

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room B**, Town Hall, Crawley, on **Monday 5 December 2016** at **7.30pm**

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:

Councillors I T Irvine (Chair), C Portal Castro (Vice Chair), B J Burgess, D Crow, R S Fiveash, F Guidera, K L Jaggard, S J Joyce, B MeCrow, M Pickett, T Rana, A C Skudder, P C Smith, M A Stone and J Tarrant

Please contact Roger Brownings (Legal and Democratic Services Division) if you have any queries regarding this agenda.

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Published 25 November 2016

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Business - Part A

1. Apologies for Absence

2. Lobbying Declarations

The Planning Code of Conduct requires Members who have been lobbied, received correspondence or been approached by an interested party with respect to any planning matter should declare this at the meeting which discusses the matter. Members should declare if they have been lobbied at this point in the agenda.

3. Members' Disclosures of Interest

In accordance with the Council's Code of Conduct, members of the Council are reminded that it is a requirement to declare interests where appropriate.

4. Minutes

To approve as a correct record the minutes of the meeting of the Committee held on 8 November 2016 (**Enclosure A**).

5. Planning Applications

To consider report PES/211 of the Head of Economic and Environmental Services, (**circulated separately as Enclosure B**).

Public speaking rights as agreed by the Council will apply to applications referred to in this report.

Background Paper: Crawley Borough Local Plan 2015-2030

Please note that any necessary pre-committee site visits for applications to be considered at this meeting will be held on **Thursday 1 December 2016 at 10.00am**. Please be aware that members of the public are not to approach members of the Committee or Council officers to discuss issues associated with the respective planning applications on these visits.

6. The Crawley Borough Tinsley Lane South Tree Preservation Order No. 16/2016 and Tinsley Lane North Tree Preservation Order No. 17/2016

To consider report PES/227 of the Head of Economic and Environmental Services. (**Enclosure C**).

7. The Crawley Borough 114-118 Three Bridges Road Tree Preservation Order No. 21/2016

To consider report PES/228 of the Head of Economic and Environmental Services.
(Enclosure D).

8. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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Crawley Borough Council



Minutes of Planning Committee 8 November 2016 at 7.30pm

Present:

Councillor	I T Irvine (Chair)
Councillor	C Portal Castro (Vice-Chair)
Councillors	B J Burgess, D Crow, F Guidera, K L Jaggard, S J Joyce, M Pickett, T Rana, A C Skudder, P C Smith, M A Stone and J Tarrant

Officers Present:

Roger Brownings	Democratic Services Officer
Valerie Cheesman	Principal Planning Officer
Jean McPherson	Group Manager (Development Management)
Clem Smith	Head of Economic and Environmental Services
Astrid Williams	Senior Lawyer (Solicitor)

Apologies for Absence:

Councillors R S Fiveash and B McCrow.

33. Lobbying Declarations

No lobbying declarations were made.

34. Members' Disclosure of Interests

No disclosures of interests were made.

35. Minutes

The minutes of the meeting of the Committee held on [10 October 2016](#) were approved as a correct record and signed by the Chair.

36. Planning Applications List

The Committee considered report [PES/210](#) 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/210](#) of the Head of Economic and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

Item 001

CR/2015/0552/NCC

Forge Wood, North East Sector, Crawley.

Application to vary conditions pursuant to application CR/1998/0039/OUT for a new mixed use neighbourhood at Forge Wood, Crawley (updated noise assessment information as part of Environmental Statement - received 09/09/2016).

The Principal Planning Officer provided a verbal summation of the application. In so doing, the Committee was referred to its meeting on 11 April 2016, when it resolved to grant outline planning permission subject to a number of issues arising. It was reported that since the April meeting detailed discussions had been ongoing in order to resolve those issues, including those raised by WSCC and the agent, and to agree the detail of the wording for the respective conditions. In this connection, and following concerns regarding noise issues, specifically the relationship between the railway line, Crawley Goods Yard and the new dwellings, it had become apparent that a revised and updated noise report and chapter for the Environmental Statement (ES) was required to inform the current application. This had necessitated the re-wording of condition 34. The revised noise details and ES had since been submitted and these had been subject to publicity through a press advert and site notices. Re-consultation with consultees had taken place, including those consultations with the Goods Yard, who withdrew an objection it had earlier submitted. Furthermore, since the original Committee resolution, the Council had now adopted CIL (Community Infrastructure Levy), and there was a need to now consider the CIL liability for this development. Since the report was written four conditions have needed to be revised, with an additional informative, all as below (in italics):-

Updated Conditions:

31. *Within one month of the date of this permission, a scheme for the provision of new fire and rescue infrastructure to serve the development hereby permitted has been submitted to and approved in writing by the local planning authority. The scheme shall be in substantial accordance with the Framework for Fire Infrastructure document dated xx. The scheme shall be carried out as approved.*
34. *Before works comprising the erection of dwellings commence in each phase or sub phase of the development hereby permitted a scheme shall have been submitted to and approved in writing by the local planning authority to protect dwellings within that phase or sub phase against noise from*
 - (a) *the operation of London Gatwick Airport (taking into account noise from a possible second wide-spaced mixed mode runway at London Gatwick Airport as shown on ERCD 0308 figure 3.4 "London Gatwick Year 2030 - Noise contours with wide-spaced parallel runway" or such other noise contours as may be published by the Civil Aviation Authority in respect of such second runway),*

(b) the operation of the London/Brighton railway line,

(c) traffic on the A2011 and M23 and (where applicable)

(d) industrial noise sources including the Goods Yard located immediately to the west of the London/Brighton railway line.

For the purposes of (a), (b) and (c) (transportation noise sources) the scheme shall include:

(i) a plan identifying the dwellings within that phase or sub phase which require protection from noise;

(ii) the means by which the noise level within any (unoccupied) domestic living room or bedroom, with windows open, shall be no more than 35 dB L(A)eq 16hr (between 0700 and 2300) and no more than 30dB L(A)eq 8hr (between 2300 and 0700); and

(iii) the means by which the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 45 dB L(A)Max between 2300 and 0700 using fast time weighting.

Where the standards in (ii) and/or (iii) above cannot be achieved with windows open, the scheme must show how those standards will be met with windows shut and the means by which adequate ventilation will be provided.

For the purposes of (d) (industrial noise sources) the scheme shall include:

(iv) A noise assessment in accordance BS4142:2014 Methods for rating and assessing industrial and commercial sound. The assessment shall be in accordance with the approach taken in the assessment included in the Environmental Statement Updated Noise Chapter (Addendum) Technical Appendix 13.29 dated September 2016 and shall identify the dwellings within that phase or sub phase where the noise rating level exceeds the background level and will therefore require protection from existing industrial noise sources;

(v) A detailed scheme of noise mitigation measures to protect the living rooms and bedrooms of those affected dwellings and which as a minimum accords with the recommendations set out in paragraphs 6.10, 6.11 and 6.12 of the Environmental Statement Updated Noise Chapter (Addendum) Technical Appendix 13.29 dated September 2016 or other alternative measures which achieve the same mitigation.

(vi) Where the identified noise mitigation measures require windows to be sealed or closed to achieve acceptable internal noise levels, the scheme must include means by which adequate ventilation will be provided for those dwellings.

(vii) A sequence of works for the construction of the proposed mitigation (including the construction of the 'employment' building on the western part of the application site and the residential barrier blocks) in relation to the dwellings demonstrating that the necessary mitigation (including the 'employment' building on the western part of the application site and the residential barrier blocks) will be in place prior to the substantial completion of any dwelling that would enable occupation likely to be affected by industrial noise

(viii) That the 'employment' building on the western part of the application site and the residential barrier blocks shall be substantially completed to provide the approved attenuation prior to the occupation of any dwelling for which it is required to mitigate noise.

Each phase or sub phase of the development shall be carried out in accordance with the approved scheme in respect of that phase or sub phase. No dwelling hereby permitted shall be substantially complete that would enable occupation until the approved mitigation scheme has been implemented in respect of that dwelling. The approved noise mitigation shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

52. *No more than 300 dwellings within the development hereby permitted shall be occupied until items (i), (ii) and (iii) listed below have been completed and have been brought into public use in accordance with a scheme previously submitted to and approved in writing by the local planning authority, unless in the case of items (iv) and (v) an alternative number of occupation is agreed in writing. The scheme shall also outline how items (iv) and (v) are to be delivered.*

(i) a combined footway/cycleway along the western side of Balcombe Road from the junction between the new link road and Crawley Avenue/Balcombe Road in a southerly direction to St. Catherines Road, Pound Hill;

(ii) an on road cycle route within Pound Hill to connect the Balcombe Road cycleway to the shops at Grattons Park and Milton Mount Schools;

(iii) an on road cycle route along Grattons Drive and Chaucer Road to link to St. Mary's Drive;

(iv) the installation of no less than 60 cycle parking stands on highway land, or such other location as may be agreed with the local planning authority, adjacent to Three Bridges railway station; and,

(v) the installation of real time information screens at 4 existing bus shelters within the Manor Royal industrial area, at the locations which are shown on drawing number 0560/SK/130.

54. *Before the occupation of the 300th dwelling within the development hereby approved, the following works shall have been completed and brought into public use, in accordance with a scheme previously submitted to and approved in writing by the local planning authority, unless in the case of Item (v) an alternative number of occupation is agreed in writing. The scheme shall also outline how item (v) is to be delivered:*

(i) a short length of combined footway/cycle way along the eastern side of Gatwick Road between Tinsley Lane in the south to the existing traffic signal controlled pedestrian crossing of Gatwick Road in the north, and the conversion of two existing signal controlled pedestrian crossings of Gatwick Road and Fleming Way to toucan crossings, in accordance with drawing number 0560/SK/131;

(ii) a combined footway/cycleway along the southern side of Radford Road between Gatwick Road in the west, to a point to the west of the existing public footpath to the east of the public house in the east, to be constructed in conjunction with the traffic signal controlled shuttle working of traffic flows across the railway bridge and to form part of the Sustrans cycleway in

accordance with drawing numbers T261/13 rev.B, T261/09 rev.C and T258/18 rev.A;

(iii) an on road cycle route along Tinsley Lane between Crawley Avenue in the south and Gatwick Road in the north in accordance with drawing number 0560/SK/132;

(iv) a combined footway/cycleway along the eastern side of Hazelwick Avenue to link between Crawley Avenue in the north and the Tesco superstore on Hazelwick Avenue in the south and to include the conversion of the pedestrian footbridge and approach ramps over Crawley Avenue, to the east of the Hazelwick roundabout to a combined footway/cycleway, in accordance with drawing number 0560/SK/133; and

(v) the installation of a bus shelter on the north side of Haslett Avenue East, opposite Three Bridges railway station, in accordance with drawing number TC 17/1A.

