual carriageway
- The tree lined screen down the centre of the dual carriageway screens views of the land from the western (northbound side) of London Road.
- The land adds no visual contribution to public amenity and contains an overgrown impassable path to nowhere.

#### Other

- The land was formerly part of established car dealership with sales office and workshop which when this use ceased was used for rough grazing. The storm of 1987 caused substantial damage to the land and it was decided to clear the site. There was no TPO on the site in 1989. In 1990 there was no screening between the garage and Hydehurst Cottage.
- Questions whether a close inspection of site was made prior to service of the TPO as the government guidance states the site should be visited prior to making the order.
- The site makes no positive contribution to the countryside as the adjoining land uses are using the land for fly tipping / dumping
- The land is not beautiful woodland, you cannot see it driving by and it is not used for walking or recreation as it is noisy and no useable footpath

### **Consideration of the representations**

- 5.5 In relation to the TPO paperwork, it is not considered necessary to identify the TPO and site address exactly as set out in the property deeds or land registry details. The site description is considered to accurately identify the land based on the current site addresses on the Council's mapping database and this is considered sufficient when read alongside the accompanying TPO paperwork. The TPO plan is based on a slightly outdated Ordnance Survey base, however the site boundaries for the woodland Order are correct and adequate to identify the land the subject of the TPO. The reference to a filling station and a pond on the map is not of relevance to the validity of the TPO.
- 5.6 It is accepted that the specification of trees is incorrect on the key. It is considered that this error in the descriptions can be corrected in the schedule by amending the wording to refer to a woodland order as a 'dotted black line' and the area order as a 'continuous black line'. This can be done as a modification to the Order. It is also proposed to reference the extent of the woodland order by reference to the area 'shaded dark green' for the avoidance of any doubt.
- 5.7 It is not considered that the trees on the site are in poor health. While some have fallen or have died, this is normal within any woodland and is part of the natural woodland regeneration process.
- 5.8 It is considered that visually the woodland does look attractive from the road (see officer site photographs). The trees while young have substantial amenity value as a group and provide a thick green backdrop which is a positive visual addition to the area. The trees do provide a screen to the airport parking areas to the north and east and contribute to the open landscaped character of the area which is designated as open countryside in the local plan and provides an important visual separation between Gatwick Airport and Manor Royal in the Upper Mole Farmlands Fringe. It is accepted that the site is primarily viewed from the southbound carriageway of the A23 and that the majority of the public pass along this road in cars however, this site is considered to make a significant visual contribution to the green character of this section of the road and is an important visual link to the countryside beyond on both sides of the A23.
- 5.9 It is evident that there is some rubbish and dumping within the site but the existence of any rubbish is not a reason not to confirm a TPO, the management of the land is matter for the owner.
- 5.10 The noise levels on the site have no bearing on the character of the woodland or its suitability for a TPO.

- 5.11 It is acknowledged that the initial decision to serve the order was based on a drive past the site but a site visit and closer inspection has now been undertaken (see the officer photographs). This visit has confirmed that the trees on the land do make a significant contribution to the visual amenity of the locality and it is considered that the provisional order served by the LPA was justified

## **6. Amenity Value/Assessment**

- 6.1 The trees are young semi-mature deciduous specimens which have amenity value as part of a group. The woodland is relatively young but when viewed from the main public view which from the southbound carriageway of the A23 and eastern footpath along the A23 the trees collectively provide an effective visual buffer along the road edge and strong woodland edge along this section of the road. The trees provide an effective screen to the airport parking activities to the north (and east) even in the winter months and make a positive contribution to the character of the area which is open countryside, (Upper Mole Farmlands Fringe).
- 6.2 It is considered that a woodland tree preservation order is justified for the continuing protection of the area as a woodland. This type of order protects every tree within the area and any self-seeded trees that subsequently grow within the area would automatically become protected. This allows for the continued regeneration of the woodland with or without active management. As a woodland order it is not necessary to survey every tree for its health or species.
- 6.3 The woodland has not been actively managed so within the area there are a number of fallen and dead stems. The presence of these dead stems is part of natural woodland renewal and these are not an indicator that the trees are dying or in decline, this is arguably part of the natural selection process and tree thinning of the weaker stems as the woodland becomes re-established. The majority of the upright stems appear healthy.
- 6.4 It is considered that the trees do make a positive contribution to the visual amenity of the area. They have good landscape amenity in the surrounding area and significant long term potential. In addition, the Order is considered justified as the trees are under threat from potential redevelopment of the site.

