

# Crawley Borough Council

## Minutes of Development Control Committee 10 November 2015 at 7.30pm

### Present:

Councillor	I T Irvine (Chair)
Councillor	C A Moffatt (Vice-Chair)
Councillors	B J Burgess, D G Crow, F Guidera, K L Jaggard, B McCrow, R Sharma, A C Skudder, P C Smith, M A Stone, J Tarrant, G Thomas and W A Ward

### Also in attendance:

Councillor K Sudan

### Officers Present:

Tony Baldock	Group Manager, Environmental Health
Kevin Carr	Legal Services Manager
Valerie Cheesman	Principal Planning Officer
Victoria Houldsworth	Planning Officer
Steve Lappage	Democratic Services Manager
Marc Robinson	Principal Planning Officer
Clem Smith	Head of Economic & Environmental Services

### Apologies for Absence

Councillor S J Joyce

### 31. Lobbying Declarations

The following lobbying declarations were made by Members:-

Councillors I T Irvine and W A Ward had been lobbied regarding application CR/2015/0598/FUL.

Councillors I T Irvine and W A Ward had been lobbied regarding application CR/2015/0639/FUL.

### 32. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

Member	Minute	Subject	Type and Nature of Disclosure
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		<b>Number</b>		
Councillor P C Smith		Minute 34	CR/2015/0446/FUL First Choice House, London Road, Northgate, Crawley	Personal Interest – CBC nominee on the Manor Royal Business Group
Councillor B J Burgess		Minute 34	CR/2015/0524/RG3 Little Trees Guide Camp, Old Brighton Road (North), Broadfield, Crawley	Personal Interest – CBC representative on Crawley Cycling Forum and also an Ambassador for the Girl Guide Association
Councillor P C Smith		Minute 34	CR/2015/0524/RG3 Little Trees Guide Camp, Old Brighton Road (North), Broadfield, Crawley	Personal Interest - Member of Crawley Cycle Forum
Councillor G Thomas		Minute 34	CR/2015/0524/RG3 Little Trees Guide Camp, Old Brighton Road (North), Broadfield, Crawley	Personal Interest – CBC representative on the High Weald AONB Forum
Councillor P C Smith		Minute 34	CR/2015/0549/FUL Land South Of Parker Close, Maidenbower, Crawley	Personal Interest – resident of 7 Parker Close
Councillor G Thomas		Minute 34	CR/2015/0639/FUL Land At 45 Ifield Road, West Green, Crawley	Personal Interest – a CBC representative on the Central Crawley Conservation Area Advisory Committee

### 33. Minutes

The minutes of the meeting of the Committee held on [12 October 2015](#) were approved as a correct record and signed by the Chair.

### 34. Planning Applications List

The Committee considered report [PES/177](#) of the Head of Economic and Environmental Services.

#### **RESOLVED**

That in respect of the applications specified below, details of which are more particularly set out in report [PES/177](#) of the Head of Economic and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

#### **Item 4**

#### **CR/2015/0598/FUL**

31 Crabtree Road, West Green, Crawley

Erection of a single storey two bedroom bungalow

Councillors F Guidera, I T Irvine, K L Jaggard, B McCrow, C A Moffatt, A C Skudder, P C Smith, M A Stone, J Tarrant, G Thomas and W A Ward declared they had visited the site.

Valerie Cheesman (Principal Planning Officer) provided a verbal summation of the application and highlighted:

- The planning history of the application site.
- The reorientation of the bungalow and the reduced footprint of the dwelling made it a more acceptable design compared to previous applications on the site which had been refused, two of which had also been lost on appeal;
- The planning considerations in section 5 including how the current application had addressed the concerns expressed by the Planning Inspector when determining the most recent dismissal appeal (CR/2014/0620/FUL).
- That an open plan condition should be added.

Three objectors (Katie Berrill, Michael Grey and Maggie Berrill) and Scott Panter, on behalf of the applicant, addressed the committee.

The Committee considered the application in detail and the ensuing discussions included the following issues:

- Concerns that it could both block some and open up other future developments.
- The impact on the character of the existing street scene and the impact on neighbouring properties.
- Whether or not there were any sound planning reasons not to develop the site and the risks of any appeal being upheld.
- Whether an application could be refused because it would prevent the future development of neighbouring sites.
- A requirement for obscured/frosted glass in the bathroom windows had not been included.

In response it was noted that:

- If there were not sound planning reasons to refuse the application there would be a risk of any appeal being upheld and, if the Planning Inspector considered the Council had acted unreasonably in refusing the application, there would be a risk of costs being awarded against the Council.
- Each application had to be considered on its own merits and not to prejudge any future developments.
- A requirement for obscured glazing in the bathroom windows would be added to the conditions.

#### New conditions

##### 1. Open plan condition

Apart from the fencing to be approved under condition 4, notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 as amended, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part(s) of the proposed building(s) which front(s) on a highway unless permission is granted by the Local Planning Authority on an application in that behalf.