Additional informative:

5. *This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL and associated forms visit www.crawley.gov.uk/cil, email development.control@crawley.gov.uk or telephone 01293 438644 or 438568. To avoid additional financial penalties the requirements of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Please also note that any reliefs or exemptions from CIL are subject to the correct procedures being followed as laid down in the regulations, including the following:*
- Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.*
 - A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced.*
 - Any event occurred during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefitting from the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.*

The Agent, Mr David Hutchison, addressed the Committee in support of the application.

The Committee then considered the application. Particular reference was made to density and noise issues. In response to queries made, the Principal Planning Officer confirmed that:

- The development's minimum average density was proposed as being no lower than 41 dwellings per hectare (Condition 1). The permission allows for up to 1900 dwellings and this is the number of dwellings needed to make the neighbourhood viable including other facilities and address Borough housing need. (Condition 4 restricted the maximum number to 1900 dwellings).
- In terms of noise, the related noise information had been investigated in detail, and the developer would be obliged to meet the strict requirements assigned.

- In relation to the employment building on the western edge of the site, it was explained that this was an integral part of the noise mitigation. The western phases of development needed to be built out in the right sequence and a condition is worded to protect the future occupants.

Permitted subject to the conditions and informatives set out in report [PES/210](#) and the updated conditions and additional informative above.

Item 002

CR/2016/0089/FUL

Car Park adjacent to Crawley College, Northgate Avenue, Northgate, Crawley

Erection of a part 8 and part 6 storey building to provide a total of 90 flats, with associated parking, landscaping and frontage service bay on car park land fronting Northgate Avenue.

Councillors B J Burgess, K L Jaggard, S J Joyce, P C Smith, M A Stone and J Tarrant declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application. The Committee was advised of a clerical correction to informative 11, whereby the condition 19 referred to in that informative should read as condition "23". In addition there had also been some minor amendments made to the plan including an alteration to the development's layby, and 3 amended plans had been received since the report's preparation.

The Agent, Mr Ian Coomber, addressed the Committee in support of the application.

The Committee then considered the application. The issues raised by Members included on-car parking provision for residents, lack of provision of affordable housing, viability and the height and scale of the building. The Committee wished to highlight its reservations regarding a number of issues relating to highway matters. These included:

- The perceived impacts on traffic flow along Northgate Avenue and the implications for the already busy junction with Woodfield Road and that for the proposed junction of the development.
- It was the view of some Members that the junction with Woodfield Road and Northgate Avenue was already confusing and busy and there was concern the highway modifications proposed would make this worse and detrimental to highway safety.
- The adequacy of cycle path provision.
- The creation of the lay-by and its potential conflict with existing traffic manoeuvres in particular the Woodfield Road junction.
- The potential of the proposed lay-by (intended for refuse vehicle operations on the development) being used as a passenger drop off point by other vehicles and college patrons along this already busy section of road.

The Committee requested that written representations be sent by Officers to the Highways Authority conveying its reservations and seeking arrangements to mitigate these issues.

It was also confirmed that a clause about the early review of scheme viability is proposed in the S106 Agreement.

Permitted subject to the conclusion of a Section 106 agreement to secure the infrastructure contributions and provisions set out in paragraph 6.2 of report [PES/210](#), and the conditions and informatives set out in that report, including the clerical correction above to Informative 11.

The Committee's reservations in relation to highway matters resulting from the development would be the subject of written representations to the Highways Authority.

Item 003

CR/2016/0114/ARM

Phase 2D, Forge Wood (North East Sector), Pound Hill, Crawley.

Approval of reserved matters for phase 2D for the erection of 75 dwellings, car parking including garages, internal access roads, footpaths, parking and circulation area, hard and soft landscaping and other associated infrastructure and engineering works and noise barrier comprising bund and acoustic fence pursuant to outline planning permission CR/1998/0039/OUT for a new mixed use neighbourhood (revised application site, amended plans, and documents received).

The Principal Planning Officer provided a verbal summation of the application. The Committee was advised that a revised noise report had been submitted and the objection raised by the Goods Yard had been removed. The Committee was advised that the conditions and informatives had been updated, all as below (in italics):-

Updated Conditions

1. *The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.*
2. *Provision shall be made for high speed broadband to serve all dwellings on the development in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
REASON: To ensure delivery of high quality communications in accordance with Policy IN2 of the Crawley Borough Local Plan 2015-2030.*
3. *Provision shall be made for combined aerial facilities to serve all flat development in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.*
4. *Before the properties approved in this phase are first occupied, details of the design and location of lighting to be provided in the parking areas shall be submitted to and approved in writing by the Local Planning Authority, and the lighting thereafter implemented in accordance with the agreed details.
REASON: To safeguard the appearance of the development and the amenities of the area in accordance with Policies GD2 and CH3 of the Crawley Borough Local Plan 2015 -2030.*
5. *The secure cycle store(s) and refuse stores shown on the approved drawings shall be constructed and operational prior to the first occupation of the dwellings which they are intended to serve.*

REASON: To safeguard the appearance of the development and the amenities of the area and to ensure the operational requirements of the development in accordance with Policies GD2 and CH3 of the Crawley Borough Local Plan 2015 -2030.

- 6 *No solar panels or renewables which may be required pursuant to the discharge of a condition on the outline planning permission shall be installed unless and until full details of their design and location are submitted to and agreed by the Local Planning Authority in writing. The works shall thereafter be implemented in accordance with the agreed details.*
REASON: To control the design of the development in detail and to ensure a satisfactory visual appearance in the interests of visual amenity in accordance with GD3 of the Crawley Borough Local Plan 2015 – 2030.
- 7 *No development, including site works of any description shall take place on the site unless and until all the trees/bushes/hedges to be retained on the site have been protected in accordance with the approved drawing(s) and submitted details. Within the areas thereby fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots with a diameter of 25mm or more shall be left un-severed.*
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 8 *The construction of the development shall be undertaken in accordance with the safeguards detailed within the submitted Ecological Assessment dated January 2016 as amended by Addendum dated October 2016 – Phase 2D – Residential provided by Ecology Solutions.*
REASON: To ensure that the ecology of the site is protected and enhanced in accordance with policy ENV2 of the Crawley Borough Local Plan 2015-2030 and Para 118 of the NPPF 2012.
- 9 *All landscaping works shall be carried out in accordance with the approved drawings and details. No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.*
REASON: In the interests of visual amenity and because the scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Gatwick Airport through the attraction of birds.
- 10 *All planting, seeding or turfing comprised in the approved details of landscaping within Phase 2D shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.*
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 11 *Before the dwellings approved in this phase are first occupied, details of the design and location of external flues and gas pipes to be provided to serve the*

dwellings (including flats/apartments) shall be submitted to and approved in writing by the Local Planning Authority, and the external flues and gas pipes shall thereafter be implemented in accordance with the agreed details.

REASON: To control the design of the development in detail and to ensure a satisfactory visual appearance in the interests of visual amenity in accordance with GD3 of the Crawley Borough Local Plan 2015 – 2030.

- 12 *No development, including site works of any description shall take place on the site unless and until full details of the proposed noise bunding and acoustic fencing have been first submitted to and approved in writing by the Local Planning Authority, including full details of contouring (including sections), planting/landscaping and materials and specification for the acoustic fencing and in addition future maintenance arrangements. The development shall be implemented in accordance with the agreed details and retained thereafter and no dwelling shall be occupied until the bunding and acoustic fencing has been provided in accordance with the details so approved..*

REASON: To safeguard the appearance of the development and the amenities of the occupiers of the proposed dwellings and to ensure a satisfactory visual appearance area and to ensure the operational requirements of the development in accordance with Policies GD2 and CH3 of the Crawley Borough Local Plan 2015 -2030.

Updated Informatives

- 1 *Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from www.aoa.org.uk/policy-campaigns/operations-safety/)*
- 2 *This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL and associated forms visit www.crawley.gov.uk/cil, email development.control@crawley.gov.uk or telephone 01293 438644 or 438568. To avoid additional financial penalties the requirements of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Please also note that any reliefs or exemptions from CIL are subject to the correct procedures being followed as laid down in the regulations, including the following:*
- Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.*
 - A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced.*
 - Any event occurred during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefitting from*

the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.

- 3 *The applicant is advised that the management and maintenance of the drainage proposals for this site and Forge Wood as a whole must be the subject of an application to discharge condition 16 of the outline planning permission.*
- 4 *The applicant is advised that this permission does not extend to include the proposed materials for the development the subject of this permission. The submitted details have been excluded from the list of approved drawings. Approval is not granted to the proposed materials as submitted and proposed materials must be the subject of an application under condition 38 of the outline planning permission.*

NPPF Statement

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- *Liaising with members/consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.*
- *Seeking amended plans/additional information to address identified issues during the course of the application.*

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.

The Agent, Mr David Hutchison, addressed the Committee. In supporting the application, he advised that he had nothing further to add.

The Committee then considered the application. In response to issues raised by the Committee, the Principal Planning Officer indicated that whilst there were some inconsistencies in terms of sizes of gardens and some were below adopted standards, each phase of development was being looked at individually in terms of policy, but also in terms of the large areas of open space and play areas to be available. Whilst it was not a planning requirement, overhead power cables would be relocated by undergrounding them.

Approved subject to the approval of CR/2015/0552/NCC, as considered earlier at this meeting, amendment of the description of this application, further publicity and consultation if required and subject, but not limited, to the imposition of the updated conditions and informatives above.

Item 004

CR/2016/0170/FUL

Southways Business Park, London Road, Langley Green, Crawley.

Continued use of site for airport parking together with retention of associated office building for a temporary period of 3 years, to include extended parking area in lieu of

off airport parking site permitted at site E2, Crawley business quarter, Northgate under CR/2014/0080/FUL.

Councillor M A Stone declared he had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application. The Committee was advised of two clerical correction:-

- In the third line of paragraph 5.7, delete the word “exiting” and replace with “existing”
- In the fourth line of paragraph 5.37, delete the word “compressive” and replace with the word “comprehensive”.

The Applicant, Mr Tom Kiss, addressed the Committee in support of the application, and requested the committee to consider deferring the decision in light of the legal challenge against Policy GAT3.

The Committee then considered the application. The Committee conveyed its concerns regarding highway safety and access from the site to the A23, whilst expressing the view that Gatwick Airport related parking was an important issue and that the adopted Local Plan needed to be protected and complied with. Whilst there had been a formal notification of a legal challenge to the Policy, it was acknowledged that until the case had been heard and judgement given, Policy GAT3 of the Local Plan remained current and relevant when determining the planning application before the Committee. A view was expressed that the request for the deferral did not appear to be unreasonable. In response to this the Committee was advised by the Group Manager (Development Management) that to defer because of the legal challenge in respect of GAT3 was not appropriate given that GAT3 was only 1 of 4 reasons given for the officer's recommendation to refuse.

