

Crawley Borough Council

Report to Planning Committee 25 April 2022

Objections to the Crawley Borough Council Tree Preservation Order - Ewhurst Place No. 1 - 08/2021

Report of the Head of Economy and Planning – *PES/400*

1. Purpose

- 1.1 This report presents the Ewhurst Place No. 1 - 08/2021 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 to continue protection, or not to confirm the Tree Preservation Order.

2. Recommendation

- 2.1 It is recommended that the Committee CONFIRMS the Tree Preservation Order Ewhurst Place No. 1 - 08/2021 with modification. The modification is to omit A2.

3. Reasons for the Recommendation

- 3.1 The trees are considered to have good landscape amenity value in the area.
The trees provide an important visual screen.
The trees are clearly visible from the public view points.
The trees have historic value in their setting.

4. Background

- 4.1 The Tree Preservation Order (TPO) was served in response to the planning application for the erection of 4 x three bedroom semi-detached dwellings with surrounding landscaping on land to the front of Ewhurst Place, Ifield Drive, Ifield (ref: CR/2021/0571/FUL). Ewhurst Place is a Grade II* listed building and a scheduled monument located off Ifield Drive in Ifield. There is also a Grade II listed bridge on site. The proposed development site of approximately 970m² currently forms part of the curtilage of Ewhurst Place and is an area of undeveloped land adjacent to Ifield Drive to the front/south of Ewhurst Place.
- 4.2 The trees that are the subject of this TPO are identified in two areas. Those in area A1 are a mixed group of numerous trees that run along the northern boundary of the proposed development site and provide a partial screen which allows glimpses of Ewhurst Place when viewed from Ifield Drive. The trees that form A1 make up part of a larger belt of trees that continues around the boundary of Ewhurst Place. This wider belt of trees is very important as a screen between the areas of newer development (those of Ifield Drive, Ardingly Close and Climping Road) and Ewhurst Place and provides a backdrop to the 'new town' development in the area. A belt of trees around the boundary can be identified on aerial photos from 1947 and it is therefore considered to have some historic value in regard to the setting of Ewhurst Place. Area A2 consists of a line of conifers that run along the eastern boundary of the proposed development site with 14 Ifield Drive. These trees offer some screening value from the site however they are considered to be of relatively low quality and provide little amenity to the wider area. It is therefore proposed to omit area A2 from the TPO and confirm it with this modification.

- 4.3 If the development was to be undertaken the trees would be proposed to be removed to accommodate the gardens, and they would be replaced with regimented lines of trees such as jaquemont birch and magnolia that it is considered would be completely out of character in this setting. A site visit has been undertaken to assess the trees and it is considered that the trees are of high amenity value as a group. It was therefore decided to protect the trees in order to ensure their protection going forward and to allow the Local Planning Authority control over any works to them that may be proposed.
- 4.4 The provisional TPO was made on 26th November 2021 and remains provisionally in force for a period of six months, until 26th May 2022. If the TPO is confirmed, the protection becomes permanent. If the TPO is not confirmed it ceases to have effect.
- 4.5 It is considered that these trees make an important contribution the green amenity of the area and their loss would have a detrimental impact on amenity. The serving of the TPO on these trees seeks to prevent this.

5. Notification/Consultation/Representation

- 5.1 A Council must, as soon as practicable after making a TPO and before it is confirmed, serve a copy of the order and a prescribed notice on persons interested in the land affected by the TPO. The Council therefore served a copy of the provisional TPO and notice on all the owners/occupiers of the land and other interested parties as set out below.

Owners and occupiers of the land:

- Ewhurst Place, Ifield Drive, Ifield, Crawley, RH11 0AD
- The owner/occupier, Dower Cottage, Ifield Drive, Ifield, Crawley, West Sussex, RH11 0AD

Owners and occupiers of adjoining land affected by the TPO:

- Location RH10 Ltd, St James House, 46 High Street, Old Amersham, HP7 0DJ
- MAJ Architects, Andreas, Mill Lane, Felbridge, East Grinstead, RH19 2PE
- The owner/occupier, 14 Ifield Drive, Ifield, Crawley, RH11 0AE
- The owner/occupier, 32 Ifield Drive, Ifield, Crawley, RH11 0AE

- 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 31st December 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 owners of Ewhurst Place objecting to the TPO. The full objection letter is provided with this report at Appendix A. A summary of the objections is set out below.

