

# Crawley Borough Council

## Report to Planning Committee

27 August 2024

### Crawley Borough Council Tree Preservation Order – Crawley College - 02/2024

Report of the Head of Economy and Planning – *PES/466*

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#### 1. Purpose

- 1.1 This report presents the “Crawley College - 02/2024” Tree Preservation Order (TPO). 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 **CONFIRMS** the Tree Preservation Order “Crawley College - 02/2024” 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 clearly visible from the public highway.

#### 4. Background

- 4.1 The trees the subject of this order comprise various specimens located within the Crawley College site consisting of individual trees as well as groups. The trees serve to soften the built form of the Crawley College development and offer significant visual amenity within as well as outside the site. The trees are typically mature and visually prominent and provide a natural structural element that balances the built form of the development within the college site. The various trees are visible from either College Road, Northgate Avenue and Haslett Avenue East as well as from the footpath to the east of the site which connects Northgate Avenue to Haslett Avenue East.
- 4.2 A planning application was received in December 2023 (Reference: CR/2023/0734/FUL) for a new Institute of Technology (IoT) Building, Phase 1 of the wider redevelopment project for the college site. This application is the first phase of a wider masterplan proposed for the college to redevelop its site and a number of important trees (now G2) were identified as being potentially impacted by the IoT building.
- 4.3 While no trees the subject of this order were proposed for removal as part of the IoT building planning application, during the application determination period amendments were made to the siting of the building as it was initially considered to be too close to the tree group G2 which would have resulted in the trees being at on-going risk from excessive and repeated pruning in order to maintain clearance. The proposed IoT building was repositioned approx. 2 metres further away from these trees. The trees within G2 are also at risk of removal as part of the phased redevelopment works at the college and the serving of a TPO allows a higher level of protection and tighter controls over the development in terms of the trees.

- 4.4 It was also noted that there was no TPO protecting any trees within the college site and there are number of mature and visually important specimens which contribute to the landscape setting of the college and its buildings and the wider amenity of the area. Therefore, as well as group G2 which were of specific interest in respect of the planning application, the other trees on wider site were assessed for their suitability for protection. As a result of this assessment, it was found that several of the other trees were worthy of protection and these were duly included in the TPO.
- 4.5 The provisional Tree Preservation Order was made on 6 March 2024 and remains provisionally in force for a period of six months until 6 September 2024. 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 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:

- Chichester College Group, Westfield Gate, Chichester, West Sussex, PO19 1SB
- West Sussex County Council, County Hall, West Street, Chichester, PO19 1RG

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

- Vail Williams LLP, 4 Peveril Court, 6-8 London Road, Crawley, RH10 8JE

- 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 10 April 2024. 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 Vail Williams LLP on behalf of Chichester College Group. A copy of the letter is provided with this report at **Appendix A**.
- 5.4 A summary of the comments made are set out below.

### Planning

- During the partnership working over the last 6 years, including the Masterplan discussions, the STEM building application, or IoT pre-application discussions, has it been specified that the trees now included in the Provisional TPO are critical and must be retained.
- Whilst the College has positively ensured that trees and landscaping are to be enhanced by the IoT and the wider Masterplan, the TPO has not been discussed prior to the TPO being served on 6<sup>th</sup> March.
- The TPO in its current form with 6 trees and 3 x groups of trees, could adversely restrict the development potential of the site as a key opportunity site to deliver both positive housing delivery on the North of the site and could restrict adequate educational provision on the southern end of the Site.
- Of particular concern are Group G2 (4 x English oaks), would result in the adopted Masterplan being unable to be delivered, especially in regard to Phase 2 of the IoT.
- Whilst CCG support the retention of main Oak adjacent to the current IoT Phase 1, , we do not support protection of the wider G2 group in centre of site as they will fundamentally and adversely affect the delivery of enhanced education provision of the Phase 2 IoT, which cannot be operationally relocated elsewhere on the site. It may therefore affect the Colleges ability to relocate required provision to Southern part of the site. These trees are also considered to be less mature and less prominent trees and are not considered to have good landscape amenity value.

- The adopted Masterplan and current IoT proposals require a suitable form of building in Phase 2, that is connected and extends to the IoT, any dissection of the buildings as a result of the 3 trees in G2, will result in a reduction in the space being able to be provided on site, and can affect provision and funding opportunities for the College.
- It is requested that Group G2 should be amended to reference a 7<sup>th</sup> single tree (T7) which will be retained as part of the IoT Phase 1 and the remaining 3 oaks in G2 are removed from the Provisional TPO before being made permanent.
- There are concerns regarding T2 and T6 in respect of the adopted Masterplan which would need discussion and future mitigation may be possible, this is not considered to be the case with the 3 oaks in G2.

## 6. Amenity Value/Assessment

6.1 The trees that are subject of this order are considered to be the best specimens within the wider Crawley College site that make a positive contribution individually or collectively to the college campus and wider surroundings. The service of the TPO prevents the removal of any of these specimens without prior notice from the Council.

### Commentary on Group G2

6.2 The trees within G2 were assessed as part of the planning application (ref: CR/2023/0734/FUL) and were considered to be under threat from the proposed development, the trees were not considered to be at risk/under threat prior to this and were not therefore considered for protection.

6.3 The Planning Department does not generally warn tree owners that their trees are to be protected as this would give them the chance to remove the trees before a TPO can be served. The TPO process allows for representations to be received and considered prior to a decision being taken on whether to confirm the TPO.