Refused for the reasons set out in report [PES/210](#)

Item 006

CR/2016/0568/FUL

Butts End & 1, Butts Close, West Green, Crawley.

Erection of single storey front porch, first floor side and roof extension, conversion of garage and garden room to habitable space (1 Butts Close). New pitched roof over adjoining properties at 1 Butts Close and Butts End.

Councillors M A Stone and J Tarrant declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application.

The Applicant, Mr Graham Hobden, addressed the Committee in support of the application.

The Committee considered carefully the application information and was of the view that there were a variety of houses in the locality of differing designs and styles. There were also various types of extensions in the area. It did not accept the design considerations in the Officers report.

The Officer's recommendation to refuse was overturned.

It was then moved to grant planning permission subject to standard conditions and this was seconded. A vote was taken.

Permitted subject to the following standard conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls (and roofs) of the proposed building(s) have been submitted to and approved by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

Item 005

CR/2016/0325/FUL

Quality dry cleaners and launderette, 10 Pound Hill Parade, Pound Hill, Crawley

Demolition of rear lean-to and sub-division of existing unit and change of use from dry cleaners/laundrette (sui generis) to dry cleaners/laundrette (sui generis) & hot food takeaway (A5) (including ventilation and filtration system; installation of new shopfront, erection of two chimneys on the roof to provide extract outlets, alterations to rear elevation to provide additional rear access doors (amended plans received).

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

The Principal Planning Officer provided a verbal summation of the application.

The Committee then considered the application. In raising issues on this matter, particularly in relation to noise and neighbouring residents, the Committee noted the associated conditions and informatives proposed.

Permitted subject to the conditions and informatives set out in report [PES/210](#).

Item 007

CR/2016/0693/ADV

Verge adjacent to Tilgate Drive, Tilgate, Crawley

Advertisement consent for erection of free standing pole mounted directional/information sign.

Councillor J Tarrant declared she had visited the site.

The Principal Planning Officer provided a verbal summation of the application and advised the Committee that the proposed conditions 1 and 2 had been inadvertently applied to this application, and as such should be deleted.

The Committee then considered the application.

Consent subject to condition 3 set out in report [PES/210](#)

Item 008

CR/2016/0695/FUL

4 Athelstan Close, Pound Hill, Crawley

Erection of first floor side extension above existing garage.

The Group Manager (Development Management) provided a verbal summation of the application.

The Committee then considered the application.

Permitted subject to the conditions set out in report [PES/210](#)

37. Exclusion of the Public

RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

38. ENF/2016/0170 Proposed Enforcement Action at Southways Business Park, London Road, Langley Green, Crawley, West Sussex.

(Exempt Paragraph 6 – notice/order)

The Committee considered report PES/224 of the Head of Economic and Environmental Services which requested that the Committee consider whether the Council should issue and serve Enforcement Notices under Section 172 of the Town and Country Planning Act 1990.

RESOLVED

That it is expedient to issue and serve enforcement notices pursuant to Section 172 of the Town and Country Planning act 1990 (as amended) in the form set out in report PES/224, in respect of:

(1) the unauthorised use of land for purposes of airport car parking, the erection of portacabins and other temporary buildings; and

(2) the creation of areas of hardstanding, and the creation of bunds.

39. Closure of Meeting

The meeting ended at 9.42 pm.

I T IRVINE
Chair

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 5 December 2016
REPORT NO: PES/211



<u>ITEM</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>RECOMMENDATION</u>
001	CR/2016/0722/FUL	LAND AT FARADAY ROAD, NORTHGATE, CRAWLEY	REFUSE
002	CR/2016/0781/ARM	PHASE 3 AND PART PHASE 4, FORGE WOOD (NES), CRAWLEY	APPROVE
003	CR/2016/0840/FUL	20 MILTON ROAD, POUND HILL, CRAWLEY	PERMIT

REFERENCE NO: CR/2016/0722/FUL

LOCATION: [LAND AT FARADAY ROAD, NORTHGATE, CRAWLEY](#)

PROPOSAL: ERECTION OF THREE B8 24 HOUR OPERATION WAREHOUSES, ANCILLARY OFFICE, PROVISION OF ASSOCIATED CAR PARKING, LANDSCAPING AND SECURITY ENCLOSURE (AMENDED DESCRIPTION)

TARGET DECISION DATE: 17 November 2016

CASE OFFICER: Mrs J. McPherson

APPLICANTS NAME: C/O Scott Brownrigg Planning

AGENTS NAME: Scott Brownrigg Planning

PLANS & DRAWINGS CONSIDERED:

16806 GA(00)000 Rev 1 Site Location Plan, 16806 GA(00)002 Rev 2 Proposed Site Elevations, 16806 GA(00)003 Rev 1 Proposed Site Sections, 16806 GA(00)004 Rev 1 Existing Site Plan, 16806 GA(10)001 Rev 2 Building 1 Ground & First Floor Plans, 16806 GA(11)001 Rev 2 Building 1 Elevations, 16806 GA(10)011 Rev 1 Building 1 Roof Plan, 16806 GA(10)002 Rev 2 Building 2 Ground & First Floor Plans, 16806 GA(11)002 Rev 2 Building 2 Elevations, 16806 GA(10)012 Rev 1 Building 2 Roof Plan, 16806 GA(10)003 Rev 2 Building 3 Ground & First Floor Plans, 16806 GA(11)003 Rev 2 Building 3 Elevations, 16806 GA(10)013 Rev 1 Building 3 Roof Plan, 16806 AS(90)001 Rev 2 Metalworks Site Boundary, E16-029-04 Rev C Schematic Drainage Plan, ME002-P1 Combined Services/Proposed Incoming Services, 16806 GA(00)001 Rev 8 Proposed Site Plan, 16806 AS(90)001 Rev 5 Metalworks Site Boundary, 16419-TLP-002 - Elevation Drawing, 16419-TLP-001B Landscape Layout

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | | |
|-----|--|--|
| 1. | GAL - Aerodrome Safeguarding | No objection subject to condition and informative |
| 2. | Environment Agency | No comments to make on the application. |
| 3. | WSCC - Highways | No objection subject to conditions and informatives. |
| 4. | National Air Traffic Services (NATS) | No objection. |
| 5. | Thames Water | No comments received. |
| 6. | Police | Crime prevention advice provided for the proposal. |
| 7. | CBC - Drainage Officer | No objection subject to condition |
| 8. | UK Power Networks | No objection |
| 9. | CBC - Contaminated Land | Site is potentially contaminated land – condition required. |
| 10. | CBC - Environmental Health | No objection subject to condition and informative. |
| 11. | Cycle Forum Comments . | A shared use cycle/pedestrian route along the west side of Faraday Road with connections to the existing cycle routes at either end has been identified as a desirable improvement to the cycle network. |
| 12. | Southern Water | No objection – advice provided. |
| 13. | CBC - FP - Urban Design | Objection – the proposal does not meet the requirements of policies CH2, CH3, EC3 and the Manor Royal SPD). The development is overdevelopment and would detract from, rather than enhance the surrounding area. |
| 14. | Ecology Officer - Mike Bird | No objection. |
| 15. | WSCC - Surface Water Drainage (SWD) | No comments received. |
| 16. | NHS South East Coast Ambulance Service | No comments received. |

17. Gatwick Diamond Grow Group No comments received.

NEIGHBOUR NOTIFICATIONS:-

The application was publicised by press notice and site notices.

RESPONSES RECEIVED:-

On representation received from the Manor Royal BID Company supporting the application for the following reasons:

- The proposal is consistent with Manor Royal's primary use and ambitions as a business district.
- Quality industrial and warehouse spaces is in short supply
- Proposal will benefit the business district

REASON FOR REPORTING TO COMMITTEE:-

The application is 'major' development.

THE APPLICATION SITE:-

- 1.1 The application site is 1.62 hectares of previously developed land which is almost entirely laid to hardstanding following the demolition of the former industrial use. This parcel of land was part of a larger site formerly occupied by BOC Edwards.
- 1.2 The site is fairly level and is currently used for airport parking with vehicular access served from Faraday Road. The site is secured by high mesh fencing around all its boundaries and entrance gates at the accesses.
- 1.3 The site is located on the western side of Faraday Road in the centre of the Manor Royal Business District. Faraday Road lies to the east and there is a bus stop situated on the highway verge adjacent to the site boundary. To the north is the ambulance make-ready centre, to the west is a landscaped boundary beyond which are the offices of Crawley Business Quarter. To the south is Harwoods garage which is currently under construction.
- 1.4 The south west part of the site is identified as contaminated land, due to the past industrial use. There are no other major site constraints.

THE PROPOSED DEVELOPMENT:-

- 2.1 The application seeks planning permission for the redevelopment of the site and erection of 3 new B8 (storage and distribution) warehouses, with ancillary office space with associated parking and fencing.
- 2.2 The layout proposes a single unit in the northwest corner of the site with its key frontage facing Faraday Road. This unit would have two points of access onto Faraday Road with its parking and servicing areas to the front of the building. The unit would be enclosed by a fence.
- 2.3 Two further units are proposed on the southern portion of the site with their entrances facing north. These units would have their parking and servicing areas to the front of the principal elevation and would share a single point of access onto Faraday Road while having separate yard areas.
- 2.4 The application has been submitted with the following supporting documents:
Planning Statement;
Design and Access Statement;
BREEAM Pre – Assessment;
Sustainability / Energy Efficiency Statement;

Drainage and SUDS Statement;
Ecology letter;
Economic Statement;
Flood Risk Assessment;
Transport Assessment including Road Safety Audit; and,
(Draft) Travel Plan.

PLANNING HISTORY:-

- 3.1 Application CR/2014/0615/FUL – granted planning permission for the majority of the site (excluding the southern portion) to be used for airport related parking for a temporary period of 3 years. This permission expires on the 11th November 2017.
- 3.2 The southern portion of the site has planning permission CR/2015/0322/FUL for car showroom and vehicles servicing workshops as part of the Harwoods car showroom. The land is shown as parking area /residual land on the application drawings.

PLANNING POLICY:-

National Planning Policy Framework

- 4.1 The National Planning Policy Framework (NPPF) was published in March 2012 and introduced the presumption in favour of sustainable development in approving developments that accord with the development plan without delay or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts or it would be contrary to the policies in the NPPF.
- 4.2 The core planning principles of the NPPF (paragraph 17) state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. In addition, development should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.3 Section 1 emphasises the need for the planning system to deliver sustainable economic growth, support existing business sectors and plan positively for employment generation and regeneration.
- 4.4 The NPPF attaches great importance to ‘good design’ for high quality buildings and spaces and supports innovative design which may raise the standard of design more generally in the area. (paragraphs 56 and 63). Measures to use renewable and low carbon sources, energy efficiency measures, green energy etc are all encouraged.

