

**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

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**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 8<sup>th</sup> 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

Crawley Borough Council  
Town Hall, The Boulevard,  
Crawley, West Sussex,  
RH10 1UZ  
Tel: 01293 438000



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