6.4 The college suggest in their representation that the TPO should be modified to retain just the largest tree within G2. The largest specimen within G2 is considered to be the highest quality of the four individual trees, however it is considered that the other three specimens in the group, while of slightly lower quality individually, have cohesive strength and their loss would have a detrimental impact on visual amenity. The imposition of a TPO also ensures that should any tree within the group die or otherwise require removal, a replacement can be secured thus ensuring continued tree cover.

6.5 The imposition of a TPO does not automatically preclude further development from being permitted but does give the trees extra protection from removal without any notice. Any future application would need to consider the trees within any redevelopment layout and if they cannot be retained this would need to be justified and any loss compensated for with replacement trees preferably as part of the design proposals for the site.

6.6 The application for Phase 2 of the college development from an arboricultural perspective should consider the desirability of retaining the trees and the impact of any of the protected trees from the new design layout. There is pre-application process that the college can engage in as the design details are progressed. If and when an application is received the desirability of retaining the trees would be assessed and considered as part of the planning balance based on the evidence supporting the planning application.

## 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*

- 7.2 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 Crawley College - 02/2024

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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>
T1	Cherry spp	Grid Ref: TQ-27440-36878
T2	English Oak	Grid Ref: TQ-27447-36768
T3	English Oak	Grid Ref: TQ-27409-36628
T4	English Oak	Grid Ref: TQ-27325-36648
T5	English Oak	Grid Ref: TQ-27388-36576
T6	Weeping Willow	Grid Ref: TQ-27317-36811

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

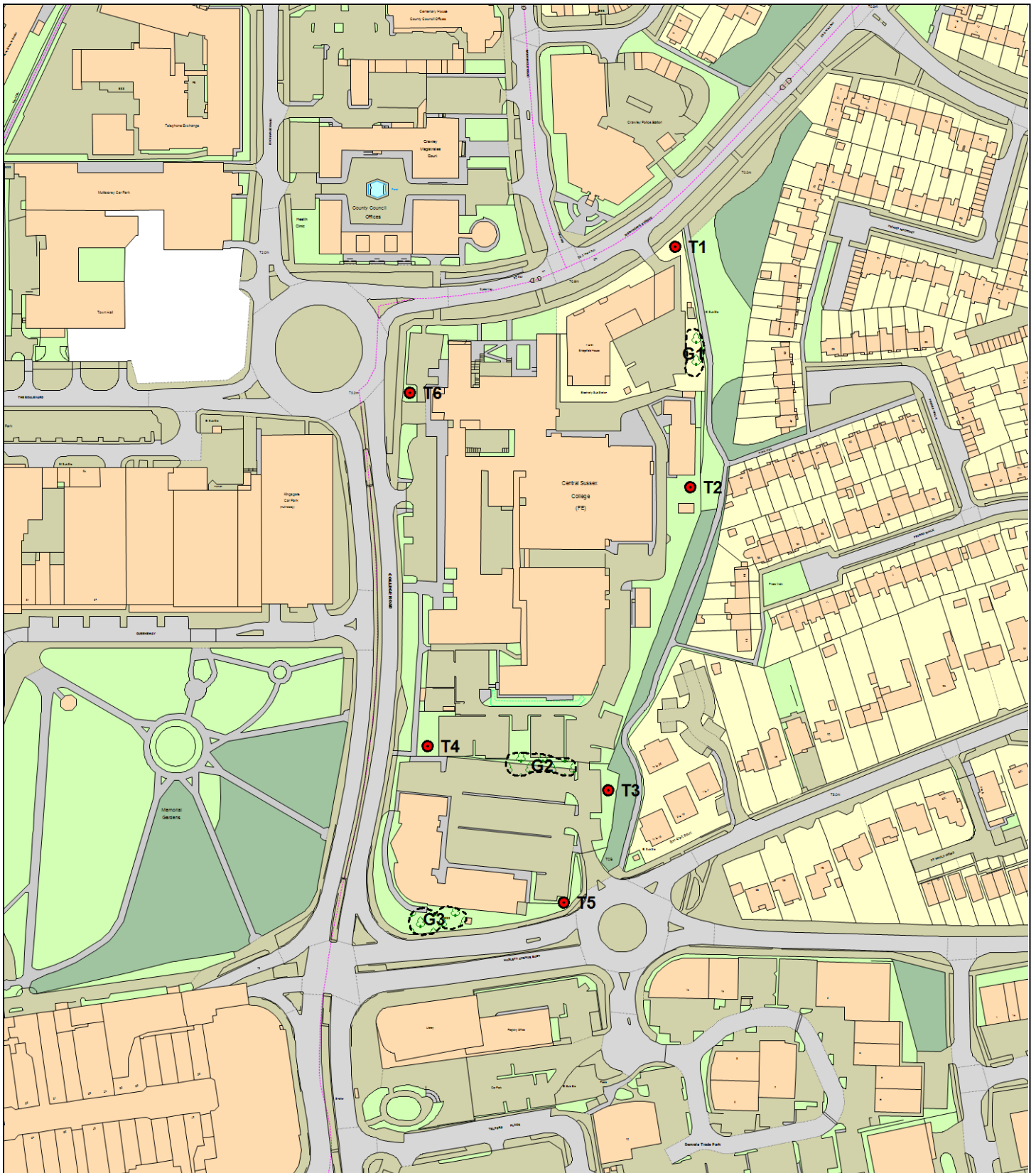
<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
G1	Silver Birch (3)	Grid Ref: TQ-27449-36829
G2	English Oak (4)	Grid Ref: TQ-27379-36639
G3	English Oak (2)	Grid Ref: TQ-27328-36569

**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 02/2024  
Crawley College**

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



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

Scale 1:2500

Date 08/07/2024

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