The Development Plan – Crawley Borough Local Plan 2015-2030 (adopted December 2015)

- 4.5 Policy SD1 states that in line with the planned approach to Crawley new town, and the spatial patterns relating to the neighbourhood principles the Council will take a positive approach to approving development which is sustainable.
- 4.6 Policy CH2 sets out the principles of good urban design. Development proposals will be required to assist in the creation, retention or enhancement of successful places in Crawley. Amongst other things development will be required to: *“create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas”* and provide information to demonstrate how the policy principles are achieved through the development.
- 4.7 Policy CH3 requires all proposals to be based on a thorough understanding of the significance and distinctiveness of the site in its immediate and wider context, be of high quality in terms of urban,

landscape and architectural design and relates sympathetically to their surroundings, retain a good standard of amenity for future occupants and not cause harm to the amenity of the surrounding area, demonstrate how 'Secure by Design' principles have been incorporated, meet requirements for the safe and proper use of the site in particular with regard to access, circulation, manoeuvring, loading etc. and to comply with all relevant Supplementary Planning Guidance (such as the Manor Royal SPD).

- 4.8 Policy CH6 deals with tree planting and replacement standards and refers to the Manor Royal SPD for the relevant tree planting standards in Manor Royal.
- 4.9 Policy EC1 states that Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced. The policy seeks to build and protect the established role of Manor Royal as the key business location (for B Use Classes) and encourage main employment areas as the focus for sustainable economic growth.
- 4.10 Policy EC2 identifies Manor Royal as a main employment area and states proposals for employment generating development will be supported where they contribute to the specific characteristics of the main employment area.
- 4.11 Policy EC3 deals specifically with Manor Royal, stating the development compatible with the area's economic function and role will be permitted if it falls within a B Use Class and would result in the reuse, intensification or change of use of the land or buildings. All development should contribute positively to the overall setting and environment of the Main Employment area as a business district through high quality design and landscaping in accordance with the MRSPD.
- 4.12 ENV2 requires all development proposals to incorporate features to encourage biodiversity where appropriate.
- 4.13 ENV6 states proposals for new non-domestic buildings should achieve BREEAM Excellent (for energy and water credits) where technically and financially viable. All development should consider how it can achieve sustainability objectives such as reducing the need to consume energy, utilisation of renewable and low carbon energy technologies, minimising carbon emissions and considering the establishment of district energy networks.
- 4.14 ENV7 identifies Manor Royal as a priority area for the delivery of a District Energy Network and requires any major development to demonstrate they have considered this technology through a- considering developing its own system, or b – consider how it may include site-wide communal energy systems or be 'network ready' to connect to a future system
- 4.15 ENV8 advises development proposals must avoid areas which are exposed to unacceptable flood risk and must increase the risk of flooding elsewhere.
- 4.16 ENV9 identifies Crawley as an area of serious water stress and requires non-residential development where technically feasible and viable to meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits.
- 4.17 ENV10 seeks to prevent unacceptable risks from environmental pollution and land contamination. Uses must not lead to a significant increase in levels of pollution or hazards and any impacts must be appropriately mitigated and must be located to avoid unacceptable disturbance or nuisance to the amenities of adjoining land uses and occupiers.
- 4.18 ENV11 seeks to protect people's quality of life from unacceptable noise impacts and manage the relationship between noise sensitive development and noise sources. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses which will not be exposed to noise impact that would adversely affect the amenity of existing and future users.

- 4.19 Policy IN1 deals with infrastructure provision and states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- 4.20 IN2 requires all development to be designed to be connected to high quality communications infrastructure to ensure fibre optic or other cabling does not need to be retrofitted.
- 4.21 Policy IN3 advises that development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network.
- 4.22 Policy IN4 states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle standards.

Supplementary Planning Documents

Manor Royal SPD July 2013

- 4.23 This document aims to support economic growth in Manor Royal, providing guidance to ensure new development makes a significant contribution to the uplift of the area and secures delivery of high quality development which supports the key business function. It requires all development to demonstrate the following:
- New buildings to be of high quality design and urban design
 - Proposals seek to provide active frontages to routes
 - Materials and finishes of good quality and support the principles of identity and sustainability
 - Proposals to achieve a high level of security
 - Surface Water drainage considered
 - Water efficiency measures considered
 - The development must positively contribute to the landscape and identity of Manor Royal.
- 4.24 The document emphasizes the importance of landscaping as a key consideration in creating a sense of place for Manor Royal and improving the quality of the public realm. A key approach to deliver these improvements is through achieving robust and consistent frontages along Manor Royal to improve the quality of the environment. It requires parking and servicing to be adequate to meet the needs of the development and to consider landscaping and seek to reduce monotonous surfacing of parking areas. Boundary treatments must be appropriate in scale and context and landscaping to reduce the visual impact of fences and barriers is encouraged.
- 4.25 Faraday Road is identified as part of the secondary road network providing links between key primary roads and has been identified as in need of improvement through tree and shrub planting to supplement the relatively narrow grassed highway verges. A requirement of 3m of planting across the entire frontage is recommended as a minimum requirement.
- 4.26 The site is also identified within area D3 – the 'BOC Edwards Opportunity Site' and specific guidance for this area states: *"The design of any proposals towards the eastern boundary of site D3 should allow for structural landscaping to enable Faraday Road to become an attractive green link between the Fleming Way area, hub facilities and Manor Royal. Development should enhance the appearance of the wider area through a robust soft landscape response to key frontages"*

Urban Design SPD – October 2016

- 4.27 This document provides further advice on the principles of good urban design highlighting in particular the importance of massing and materials, public realm, street design and parking and sustainable design.

- 4.28 In respect of non-residential development para 3.26 states:
“The layout of non-residential development is particularly important to their success. This should address the street and the public realm in a considerate manner and not turn their back on the existing streetscape and layout of the town. The appropriate scale and massing of the development will depend on the location and existing urban fabric. Active frontages are particularly important to the vitality of the streetscape and the success of commercial and retail uses and should be incorporated within the design from the start”.
- 4.29 For industrial and commercial development consideration should be made of appropriate materials, colours and massing to improve the architectural language (as buildings are often designed functionally with little architectural merit). Greater consideration of the layout of the buildings to the street is encouraged along with opportunities to improve the urban environment and use of landscaping.
- 4.30 Annex 1 contains the Borough’s indicative minimum parking standards. For B8 warehousing the requirements are:
 Car parking – 1 space per 100 sq m
 Lorry parking – 1 space per 500 sq m
 Disabled parking 1 space or 5% total provision
 Cycle parking – 1 space per 500 sq m staff and 1 space per 1000 sq m visitors
 Motorcycle parking – Space per 10 parking spaces

Planning and Climate Change SPD

- 4.31 This provides further guidance on addressing the sustainability policies within the Local Plan with examples of best practice and how to demonstrate compliance with the policies.

Developer Contributions Guidance Note (published July 2016)

- 4.32 This sets out the Council’s approach to developer contributions post the introduction of CIL providing details on this charge and when S106 contributions will be sought. The document sets out the Manor Royal contribution requirement towards public realm in this area.

PLANNING CONSIDERATIONS:-

- 5.1 The site is previously developed land in the heart of the Manor Royal Employment Area and will deliver new business (Class B8) premises on a site which forms part of Crawley’s business land supply pipeline as identified in the Crawley Employment Land Trajectory. The proposed use would provide new employment floorspace which is compatible with the function of the industrial area and is consistent with policies EC1 and EC2.
- 5.2 While the use is acceptable in principle, the key issue in this case is whether the proposal also meets the other requirements of the Local Plan supplementary planning documents set out in section 4 above. The relevant considerations are:
- Design of development and impact on street scene and wider area
 - Whether development can meet its operational needs (including impact on highways and parking)
 - Impact on nearby users
 - Sustainability
 - Infrastructure considerations

Design of development and impact on street scene and wider area

- 5.3 The development proposes 3 units which are 2 commercial storeys in scale (measuring 8m to roof) with a flat roof. A small mezzanine office area is proposed in each unit at 1st floor level with a row of windows at first floor height and a 2 storey glazed entrance feature distinguishing the main entrance to each unit. While these buildings are functional in appearance an attempt has been made to add articulation and interest to the design. In terms of the individual building design, size and height, the development is consistent with the surrounding area and the palette of materials is also in

character. Subject to conditioning the design details to ensure a quality finish and detailing the proposed elevations are considered acceptable.

- 5.4 The Urban Design Officer has raised concerns about the development, in particular:
- (i) the design of the buildings as they do not present an active frontage to the street at ground floor level or through their orientation as they are side on to the street scene (units 3 and 2) or set behind the car parking / servicing for the unit (unit 1).
 - (ii) the design and layout of the development and that this does not facilitate any improvement of the public realm or address the aspirations of the Manor Royal SPD and,
 - (iii) overdevelopment – the site buildings do not fit their context, a spacious setting is required to meet design guidance and to ensure the design positively addresses the street frontage, the form of development would be cramped and harmful to the character of the area.
- 5.5 While these concerns were raised with the applicants, it has not been possible to agree an amendment to the layout and re-orientate the units as the depth of the site is inadequate without a reduction in the footprint of the buildings. Some minor amendments to the original layout have been made as result of discussions with Officers.
- 5.6 It is accepted that Unit 1, which requires its servicing to the front of the building, does not closely relate to the road frontage. However, the proposed layout to the front, extensive parking and servicing, hardstanding and token climbing plants to the front section of the fence which is 2.1m high standard metal construction against the back edge of the footpath is not considered an appropriate design within the public realm and street scene. The hard landscaping (paving and fencing) combined with the limited planting proposed up the fence is not considered an adequate attempt to provide an active frontage or address the public realm when there are clear design policies and site specific design guidance which require development to respond positively to the public realm as part of the regeneration of the Manor Royal Business District.
- 5.7 In respect of unit 3 which is orientated with its side on to the road, the entrance doorway is closest to the street and windows (at first floor level) and the front elevation has sought to break up the building on approach travelling southwards along the Faraday Road. However, the proximity and orientation of the unit to the street scene does not allow sufficient space for any meaningful landscaping along the street frontage and the extensive 55m flank elevation of the building would be a visually prominent and dominant elevation along the western side of Faraday Road being under 1m from the back edge of the pavement at its closest point. Two triangular shaped areas of landscaping are proposed along this elevation to soften the impact of the building along the street. However, these are not wide enough (measuring a maximum of 4m depth tapering to 0.8m adjacent to the parking and 6m tapering to 0.5m adjacent to unit 3) to provide a robust landscaped frontage. Furthermore, given the height, proximity and overshadowing of the flank wall therefore, establishing any meaningful landscaping could be difficult. The juxtaposition of this building due to its size and proximity to the road frontage is considered harmful to the street scene.
- 5.8 There is specific guidance (set out in para 4.23) in relation to the design approach for the area and in particular a desire to achieve a robust soft landscape response along the Faraday Road frontage. This reflects the Council's desire to address the limited landscaping on sites such as this and improve the Manor Royal frontage. While the design allows for some limited landscaping along around 50% of the site frontage, for the reasons set out above the landscaping is not considered robust and does not meet the design aspirations of the Manor Royal SPD where there is specific design guidance on the redevelopment of this site. It is noted that the other land parcels to the north and south fronting Faraday Road have sought to achieve the landscaping approach set out in the SPD as part of their redevelopment and enhance the public realm, albeit the design approach of the buildings is not consistent. It considered this development has not sought to address these policies or the public realm, the design and access statement stating that *"The building site lines have been determined to optimise how the units relate to each other on the site. One of the buildings will be located on the north of the site and the other two on the southern edge. This approach enables the most efficient use of land, in accordance with planning requirements"*.

