

# Crawley Borough Council

## Report to Planning Committee 21<sup>st</sup> October 2019

### Crawley Borough Council Tree Preservation Order -Trees To Rear Of 8-12 Normanhurst Close, Three Bridges - 07/2019

Report of the Head of Economy and Planning – PES/339

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#### 1. Purpose

- 1.1 This report relates to the Crawley Borough Council -Trees To Rear Of 8-12 Normanhurst Close, Three Bridges - 07/2019 Tree Preservation Order. The Committee is requested to consider the objection 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 -Trees To Rear Of 8-12 Normanhurst Close, Three Bridges - 07/2019 without modification.

#### 3. Reasons for the Recommendation

- 3.1 *The tree(s) are considered to have good landscape amenity value in the surrounding area.*  
*The tree(s) are prominent in the locality and have significant amenity value.*  
*The tree(s) contribute to the environment by providing a visual and acoustic screen.*  
*The tree(s) are clearly visible from the public highway.*  
*The tree(s) are visually important in the local area.*

#### 4. Background

- 4.1 The trees the subject of this Order are a line of trees located within the rear gardens of numbers 8-12 Normanhurst Close and bordering Haslett Avenue East. The group of trees consist of 1no. Horse Chestnut, 12 no. Hawthorn, 17 no. Leyland Cypress, 1 no. Scots Pine, 3 no. Wild Cherry and 2 no. Oaks. The trees form a continuous screen separating Haslett Avenue East from the more residential areas to the north. The base of the stems could not be assessed as access to the gardens was not possible but the trees appeared to be in good general health and condition at the time of inspection. A photograph of the trees are attached at the end of this report.
- 4.2 The Tree Preservation Order was made following receipt of a TPO status enquiry submitted by the owner of no. 8 Normanhurst Close stating of their intention to cut down the Horse Chestnut tree located in the rear garden. When the tree as well as the other trees that make up the group were found not to be protected, a desktop assessment was made followed by a site visit, which determined that the trees made a strong visual contribution to the surrounding area with good amenity. The trees form an important screen between the residential properties in Normanhurst Close and Haslett Avenue East/A2220 which is a busy route between the town centre and Three Bridges Station. The Local Planning Authority (LPA) therefore decided that it was expedient in the interests of amenity to protect the horse chestnut and other trees in the adjoining rear gardens by the making of a Tree Preservation Order in order to ensure their continued contribution to green amenity of the area. The trees provide part of a strong landscaped frontage along the northern side of Haslett Avenue East and are part of the Structural Landscaping belt along this road identified as an important feature under policy CH7 of the Crawley Borough Local Plan 2015-2030.

- 4.3 The provisional Tree Preservation Order was made on 17<sup>th</sup> May 2019 and remains in force for a period of six months until 17<sup>th</sup> November 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 Following the making of the Tree Preservation Order, the Council served a Copy of the Order, Map and Notice on the owner(s)/occupiers(s) of the land and other interested parties as set out below:

### **Owners and occupiers of the land:**

8 Normanhurst Close, Crawley, RH10 1YL  
9 Normanhurst Close, Crawley, RH10 1YL  
10 Normanhurst Close, Crawley, RH10 1YL  
11 Normanhurst Close, Crawley, RH10 1YL  
12 Normanhurst Close, Crawley, RH10 1YL

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

West Sussex County Council, County Hall, West Street, Chichester, PO19 1RG

- 5.2 The LPA is required to consider any objections or representations made within 28 days of the date of the Order before deciding whether to confirm a TPO. The notification period for objections ended on 21st June 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 owner of 8 Normanhurst Close objecting to the Tree Preservation Order as it includes the Horse Chestnut. The following reasons have been submitted for consideration.

### *Safety issues*

- The objector has a dog and Horse Chestnut (flowers and conkers) are poisonous to dogs. The dog has been sick from eating the leaves and blossom
- The tree is diseased, decayed at the base and could be potentially dangerous

## **6. Amenity Value/Assessment and Consideration of the Representations**

- 6.1 The Horse Chestnut flowers between mid-May and mid-June, therefore flower petals will fall in the garden for only a few weeks of the year, these can easily be cleared away as part of general garden maintenance. Conkers will fall from the tree steadily throughout autumn however these are large fruits and can be easily picked up by hand as and when they fall.
- 6.2 It is considered that the rear garden can be kept clear of flowers and conkers with minimal effort and the existence of the blossom and conkers is not therefore considered justification for removing a tree which has strong visual amenity in its own right as well as cohesive strength with the rest of the group. Horse chestnut trees are also considered to be a vulnerable species due to emergence of leaf pests and disease.
- 6.3 There are many species of tree that are poisonous to dogs, some of the commonly encountered being Oak, Cherry Laurel, Wild Cherry (can be fatal), Holly, Bay Laurel, Walnut, Box, Privet, Eucalyptus and Yew (can be fatal) along with a number of other plants. These trees and plants are omnipresent in gardens, parks and the countryside and it is ultimately the responsibility of the dog owner to train their dog not to eat things they shouldn't. It is not considered that the potential risk to pets is justification for the removal of important trees with amenity value where these are present in gardens. Justification for removal on this basis would set a dangerous precedent for the removal of important garden trees across the Borough which make a significant contribution to the character of the town.

- 6.4 No evidence that the tree was diseased or dangerous was submitted at the time of the initial enquiry. From the site visit the crown of tree appeared in good health with no obvious signs of significant structural defects based on a visual inspection from the roadside of Haslett Avenue East. The base of the horse chestnut has now been inspected and while there is a stem wound on the trunk from past infection, the tree appears stable.
- 6.5 The imposition of a TPO does not prevent works from being carried out on trees were there is clear arboricultural justification for example, if it can be demonstrated that the Horse Chestnut is in a dangerous condition and, its retention is not viable, consent can be granted for its removal and a suitable replacement planted in its place as enforced by a replanting condition, thus maintaining the tree cover and ensuring this important resource is protected.

## **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 Council's powers to make and confirm Tree Preservation Orders are set out in sections 198-201 of Part VIII of the Town and Country Planning Act 1990 as amended and the procedures for the making of such Orders is in 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 8-12 Normanhurst Close, Three Bridges - 07/2019

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**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>
G1	Horse Chestnut, Hawthorn (12), Leyland Cypress (17), Scots Pine, Wild Cherry (3), English Oak (2)	Grid Ref: TQ-27972-36607

**Woodlands**  
**(within a continuous black line on the map)**

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

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

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



**Tree Preservation Order No 07/2019**  
**Trees To Rear Of 8-12 Normanhurst Close, Three**  
**Bridges**

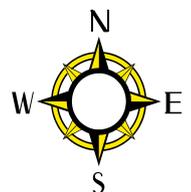
**Clem Smith**  
**Head of Economy and Planning Services**



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

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Scale	1:1250
Date	03/10/2019



*Photo showing protected trees viewed from Haslett Avenue East*



*Photo showing protected trees viewed from Haslett Avenue East*



*Photo showing Horse Chestnut tree*