## **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 Land north of Hydehurst Cottage, London Road, Northgate, Crawley Tree Preservation Order No 16/2018

# The Crawley Borough Local Plan 2015-2030

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Schedule as proposed to be amended

**SCHEDULE  
SPECIFICATION OF TREES**

**Trees Specified Individually  
(encircled in black on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		

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

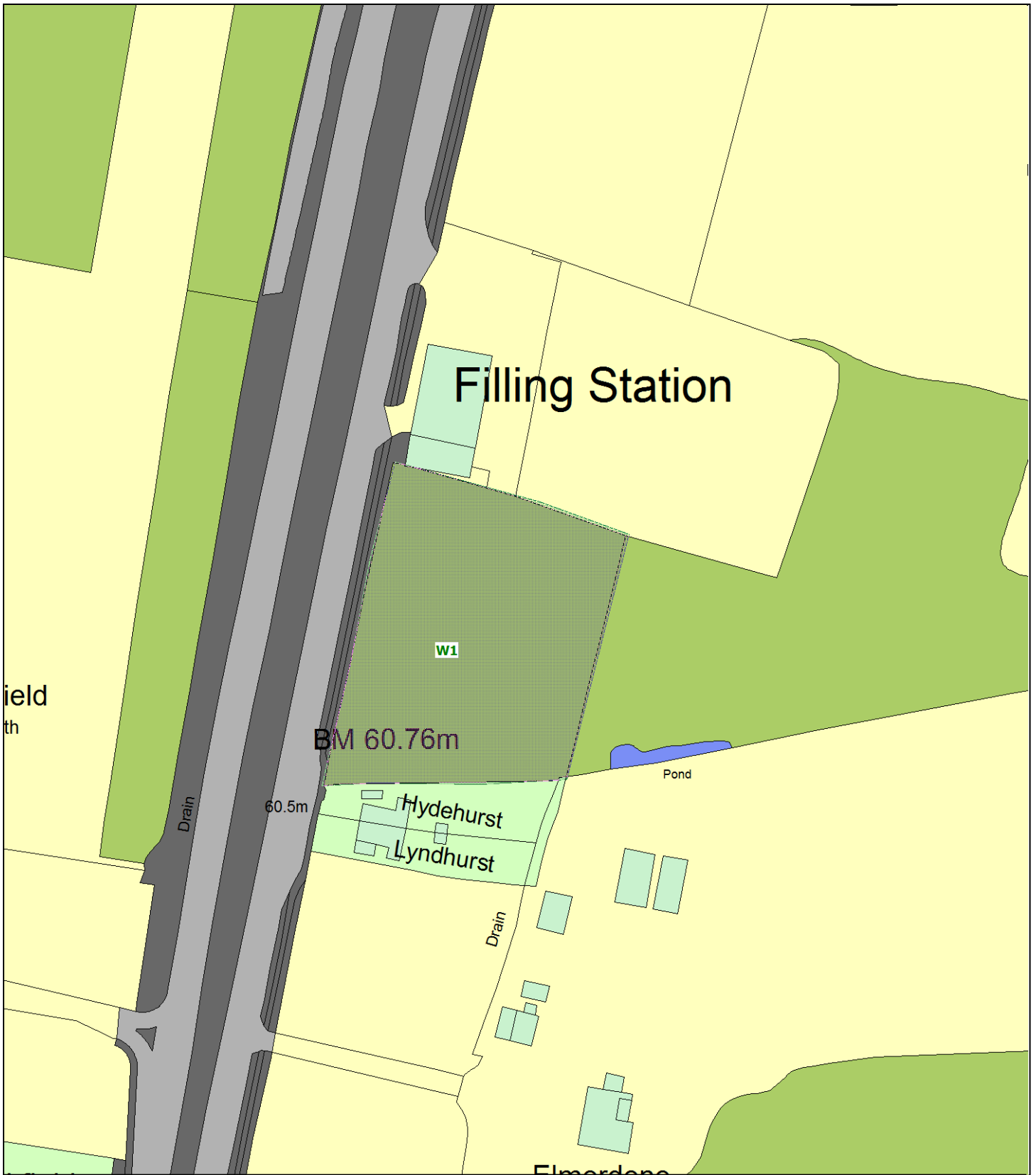
<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		

**Woodlands  
(within a ~~continuous~~ dotted black line and shaded dark green on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
W1	Mixed woodland comprising mainly the following species: Mixed Broadleaves	Grid Ref: TQ-27135-39569

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

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		



**Tree Preservation Order No 16/2018**  
**Land north of Hydehurst Cottage, London Road,**  
**Northgate, Crawley**

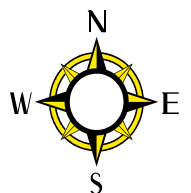
**Clem Smith**  
**Head of Economy and Planning Services**

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

Scale 1:1250

Date 25/03/2019



## Site Photographs



View looking south along A23



View looking east into centre of site (screens airport parking behind)





View looking east into the site



View from SW corner looking NE



View looking east (Hydehurst Cottage boundary on right)



View looking north up the A23