- 5.9 It is accepted that the site as designed represents an efficient use of land however, policies CH2, CH3 and EC3 also require that new development is of high quality design and meets other objectives. In this case, layout, design and limited scope for landscaping are indicators that the site would be overdeveloped and as designed would not contribute positively to the public realm.

Operational Needs

- 5.10 Access, parking and loading is proposed to the front of the units. All the units have individually fenced forecourts with parking, loading and refuse provision. The layout also provides 7 spaces for unit 1, 3 spaces for unit 3 and 10 motorcycle spaces in an unfenced area which provides the main access for units 2 and 3. Cycle parking for staff is proposed within the units.
- 5.11 The application has been amended since its submission to remove reference to the units being used for Class B2 (industrial) as the development could not comply with the parking standards required for this use. The development is for B8 (storage) and in terms of car parking provision now meets the adopted minimum standards. The development is short on lorry parking spaces however, it is considered that this shortfall is a matter for the occupier who would need to decide if the unit meets the operational need for their business.
- 5.12 WSCC while not objecting to the application has commented that manoeuvring into and out of the service bays is rather tight.
- 5.13 It is considered that the tight relationship of the lorry bays and additional waiting areas shown where waiting lorries would park (which may box in the parking on site) are indicative of the cramped nature of the development layout and further restrict opportunities for successful landscaping.

Impact on nearby occupiers

- 5.14 There are not considered to be any harmful impacts from the development in relation to its layout or the size and orientation of the proposed buildings to adjacent occupiers.

Sustainability

- 5.15 The development has considered sustainability measures within its design and sought to address compliance with policies ENV6, ENV7 and ENV9. These include energy efficiency measures, allowing natural light into the building and ensuring the roof is capable of accommodating pv panels. These matters can be controlled by condition.

Infrastructure Contributions

- 5.16 In line with policy IN1 and as set out in the Developer Contributions Guidance Note, a Manor Royal Contribution is required to be secured through a S106 Agreement (based on a figure of £2 per sq m of new floorspace). The total contribution is £20,874. The money would contribute towards the Crawter's Brook people's park.

CONCLUSIONS:-

- 6.1 While this proposal is supported in principle as an employment use in the Manor Royal industrial area, the development as designed and laid out fails to address the site context in particular in respect to the wider public realm and street scene. The development as designed would not present an attractive frontage to Faraday Road and would be cramped and form overdevelopment as there is insufficient room within the layout and design to positively address the public realm. The proposal therefore conflicts with policies CH2, CH3, EC3 in the Crawley Borough Local Plan and the guidance in the Manor Royal SPD and Urban Design SPD.

RECOMMENDATION RE: CR/2016/0722/FUL

Refuse for the following reason:

- 1 The development by virtue of its layout, scale, design and limited landscaping would be cramped and overdeveloped, failing to provide an active frontage or enhance the public realm of Faraday Road thereby resulting in a form of development that is harmful to the street scene and contrary to policies CH2, CH3, EC3 of the Crawley Borough Local Plan and guidance in the Manor Royal SPD and Urban Design SPD.



Crawley Borough Council,
Town Hall,
The Boulevard,
Crawley,
West Sussex RH10 1UZ

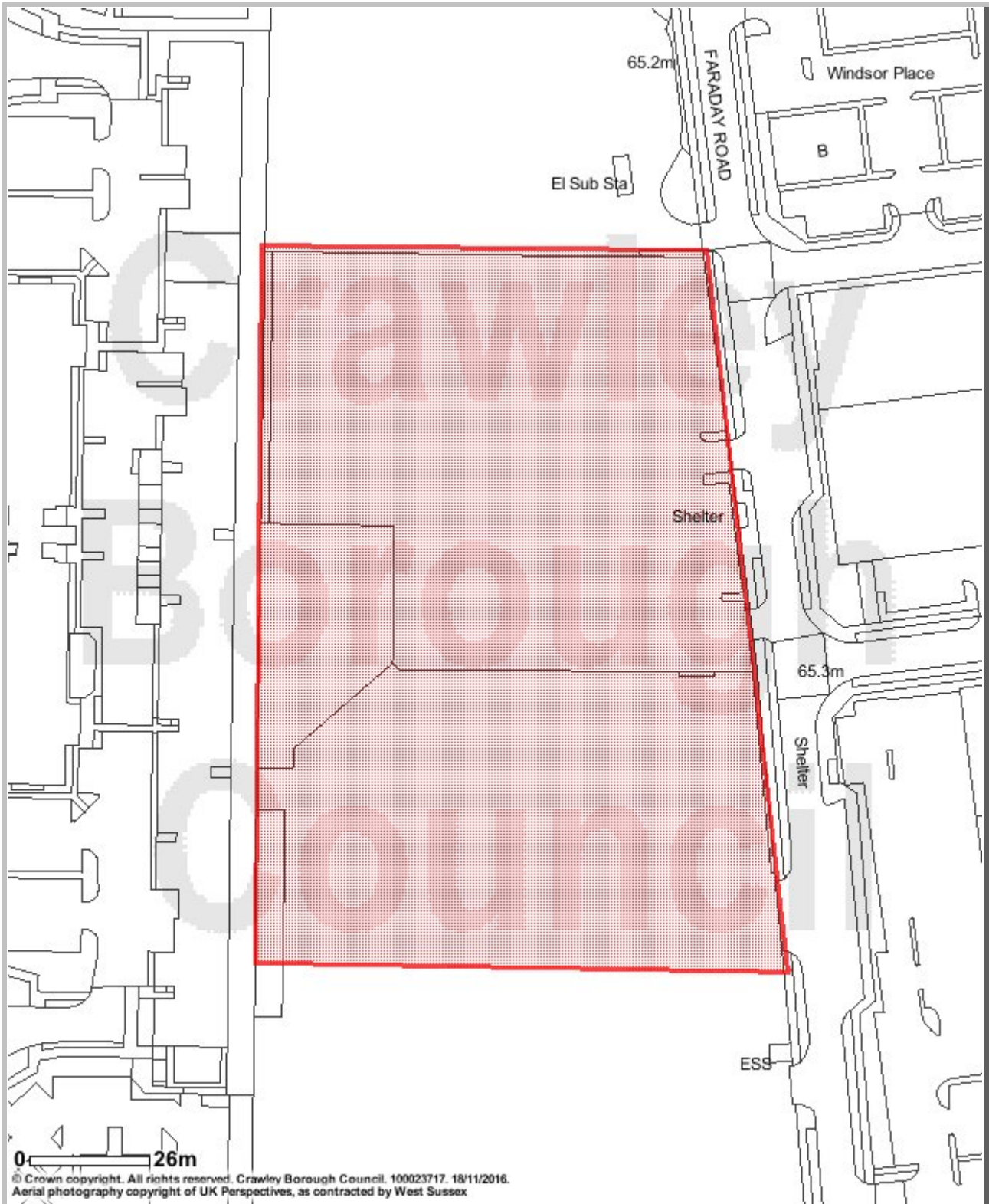
Tel: 01293 438000
Fax: 01293 438603

CR/2016/0722/FUL

Date 23 November 2016

Approx. Scale 1:1,250

**LAND AT FARADAY ROAD, NORTHGATE,
CRAWLEY**



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REFERENCE NO: CR/2016/0781/ARM

LOCATION: [PHASE 3 AND PART PHASE 4, FORGE WOOD \(NES\), CRAWLEY](#)

PROPOSAL: APPROVAL OF RESERVED MATTERS FOR INFRASTRUCTURE COMPRISING:- ROAD & DRAINAGE INFRASTRUCTURE, PUMPING STATIONS, NOISE BARRIER (COMPRISING FENCE & BUND ALONG EASTERN BOUNDARY & ASSOCIATED LANDSCAPING), UNDERGROUNDING OF 132V POWER CABLES & OTHER ASSOCIATED WORKS PURSUANT TO OUTLINE PLANNING PERMISSION CR/2015/0552/NCC FOR NEW MIXED NEIGHBOURHOOD (AMENDED PLANS RECEIVED AND AMENDED DESCRIPTION)

TARGET DECISION DATE: 23 December 2016

CASE OFFICER: Mrs V. Cheesman

APPLICANTS NAME: Persimmon Homes & Taylor Wimpey

AGENTS NAME: Pegasus Group

PLANS & DRAWINGS CONSIDERED:

T 0347 21 Rev A Phase 3 132KV Overhead/Underground Power Cables Plan, T 0347 27 Infrastructure Site Location Plan (Wider Context), P804/20 Cellular Storage Tank Details, P804/27 Existing Levels Plan, P804/28 Temporary Construction Access, T 0347 06 Rev J Infrastructure Site Location Plan, CSA/667/227 Rev C Hard & Soft Spine Road Strategy - Sheet 2 of 3, CSA/667/228 Rev C Hard & Soft Spine Road Strategy - Sheet 3 of 3, P804/05 Rev A Phase 3 Horizontal Geometry and Setting Out - Sheet 3 of 5, P804/06 Rev A Phase 3 Horizontal Geometry and Setting Out - Sheet 4 of 5, P804/07 Rev B Phase 3 Horizontal Geometry and Setting Out - Sheet 5 of 5, P804/10 Rev A Phase 3 Drainage, Levels and Contours - Sheet 3 of 5, P804/11 Rev A Phase 3 Drainage, Levels and Contours - Sheet 4 of 5, P804/12 Rev B Phase 3 Drainage, Levels and Contours - Sheet 5 of 5, P804/18 Rev A Longitudinal Sections - Sheet 1 of 2, P804/19 Rev A Longitudinal Sections - Sheet 2 of 2, P804/21 Rev A Construction Details, P804/22 Rev A Foul Water Pump Station Compound, 7827/Phase 3/02 Rev B Tree Protection Plan, T 0347 28 Rev A Phase 3 Roadway Programme, CSA/667/229 Rev B Detailed Planting to Bund & SuDS - Sheet 1 of 4, CSA/667/231 Rev B Detailed Planting to Bund & SuDS - Sheet 3 of 4, CSA/667/232 Rev C Detailed Planting to Bund & SuDS - Sheet 4 of 4, CSA/667/254 Rev A Phase 3 & 4 Bund Landscape Proposals Composite, P804/02 Rev D Vehicle Swept Path, P804/03 Rev B Phase 3 Horizontal Geometry and Setting Out - Sheet 1 of 5, P804/04 Rev B Phase 3 Horizontal Geometry and Setting Out - Sheet 2 of 5, P804/08 Rev B Phase 3 Drainage, Levels and Contours - Sheet 1 of 5, P804/09 Rev B Phase 3 Drainage, Levels and Contours - Sheet 2 of 5, P804/24 Rev B Lighting Lux Plan, T255/20 Rev H Phase 3 Drainage Plan, CSA/667/259 Acoustic Bund Sectional Elevation Detailed Area (Zone B), CSA/667/257 Acoustic Bund Sectional Elevation (without planting proposals), CSA/667/258 Acoustic Bund Sectional Elevation (with planting proposals), P804/43 Emergency Access, T0347 31 Indicative Infrastructure Layout Plan, CSA/667/226 Rev E Hard & Soft Spine Road Strategy - Sheet 1 of 3, CSA/667/230 Rev D Detailed Planting to Bund & SuDS - Sheet 2 of 4, CSA/667/231 Rev D Detailed Planting to Bund & SuDS - Sheet 3 of 4, P804 44 Phase 3 Vehicle Swept Path

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | | |
|----|------------------------------|--|
| 1. | GAL - Planning Department | No comments to make |
| 2. | GAL - Aerodrome Safeguarding | No objection to drainage details, Comments on landscaping to Follow. |
| 3. | Environment Agency | We have assessed this application as having a low |

- environmental risk, the applicant has used 40% in their Climate Change rainfall allowance, which is acceptable.
4. WSCC - Highways The amended drawings have satisfactorily addressed the Points made in the earlier consultation response (access, visibility and bus routes and stops) and no highway objections are raised.
5. National Air Traffic Services (NATS) No objection
6. Thames Water No comments received.
7. Natural England No comments received.
8. Police Crime prevention advice for this application is not relevant
9. Highways England No objection subject to conditions
10. CBC - Drainage Officer - This recent submission follows the format of previous submissions for other phases and is considered competent. I was pleased to see the inclusion of a 40% increase for climate change reflecting the relatively recent changes to legislative requirements. The proposed drainage of the bund is acceptable.

Whilst the suitability of the overall drainage strategy for the whole site is generally acceptable in principle, I am concerned that the proposal of bringing forward an element of the site in phases without the completion of a comprehensive site wide plans & hydraulic modelling goes against the principle of good SuDs design & could limit future opportunities within other parts (phases) of the site. Should this occur retrospective drainage works may be required to maximise the full development potential of other parts of the site.

Notwithstanding this observation the current proposals for this part of the site are acceptable provided works are completed in a manner & sequence that ensures that the rate of any surface water that is released does not exacerbate or increase known downstream flooding. Further details of the proposed future maintenance regime & responsibilities will also need to be approved prior to discharge of the relevant drainage condition.

11. CBC - Property Division No objection
12. CBC - Planning Arboricultural Officer Comments on amended plans and emergency access awaited
13. UK Power Networks No comments received
14. Homes & Communities Agency (HCA) No comments received
15. CBC - Environmental Health The noise bund and barrier are substantial and in places are at the maximum possible height for a standard acoustic fence. The Reserved Matters applications for Phase 3A and 3B will control the final design and layout of the proposed dwellings to minimise their exposure to noise.
16. Cycle Forum The master plan shows the cycle route near the pumping station as running across the green space south of it. However, the site layout shows it as running adjacent to the road. Routing the path via the green space would make it safer and more pleasant, as well as reducing the distance to be travelled. Cycle and pedestrian priority over driveways and minor entrances should be provided. Consideration should be given to avoiding obstructing the path when siting bus stops and shelters.
17. CBC - Refuse & Recycling Team Objection to communal collection points for individual houses

- | | | |
|-----|--|--|
| 18. | Southern Water | No comments to make |
| 19. | Ecology Advisor | No objections subject to full implementation of the mitigation and enhancement measures set out in the ecology report. |
| 20. | WSCC - Surface Water Drainage (SWD) | No comments received |
| 21. | NHS South East Coast Ambulance Service | No comments received |
| 22. | Independent Water Networks Ltd | No comment received |
| 23. | Gatwick Diamond Grow Group | No comments received |
| 24. | CBC - Amenities | No objection |
| 25. | Metrobus | Whilst the precise route is to be confirmed, it is proposed that a bus service will operate through the main streets of the phases of this development, including this one. Query raised about the swept path plan used. |

Consultees no.s 2,4,9,12,15,16 have been reconsulted on the latest set of amended plans. These relate in the main to the cycle route, details of the bund and landscaping, the emergency access and the construction programme for the bund. A verbal update will be given at the Committee meeting.

NEIGHBOUR NOTIFICATIONS:-

The application has been advertised by press advertisement and site notices. The latest expiry date for receipt of comments is 15th December 2016.

RESPONSES RECEIVED:-

None.

REASON FOR REPORTING TO COMMITTEE:-

The application is a major development and is part of the Forge Wood neighbourhood in which CBC has land interest.

BACKGROUND:-

- 1.1 Outline planning permission for the North East Sector neighbourhood, now known as Forge Wood, was originally granted by the Secretary of State on 16th February 2011 (reference CR/1998/0039/OUT).
- 1.2 The outline planning permission established the principle of a mixed use neighbourhood to include up to 1,900 dwellings, 5,000 sq m of employment floorspace, 2,500 sq m of net retail space, a local centre/community centre, a primary school, recreational open space, landscaping, the relocation of a 132KV power line adjacent to the M23 and other associated works.
- 1.3 More recently a Section 73 (variation of conditions) application CR/2015/0552/NCC was permitted on 15th November 2016, which issued a new outline planning permission for Forge Wood with updated decision notice and relates to a new Master Plan, Design Statement and revised conditions.
- 1.4 The principle of the new neighbourhood, the quantum of development, as well as the access arrangements and principal road junctions have therefore been established.

RELEVANT PLANNING HISTORY:-

- 2.1 In respect of Phase 1:

Spine road - CR/2012/0357/ARM - approved
Phase 1A for 204 dwellings – CR/2013/0610/ARM - approved

Phase 1B for the local centre – CR/2014/0061/ARM - approved
Phase 1C for 50 flats – CR/2014/0062/ARM – approved
Phase 1D for a health centre – CR/2014/0063/ARM – to be determined.
Primary School – CR/2016/0048/ARM - approved
Temporary School – CR/2016/0026/ FUL – approved

2.2 In respect of Phase 2:

Spine Road and Drainage Infrastructure – CR/2015/0628/ARM – approved
Phase 2A for 90 dwellings – CR/2015/0740//ARM - approved
Phase 2B for 159 dwellings – CR/2015/0718/ARM – to be determined
Phase 2C for 251 dwellings – CR/2016/0083/ARM – to be determined
Phase 2D for 50 dwellings – CR/2016/0114/ARM – considered by Planning Committee
8.11.206 – resolved to approve subject to amendment of description to refer to CR/2015/0552/NCC and reconsultation/publicity.

2.3 In respect of Phase 3:

Employment Building – CR/2016/0858/ARM – to be determined
Phase 3A for 225 dwellings – CR/2016/0780/ARM – to be determined
Phase 3B for 153 dwellings – CR/2016/0962/ARM – to be determined

THE APPLICATION SITE:-

- 3.1 This application site relates to Phase 3 and part of Phase 4 of Forge Wood, which lies on the eastern side of Balcombe Road (B2036) with the M23 along the eastern boundary.
- 3.2 The land is relatively level and comprises arable farmland and open fields with scrub, woodland, hedgerows, bracken and trees. A public footpath crosses the site east/west and goes over the M23 and in effect is the dividing line between the 2 phases.
- 3.3 The south western portion of the site is separated from Balcombe Road by the Heathy Farm Public House (a grade II Listed Building), Wiltshire's Farm Shop and Car Wash and the residential properties Northside and Southside.

THE PROPOSED DEVELOPMENT:-

- 4.1 This application seeks approval of reserved matters for the main link road and associated infrastructure that would serve Phase 3 and part of Phase 4 of the neighbourhood. It comprises:
 - the layout, alignment and specification of the access roads within Phase 3, with the main site access to this phase from Balcombe Road
 - the route of the powerlines which are to be placed underground,
 - the provision of an emergency access between Phase 3 and 4,
 - the drainage infrastructure including swales, attenuation ponds, tank sewers and cellular storage,
 - 3 pumping stations, and
 - a bund and acoustic fence along the boundary with the M23 (Phase 3 and Phase 4)
- 4.2 The fixing of the layout of the roads and other elements would then set the framework and overarching layout which would serve the individual land parcels for the subsequent detailed 'reserved matter' applications for the various parts of the Phase 3 development. A similar approach was taken for Phases 1 and 2.

- 4.3 The applicants have explained that by seeking detailed approval of the key Phase 3 and Phase 4 infrastructure elements at this stage, this would enable the continued delivery of the mixed use neighbourhood, with an early start on the implementation of these aspects of the development. Following this, the detailed design of the individual phase 3 residential parcels can be refined to take account of the agreed infrastructure. Phase 3 is proposed to be developed in 2 residential phases (see para 2.3 above).
- 4.4 The following documents have been provided in support of the application:
- Planning, Design and Access Statement
 - Ecology Assessment
 - Surface Water Drainage Strategy
 - Arboricultural Impact Assessment
 - Tree Protection Plan
 - Landscaping Proposals
 - Highway design plans, road layout ,drainage features and landscaping plans
 - Bridge design plans
 - Programme for the Construction Phase
- 4.5 During the course of the consideration of the application revised plans and documents have been submitted to address concerns raised and issues identified. Additional publicity and reconsultation has been undertaken in respect of these revised details and to amend the description of the application to refer to the new, recently granted outline permission CR/2015/0552/NCC. The latest expiry date for the receipt of comments is 14th December 2016.