REASON: In order to safeguard the character and visual amenities of the locality in accordance with policy GD1 and GD2 of the saved Crawley Borough Local Plan 2000.

2. Obscured glazing condition

The bathroom and ensuite windows on the eastern elevation of the building shall at all times be glazed with obscured glass and apart from any top-hung vent, be fixed to be permanently non-opening.

REASON: To protect the amenities and privacy of the adjoining property, in accordance with 'saved' Policies GD1 and H19 of the Crawley Borough Local Plan 2000.

At the request of Councillor B J Burgess and in accordance with Council Procedure Rule 24.5 (2) (a), the names of the Members voting for and against the recommendation to permit the application were recorded as set out below:-

**For the recommendation to permit:-**

Councillors D G Crow, I T Irvine, B McCrow, C A Moffatt, A C Skudder, P C Smith, M A Stone and J Tarrant (8).

**Against the recommendation to permit:-**

Councillors B J Burgess, F Guidera, K L Jaggard, R Sharma, G Thomas and W A Ward (6).

**Abstentions:-** None

**Permitted** subject to the conditions set out in report [PES/177](#) and additional open plan and obscured glazing conditions as set out above.

**Item 5**

**CR/2015/0639/FUL**

Land at 45 Ifield Road, West Green, Crawley

Demolition of numbers 45 & 45a Ifield Road and construction of a new electrical sub-station.

Councillors F Guidera, I T Irvine, K L Jaggard, B McCrow, A C Skudder, P C Smith, M A Stone, J Tarrant, G Thomas and W A Ward declared they had visited the site.

Marc Robinson (Principal Planning Officer) provided a verbal summation of the application.

A Ward Councillor, K Sudan, addressed the committee in objection to the application. She was of the opinion that although only single storey, it would be a substantial building, would also be vulnerable to vandalism and other anti-social behaviour and that the neighbour's health concerns should be taken into consideration.

The planning agent (Robert Steele) also addressed the committee in support of the application.

The Committee considered the application in detail and the ensuing discussions included the following topics:

- Concerns about of the impact on health.
- Any evidence of problems with similar sub stations in other areas.
- Whether or not the sub-station could be sited elsewhere in a better location in the area.

- Assurances sought that the Party Wall Act 1996 would ensure the necessary protection.

In response, the Principal Planning Officer explained that:

- In accordance with the National Planning Policy Framework (NPPF) 2012, local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use – and there were no justifiable grounds to challenge the health safeguards set out through other regulatory regimes in the determination of this planning application
- The application had to be considered on its merits and no applications for sub-stations elsewhere in the area had been submitted.
- The applicant had confirmed that they would restore the neighbours adjoining wall that would be exposed by the development in accordance with the requirements of the Party Wall Act 1996. However, it was a matter for the applicant and the neighbour to reach agreement on the party wall – it was outside the Council's control. Nevertheless, a new informative could be added.
- The provision of a front boundary wall to the site could be looked at as part of the reserved matters.

The Group Manager (Environmental Health) also outlined the different types of energy and electric and magnetic fields, the extensive research into the associated risks and explained that the risks of exposure were less than those from the use of an electric hair dryer or electric shaver.

#### New Informative

The applicant's attention is drawn to the requirements of the Party Wall Act 1996, the provisions of which will need to be complied with prior to the commencement of works as the development requires work on the party wall shared with 47 Ifield Road, West Green.

**Permitted** subject to the conditions set out in report [PES/177](#) and the new informative set out above.

#### **Item 6**

##### **CR/2015/0645/FUL**

The Broadway/Haslett Avenue West, Northgate, Crawley

Street market comprising of 27 stalls & 3 food vans

Councillors K L Jaggard, P C Smith, M A Stone, J Tarrant and G Thomas declared they had visited the site.

Valerie Cheesman (Principal Planning Officer) provided a verbal summation of the application and highlighted that it was recommended to grant permission for a temporary two year period in order to enable the Local Planning Authority to monitor the market and review its impact.

Mr Bryan Osterreicher addressed the committee in objection to the application.

The Committee considered the application in detail and discussed the following topics:

- Concerns about traffic, highways, road safety, use of the disabled parking bays and pedestrian flows and safety – especially along a major bus route and particularly the proposed stall/food van at the junction/by the roundabout which could restrict visibility.

- The potential implications for this application arising from the application (CR/2015/0609/FUL) to demolish the adjacent site at 15-29 The Broadway and the erection of a six storey residential building with ground floor retail units.
- The potential for it to support the economic growth, vitality and viability of the town centre – especially along The Broadway.
- A suggestion that temporary permission be given for one rather than 2 years.

In response it was noted that:

- Neither Metrobus nor WSCC had objected to the application.
- An operational statement had been submitted with the application which addressed both planning considerations and non-planning issues.
- The stalls would front onto the pavement to ensure pedestrian safety.
- Subject to planning approval, the proposed development at 15-29 The Broadway would require a construction management plan to take into account the operation of the market.