Visual Amenity/Landscape and Screen Value:

- *Any applicable planting in [A1] is not accessible to the public and was planted by our late mother to provide privacy for our family when using the swimming pool.*
- *The [replacement] planting that will be in place [will continue] to provide this privacy from the development and will progressively enhance the attractiveness of the area over time.*
- *We fail to understand how leylandii could possibly be classified as having landscaping amenity value. Leylandii are not of any specific interest or importance and we believe that leylandii are often considered to be a nuisance rather than have landscaping amenity value of any kind.*
- *Over the years we have needed to restrict the height [of A2] so as not to block the light to the neighbouring house.*
- *The leylandii are too close to the fence/boundary and exhibit signs of ill health which makes them both a nuisance and a risk to our neighbour's property. The landscaping plan provided with the planning application shows the much more suitable planting that is intended. The landscaping scheme will enhance the attractiveness of the area, not detract from it.*

- *The proposed tree loss does not contravene Policy CH3 of the Crawley Borough Council Local Plan.*
- *Replacement tree planting will mitigate the impact of the proposed removals and progressively enhance the attractiveness of the area over time and so comply with the general thrust of Policy CH6 of the Local Plan.*

Historic Value:

- *We fail to understand what evidence you used to apply this classification to the designated areas. The planting in this area was done by our late mother in the late 1990s/early 2000s. There is no significant age to anything planted in this area and there is no historical significance attached to the planting or its relation to Ewhurst Place.*

6. Amenity Value/Assessment

- 6.1 Trees do not need to be accessible to the public in order to provide visual amenity. The trees are clearly visible to public from Ifield Drive and as such provide significant visual amenity in the area. The trees in area A1 have good cohesive strength as a group and are considered to be attractive and visually important despite each tree being of unremarkable quality individually. A1's group value is greater than the sum of its parts.
- 6.2 It is considered that the proposed replacement planting would be inadequate to offset the loss of the existing trees. The species choice is poor and inappropriate and is not in keeping with the character of the area and it would not be sufficient to match or exceed the current level of amenity currently being provided by the trees in A1.
- 6.3 It is accepted that the leylandii that make up area A2 are of low quality and contribute little to the visual amenity of the area and for this reason it is recommended that A2 should be omitted from the TPO should it be confirmed.
- 6.4 With regard to the objector's comments that the proposals would comply with Local Plan policy CH3, consideration needs to be given to paragraph 3.5 of the Green Infrastructure SPD, which provides detailed guidance in regard to the application of this policy in relation to trees. It states that *"trees of moderate to low value should not automatically be considered for removal as they may play a useful role in site screening or as an important habitat feature"*. It is considered that the existing trees within A1, due to their group screening value and their contribution as a wildlife and habitat feature, would have considerably higher value than what could be provided by the proposed planting scheme. The loss of the trees is therefore considered to conflict with policy CH3 of the Local Plan.
- 6.5 With regard to the objector's comments in regard to Local Plan Policy CH6, paragraph 3.7 of the Green infrastructure SPD states that *"tree planting and replacement standards requires landscape proposals to include at least one new tree for each new dwelling, of an appropriate species. This is to contribute to the appearance of the town"*. The tree species proposed in the landscaping plan are considered inappropriate; they are not in keeping with the character of the area and will not enhance the green amenity or character of the town. It is considered that the replanting scheme would be inferior to the existing tree screen due to the poor and inappropriate species choice as well as the formal and regimented layout with several trees of the same species planted in rows. Policy CH6 also requires that the replacement planting replaces the loss of biodiversity provided by the existing tree stock. The proposed replanting scheme does not do this and would not replace the kind of biodiversity provided by an established naturalised tree group as is currently seen in A1.
- 6.6 Notwithstanding the current trees in A1 may have been planted more recently, aerial photos dating back to 1947 and earlier maps indicate that there have been trees at A1, and indeed as a belt around Ewhurst Place, and have provided amenity for a significant period of time.

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.

Article 8 and Article 1 of the First Protocol

- 7.2 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.