PLANNING POLICY:-

The National Planning Policy Framework 2012 (NPPF)

- 5.1 This has a golden thread running through it which seeks to ensure a presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development and the planning system performs an economic, social and environmental role. These roles are mutually dependent. The Framework requires applications to be determined in accordance with the development plan.
- 5.2 Relevant sections are: paragraph 14: presumption in favour of sustainable development:
paragraph 17: core planning principles
section 1: building a strong competitive economy
section 4: promoting sustainable transport
section 6: delivering a wide choice of high quality homes
section 7: requiring good design

Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 5.3 The plan was adopted on 16th December 2015.
- 5.4 Overarching policy SD1 sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population.
- 5.5 Policy CH1 supports development in line with the neighbourhood principle (of which this sub-phase of Forge Wood complies with).
- 5.6 Policy CH2 sets out the principles for good urban design and states:

To assist in the creation, retention or enhancement of successful places in Crawley, development proposals will be required to:

- a) respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets;*
- b) create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas;*
- c) create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society, including disabled and elderly people;*
- d) make places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport networks;*
- e) provide recognisable routes, intersections and landmarks to help people find their way around;*
- f) consider flexible development forms that can respond to changing social, technological and economic conditions; and*
- g) provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.*

Applications must include information that demonstrates that these principles would be achieved, or not compromised, through the proposed development.

- 5.7 Policy CH3 sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context, be of high quality in terms of landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. In addition, proposals must provide a good standard of amenity for future residents in compliance with internal space standards and not cause unreasonable harm to the amenity of the surrounding area by way of overlooking, dominance or overshadowing, traffic generation and general activity. The policy requires the retention of existing individual or groups of trees that contribute positively to the area and seeks to ensure sufficient space for trees to reach maturity particularly when located in private gardens to ensure dwellings receive adequate daylight. Development should also meet its operational needs in respect of parking, access, refuse storage etc. The policy also requires the development to incorporate 'Secure by Design principles' to reduce crime, consider community safety measures and demonstrate design quality through 'Building for life' criteria.
- 5.8 Policy CH4 requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 5.9 Policy CH6 seeks to ensure landscape proposals for residential development contribute to the character and appearance of the town and seek to ensure 1 new tree for each dwelling and where trees are lost seek mitigation in line with the published replacement standards.
- 5.10 Policy CH7 identifies the landscaping along the M23 as structural landscaping and an important feature that should be protected and enhanced proposals should protect and/or enhance such features.
- 5.11 In respect of access, policy CH11 requires proposals that detract on the character of a right of way or other type of recreational route to be adequately mitigated.
- 5.12 Policy CH12 relates to heritage assets and requires the impact of the development to be assessed on the asset and its setting.
- 5.13 Listed Buildings are specifically covered under policy CH15 and require development to demonstrate how proposal will protect the value of the listed building, its setting and its key features.

- 5.14 Housing policy H1 states that the Council will consider positively proposals for the provision of housing to meet local needs.
- 5.15 Housing policy H2 identifies Forge Wood as a key deliverable housing site for up to 1,900 dwellings with the period to 2020.
- 5.16 Policy ENV1 advises that Crawley's green infrastructure should be conserved and enhanced.
- 5.17 Policy ENV2 requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 5.18 Policy ENV8 seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere.
- 5.19 Policy ENV11 seeks to protect people's quality of life from unacceptable noise impacts.
- 5.20 Policy IN4 requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.

Supplementary Planning Guidance and Documents

5.21 The following Supplementary Planning Documents and Guidance Notes, adopted in October 2016, are also relevant in the consideration of this application:

- Urban Design
- Planning and Climate Change
- Green Infrastructure

PLANNING CONSIDERATIONS:-

6.1 The key issues in considering this application are considered to be:

- Is the development in substantial accordance with the Masterplan?
- Design approach and the compatibility with existing and subsequent phases of development
- Noise considerations
- Drainage
- Highway considerations / specification
- Impacts on ecology / habitat

Is the development in substantial accordance with the Masterplan?

6.2 The outline planning permission (CR/2015/0552/NCC) establishes the principle of a mixed use neighbourhood (as described in paragraph 1.1) with all matters of detail reserved for subsequent consideration except for the main access junctions serving the site. As set out in condition 1 on the outline application all reserved matter applications are required to be in substantial accordance with the approved Masterplan and Design Statement. This reserved matter application relates to the detail of the infrastructure elements including the roads, drainage features and noise attenuation bund and fence, and this will then enable the separate land parcels comprising Phase 3 and Phase 4 to be considered in detail.

6.3 The approved Masterplan shows the general arrangement of this part of the site, with residential development set either side of a main spine road which runs north/south. It leads from the site access off Balcombe Road in the south and connects to Phase 4 to the north of the site. Cul de sacs leading off the spine road to the east and west are shown and would serve the dwellings in the areas of neighbourhood housing and those in the parkland edge character areas.

- 6.4 The main road will be a bus route through the development, as is the cycle way. The provision of an emergency access from Phase 3 to Phase 4 is also shown, as well as the route of the power cables which are to be undergrounded. All these features are as shown in the approved Design Statement and Master Plan.
- 6.5 In considering the application against the development of the neighbourhood as a whole and in relation to this particular phase, it should be noted that there is no change to either the overall quantum of development, the overall mix of uses, the general disposition of the uses and the location of key open spaces. The drainage features are in accordance with the overall drainage strategy that has been agreed in principle for the neighbourhood and the incorporation of an acoustic bund and fence was shown on the Master Plan, being a key aspect to provide protection from road noise for the occupiers of the residential units in Phases 3 and 4.
- 6.6 In these circumstances the proposed infrastructure elements are considered to be in accordance with the Masterplan.

Design approach and the compatibility with existing and subsequent phases of development;

- 6.7 The design approach that has been used for this application follows that set out in the Master Plan and Design Statement and flows from that adopted for the 2 earlier Phases, in relation to the road hierarchy and character areas (and their associated design and layout) , the drainage strategy and noise attenuation measures.
- 6.8 With regard to the road design and layout, the main street is the spine road and has been designed as a legible route through the development, to connect the various areas of housing and to link the 2 phases. Parking is to be set back from the main road frontage. The proposed highway is typically 6m wide (with localised widening to accommodate swept paths) with a 2m footway one side and a combined 3m footway and cycle path on the other side.
- 6.9 The neighbourhood housing areas are characterised by a low speed highway network where the proposed 5m width carriageway is subservient to the urban form and the objective is to provide a highly permeable development to encourage pedestrian and cycle movement within the neighbourhood.
- 6.10 The parkland edge area is formed of predominantly 3 or 4 storey flats or town houses to create a strong backdrop to the open space, with pedestrian links and views through to the landscaped areas. Vehicular access to these blocks is from the rear and is formed of a series of cul de sacs.
- 6.11 In this regard, it should be noted that the application boundary is drawn to the edge of the main infrastructure work. This is to ensure this application does not prejudice the design opportunities for the residential parcels that adjoin the road.
- 6.12 The drainage features for the residential development of Phase 3, follow the overarching site-wide drainage strategy and SuDS principles. For this application they comprise swales, attenuation ponds, tank sewers and cellular storage, together with 3 pumping stations, and would ensure that these are provided for at an early date. Their incorporation at this stage would allow for the subsequent residential development with associated landscaping to be designed with respect to these features.
- 6.13 The noise bund and fence are shown for both Phase 3 and Phase 4 and are set within the 40m dwelling exclusion zone along the M23. Significant landscaping is proposed adjacent to these features and follows the approach taken on phase 2D. The route of the power cables is also incorporated into this area.
- 6.14 Illustrative context plans have been provided to demonstrate how the form of development could evolve, and Phases 3A and 3B are currently under consideration (CR/2016/0780/ARM and

CR/2016/0962/ARM). However the exact access points to the side roads, driveways, lay-bys, street furniture and landscaping would need to be the subject of the detailed designs of the various reserved matters for the land parcels. The provision of the bus stops would be covered by the submission of details required under condition 58 on the outline permission.

- 6.15 It is thus considered that this is an appropriate design approach for a development of this complexity. The fixing of these infrastructural elements, comprising the road layouts and their alignment, the positioning of the drainage features and the noise attenuation bund and fence will set the framework and inform the detailed layout and form of the residential parcels. It is considered that this approach would not prejudice the future design or comprehensive development of Phase 3 and 4.

Noise considerations

- 6.16 The main noise source for these 2 phases is road noise from the M23 and aircraft noise.
- 6.17 With regard to the M23, the outline permission requires a 40m exclusion zone where no dwellings are allowed to be sited and this area is shown on the approved Master Plan and is set out in condition 64. The Master Plan also shows the use of an acoustic barrier along the eastern boundary of the site to mitigate noise across the remainder of the residential parcels, and is identified as a separate character area - 'landscape buffer' - which is to be a visual and acoustic barrier to the motorway.
- 6.18 In addition, detailed consideration of the actual residential layouts will be required and specific measures for the construction of the dwellings, including an appropriate ventilation strategy will be necessary. Condition 34 requires a scheme to demonstrate that the dwellings will have sufficient protection against noise and how such measures are to be delivered and secured.
- 6.19 This application includes the details of the acoustic barrier for both Phase 3 and Phase 4, which would be formed by a bund and fence. This varies in overall height from 4 - 8m, being between 2m to 4m for the bund and 2m to 4m for the fence due to the relative level of the motorway with regard to the site. In places there would be a fence only, due to topography and the existence of mature trees. Additional material has been supplied to illustrate the visual appearance of the bund and fence and how it would relate to the existing ground levels and other features, such as the elevated footpath and bridge over the M23.
- 6.20 Environmental Health have confirmed that the acoustic barrier would provide the necessary mitigation and would result in a generally acceptable noise environment for these 2 phases, although this would need to be in association with an appropriate layout for the units and the specific measures required for the dwellings themselves.
- 6.21 The precise details of the layout of the dwellings in relation to the noise environment would thus be assessed as part of the Reserved Matters applications for the individual residential parcels and the specific construction details of the measures would form part of the condition 34 discharge request application.
- 6.22 The design of the fence and bund, with the proposed landscaping is considered to be satisfactory and would result in an appropriately screened and planted feature that would provide the required noise measures as well as providing opportunities for ecological enhancements and mitigation. By agreeing the form and location of these noise mitigation measures at this stage, this sets an important aspect of the framework for Phases 3 and 4, which will then inform the wider layouts of the residential parcels.
- 6.23 With regard to aircraft noise, the principle of residential development in this area was considered acceptable by the appeal Inspector, subject to appropriate mitigation. This higher level of detail will thus be assessed in due course as part of the analysis of the layouts of the Reserved Matters

applications for the residential parcels in association with the specific measures that are required to be submitted pursuant to condition 34.