**Permitted** subject to the conditions set out in report [PES/177](#).

#### **Item 1**

##### **CR/2015/0446/FUL**

First Choice House, London Road, Northgate, Crawley.

Creation of 12 new 1 & 2 bedroom apartments on ground floor car park undercroft and new bin store.

Councillors K L Jaggard, P C Smith, J Tarrant and G Thomas W A Ward declared they had visited the site.

The Planning Officer, Victoria Houldsworth, provided a verbal summation of the application and highlighted that:

- Reason for refusal number 3 should be amended by deleting, at the end of the first sentence, “any future plant equipment” and inserting “the noise environment” in its place.
- It would undermine the business function of Manor Royal conflicting with the overarching approach of promoting business-led economic growth in this key employment area.
- It would result in the creation of unsatisfactory internal space, communal outdoor amenity space, outlook and ground floor parking arrangement for future occupiers.
- It would be contrary to the National Planning Policy Framework and local planning policies.
- The legal agreement to secure the necessary financial contributions had not been put in place.

The Committee considered the application in detail, discussed concerns about the inadequate space standards and quality of residential accommodation and also noted opposition from local business groups. Given that the site already has approval through permitted development rights as a prior approval, a Member enquired as to the risks of the applicant winning an appeal and getting costs awarded against the Council.

In response it was explained that planning permission was required for the creation of twelve new one and two bed flats at ground floor level (resulting in the in-filling of the existing undercroft parking area and creation of new bin store) whereas the change of the use of the vacant office building from B1 (Office) to C3 (Residential) for 94 flats

(ref: CR/2014/0524/PA3) had to be granted through permitted development rights as a prior approval. This planning application has to be assessed against the relevant policies relating to the elements requiring planning permission and this assessment has to be distinguished from the aspects covered by the prior approval.

**Refused** for the reasons set out in report [PES/177](#) and as amended as set out above.

## **Item 2**

### **CR/2015/0524/RG3**

Little Trees Guide Camp, Old Brighton Road (North), Broadfield, Crawley

Change of use of land to new cemetery with new pedestrian and vehicular access off the A264, new bus stop facilities and signal controlled pedestrian crossing, removal of existing trees, re-profiling of existing levels, new carriageway and footway infrastructure, boundary fencing and gates, surface water drainage, street lighting, soft landscaping and tree planting, operational compound and multi-purpose facilities building.

Councillors F Guidera, I T Irvine, K L Jaggard, B McCrow, C A Moffatt, A C Skudder, M A Stone, J Tarrant and W A Ward declared they had visited the site.

Marc Robinson (Principal Planning Officer) provided a verbal summation of the application and highlighted:

- How the applicant (the Council) had demonstrated that there was an exceptional need, and it was in the public interest, for the development within the High Weald area of Outstanding Natural Beauty (AONB).
- How the impact on the character of the area, ecology and trees would be mitigated and compensated on site.
- That, with reference to paragraph 2.5 to CR/0215/0524/RG3 in report [PES/177](#), it should have read that 37 (and not 43 as stated) of the 55 higher category mature trees would be retained.

When the Committee considered the application in detail:

- It was acknowledged that there was an overwhelming need which outweighed the environmental and ecological impact on the AONB – and supported the efforts made to mitigate these.
- It was suggested that the applicant be requested to plant trees elsewhere to mitigate the loss of the trees on this site.
- Support was expressed for the provision for the bus stops, bus turning area and the Toucan signalised crossing.
- Questions were asked about security including the boundary gates and fencing.

In response it was noted that the applicant did intend to plant trees elsewhere and how the site would be secured and close board fencing would be provided to ensure privacy for visitors to the Cemetery and passers-by.

**Permitted** subject to the conditions set out in report [PES/177](#).

## **Item 3**

### **CR/2015/0549/FUL**

Land south of Parker Close, Maidenbower, Crawley

Construction of gabion walling system and concrete repair work to existing spill way at the southern abutment and bank of the arch foot bridge

Councillors K L Jaggard and P C Smith declared they had visited the site.

Marc Robinson (Principal Planning Officer) provided a verbal summation of the application, highlighted that the delegation was to enable the decision to be taken promptly after the end of the consultation period (on 13 November 2015) and informed the Committee that an additional condition on the Method Statement was required as set out below.

#### New Condition

No development shall take place until a method statement has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of the works, which should avoid fish spawning and migratory periods wherever possible.
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution).
- A map or plan showing habitat areas to be specifically protected during the works.
- Any necessary mitigation for protected species, including (but not necessarily limited to), brown trout, bullhead and brook lamprey.
- Construction methods.
- Any necessary pollution protection methods, including (but not necessarily limited to) silt and concrete pouring control measures.
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

REASON: To ensure the environment is protected in accordance with paragraphs 109 and 120 of the NPPF 2012.

The Committee then considered the application.

**That the Head of Planning and Environment be authorised to grant permission** to allow the end of the consultation period on 13 November 2015 subject to the conditions set out in report [PES/177](#) and the additional condition above.

### **35. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 10.00pm.

I T IRVINE  
Chair