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 Ewhurst Place No. 1 - 08/2021

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SCHEDULE
SPECIFICATION OF TREES

Trees Specified Individually
(circled in black on the map)

Reference on Map	Description	Situation
NONE		

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

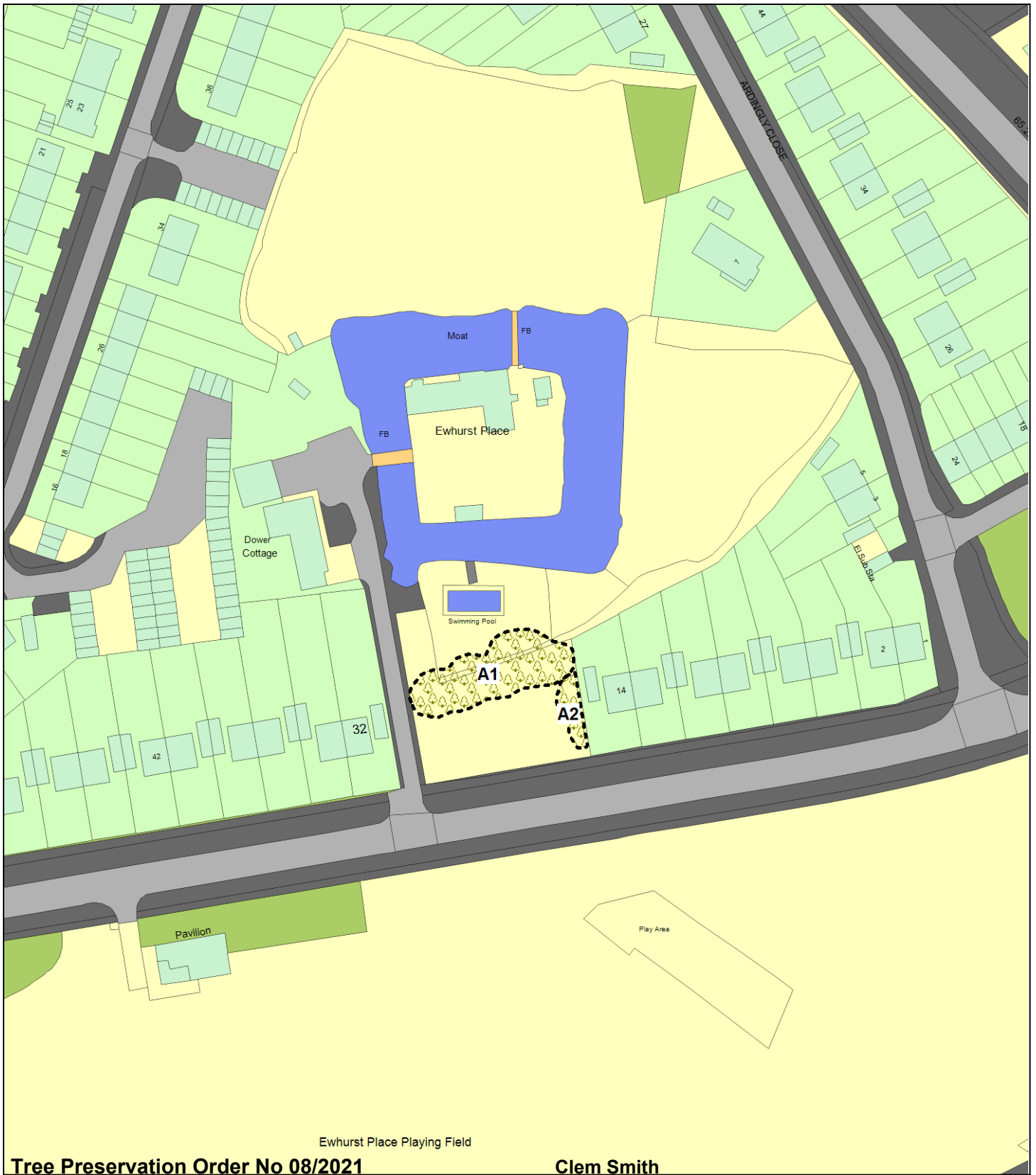
Reference on Map	Description	Situation
NONE		

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
A1	The numerous trees of whatever species standing within the area bounded by the dotted black line.	Grid Ref: TQ-25870-37457
A2	The numerous trees of whatever species standing within the area bounded by the dotted black line.	Grid Ref: TQ-25888-37447



Ewhurst Place Playing Field

Tree Preservation Order No 08/2021
Ewhurst Place No. 1

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 05/04/2022

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