Drainage

- 6.24 There is a need to ensure that there is an effective drainage strategy for the infrastructure elements of this phase and to serve the development as a whole. The site wide drainage strategy as originally submitted pursuant to condition 16 (and to be resubmitted under CR/2015/0552/NCC) assumed that sewer alignments would be under the main roads and this is shown in the submitted plans for this application. In addition, other drainage features for this Phase comprise the use of SuDS to manage the disposal of surface water run-off from the developed parts of the site.
- 6.25 For drainage purposes, this Phase has been split into 3 catchments, each with SuDS features which will act to balance surface water outflows prior to discharge. These features include a system of grassed detention basins, swales, tank sewers, and offline cellular storage tanks. Surface water from this Phase will then be directed towards the sewer along Balcombe Road and the local watercourse and ditch system along the M23. The proposed system incorporates a 40% climate change allowance as per current guidance.
- 6.26 Highways England have commented that the bunds and fences should be designed to ensure there is no risk of impact on the M23 and recommend a number of conditions including one that the surface water should not run off onto the highway or in to any drainage system connected to the highway.
- 6.27 In this case the eastern part of the site slopes towards the M23 and already includes existing drains and ditches that link into the M23 drainage system. The original outline planning application (CR/1998/0039/OUT) was supported by a Flood Risk Assessment which underpinned that planning permission and indicated that surface water run-off from the eastern part of the site would be draining into the existing ditches and the culvert under the M23. Against the background context of the baseline position and the original FRA, the applicants prepared a site wide drainage strategy for the site for the purposes of condition 16. This relied upon the existing drains and ditches adjacent to the M23.
- 6.28 The recently approved s.73 planning application carried forward the previously agreed principles of the site wide drainage strategy and Highways England raised no objections to the application.
- 6.29 The applicants have been appraised of the comments of Highways England and have advised that

'Whilst the site wide strategy is to be refined through condition 16 of the s.73 planning permission, we do not expect any fundamental changes to the overall strategy. It is simply a refinement and with additional details relating to management and maintenance.

Allowing no run off to enter the M23 drainage system would be a fundamental change. It would change the size of the attenuation areas and require major engineering to send the water back uphill towards Gatwick Stream, also, moving run-off from one catchment to another.

It will probably cause the EA to object without catchment wide re-modelling.

- 6.30 They also comment that,

'This is a Reserved Matters application which should focus only on matters relating to layout, appearance, scale and landscaping. Drainage is an "in principle" issue that was dealt with at the outline stage (or through outline conditions) and ...it is not lawful to revisit such matters at the RM stage.

Where such matters have already been agreed at the outline stage public bodies cannot seek to prevent development from proceeding on those terms by objecting at a later stage in the planning process.

As the land east of the ridgeline already naturally drains towards the M23, then standard land drainage riparian rights prevail, that is, the downstream land owner cannot stop the land from draining in its normal direction.

Indeed, it was the construction of the M23 that severed the original land drainage network, thus the Highways Agency had to make provision within the motorway drainage for this land, because the motorway would flood otherwise.

The key point ... is that the amount of surface run off into the M23 system will actually reduce as a result of the development. At the moment water simply runs off the site without any control mechanisms. The development is required to attenuate surface water to greenfield run off rates for a 1 in 100 year event plus an allowance of 40% for climate change. Therefore, at the point of completion there will actually be less water entering the M23 system for the selected storm event. '

- 6.31 The Drainage Officer concurs with these comments from the applicant regarding the drainage strategy and Officers consider that the suggested condition is unreasonable in this particular situation.
- 6.32 In these circumstances Officers have been actively liaising with Highways England, to try and find a way forward.
- 6.33 If the Committee are minded to accept the Officer's recommendation to approve the application without this particular condition, it should be noted that the Town and Country Planning (Development Affecting Truck Roads) Direction 2015 means that if the recommended conditions are not imposed then the application will have to be referred to the Secretary of State for Transport before a decision is made. It is hoped that an update will be available in time for the Committee meeting.
- 6.34 The drainage strategy also includes the incorporation of 3 pumping stations. These installations are mainly underground with a small control kiosk above ground and the compound is to be secured by 2m high palisade fencing. In addition to meeting the various technical criteria for such infrastructure, the visual impact of these installations needs careful consideration to ensure that they are assimilated sympathetically into the streetscapes of the neighbourhood. In particular the pumping station to the immediate north of the main entrance into Phase 3 from the Balcombe Road is of concern, as this would be readily visible in the locality and Officers are of the view that a more comprehensive and appropriately landscaped approach into Phase 3 is required. Furthermore, the pumping station would be to the immediate south of Heathy Farm PH, which is a Grade II Listed Building and so the setting of this heritage asset is an important material consideration.
- 6.35 In this regard, it is noted that the application site red line is drawn tight to the boundaries of the 3 pumping stations, which would only allow for the boundary (palisade) fencing with hedging. To ensure that these elements are appropriately incorporated into their wider setting and form an attractive entrance into phase 3, it is considered that more comprehensive details are required.
- 6.36 This issue has been the subject of discussions with the developers and it has been agreed that it is possible for this to be dealt with as part of the residential sub phases (Phase 3A and Phase 3B) as these application site areas have been drawn more extensively and so include the wider areas of landscaping. However, indicative illustrative plans have been submitted with this application to show the approach to be adopted for the landscaping of these wider areas, the precise detail of which would be controlled as part of the Phase 3A and 3B reserved matters submissions.

- 6.37 The outstanding matter regarding drainage is the future long term maintenance and management of the drainage features and this is the subject of ongoing discussions in respect of the site wide drainage strategy required under condition 16. The approach is that the drainage would be the responsibility of a private management company and finalised details of the arrangements and financial safeguards are to be submitted under condition 16 as revised by the recent s73 approval.

Highway considerations / specification

- 6.38 The roads which form the key infrastructure though this part of Forge Wood is a more extensive network that was considered with the Phase 1 and Phase 2 infrastructure applications. This is because the drainage strategy here involves a series of pipes under the road. Thus the application includes not only the layout and design of the main spine road, but also the roads associated with the neighbourhood housing and parkland edge character areas.
- 6.39 WSCC Highways have no objection to the amended plans, relating to the main access and the proposed road layout. The issues raised relating to visibility, bus stops and visitor parking have been satisfactorily addressed. They comment however, that the technical submission documents will only be reviewed as part of WSCC's road agreement process following a formal S278/38 application.
- 6.40 The exact location of the individual vehicle crossovers, laybys, and speed reducing measures will be finalised as part of the considerations for the housing parcels.
- 6.41 The main street is the main residential collector road through this phase and has been designed to accommodate a bus route in accordance with the requirements of the outline planning application. The application as amended now shows the location of 2 bus stop positions. WSCC have no objections to this however, at the time of writing this report Metrobus had requested further information regarding swept paths.
- 6.42 The cycle way elements in the application site accord in general with the transport links shown in the approved Design Statement. It is necessary however to ensure that they will provide for appropriate connections to the cycle routes within the other phases and in the vicinity of the site. In particular the cycleway route at the entrance to the site needs careful consideration so that it connects up to the crossing over the Balcombe Road and to provide an attractive and user-friendly route leading into Phases 3 and 4. As set out above in connection with the siting of the pumping station, this part of the site is outside of the red line associated with this infrastructure application. However, the indicative plans received demonstrate that the cycleway would pass through the landscaped area to the front of the site before connecting up to the route along the highway. The detail of this element can be addressed and secured via the Reserved Matters application for the residential parcel for 3A.
- 6.43 This application also includes the emergency access. This is shown on the approved Master Plan and provides a link between Phase 3 and Phase 4 for emergency purposes. It comprises a 4m wide road in the north western part of Phase 3 and crosses over the public footpath that runs east/west and over the M23, into phase 4. Further additional information has recently have been submitted to show how the access road would be inserted here and constructed, particularly with regard to the belt of mature trees that lie to the immediate south of the footpath. Access would be controlled by the use of bollards. The comments of WSCC and the Arboricultural Officer will be reported at the meeting.

Impacts on Ecology / Habitat

Trees and Landscaping

- 6.44 The construction of the site access, internal roads, drainage features and the acoustic bund and fence would require the removal of a number of trees. This approach in the main has already been

established in order to accommodate the new neighbourhood and is implicit in the approval of the Master Plan layout. This has been developed further with the site wide drainage strategy.

- 6.45 The submitted Arboricultural Impact Assessment includes a survey of the trees in relation to this application and has identified that some 26 specimens would need to be removed. These are predominantly oaks, with other individual specimens of ash, hawthorn, cherry, yew, western red cedar, hedgerow and scrub. Their removal is due to their condition being unsuitable for retention or that they are of moderate/ low quality. All other trees are shown to be retained although it should be noted that further specimens may require removal in the future as the various phasing parcels are developed and will be considered in detail when those layouts are submitted.
- 6.46 It is considered appropriate to impose a condition to ensure that the tree protection measures specified in the report are in place prior to any development commencing on this part of the site.
- 6.47 In this case it is not considered that the policy requirements of CH6 are appropriate in respect to the level of tree replacement given the nature of the development in this case. As part of the overall layout for these Phases and across the development as a whole the applicants are proposing to mitigate tree loss as part of the overall landscaping proposals and replacement and significant additional planting is proposed. In particular the bund is to be landscaped, as are the drainage basins and their surrounding areas. The comments of GAL Safeguarding on the latest landscaping proposals as amended will be reported at the meeting.
- 6.48 In addition, new planting and replacement trees within the residential parcels is proposed and these will be covered in more detail as part of those individual parcels under the relevant residential Reserved Matters applications. As mentioned above, this will include the detail of the areas around the pumping stations.

Protected Species

- 6.49 The submitted ecological survey advises that the application site and wider site were originally surveyed in May 2006 based around the extended Phase 1 survey methodology, as recommended by Natural England. Updated walk-over surveys were carried out between 2009 and 2016. In addition, specific surveys were undertaken within the application site and wider site for bats, badgers, birds, dormice, reptiles and great crested newts.
- 6.50 There are no statutory or non-statutory designated sites of nature conservation interest within the application site and there are not considered to be any significant adverse effects on any other statutory and non-statutory sites of nature conservation interest in the vicinity of the development from the development proposals.
- 6.51 The habitats within the application site are generally considered to be of limited ecological value on account of their species-poor nature and due to the intensive management regime of the land. The habitats of great value in the context of the application site are the hedgerows and woodland areas. Small areas of these are to be lost to the proposed development, although the majority is to be retained.
- 6.52 Two trees adjacent to the site boundary were recorded as having potential to support roosting bats. The landscaping proposals for both the application site and the wider site includes new areas of hedgerow and tree planting that will compensate for any losses that occur and will help to maintain and enhance habitat connectivity.
- 6.53 No evidence of badgers such as any setts, foraging signs latrines, snagged hairs, snuffle holes or footprints were recorded within the application site during the surveys.
- 6.54 In respect of birds, the development will result in minor losses to habitat, however it is not considered that these small losses would have any significant impact upon bird species. The landscape scheme for the wider site includes new areas of hedgerow and tree planting.

Furthermore, the management of the wider site as a whole and in particular the woodlands, such as the removal of the invasive species, and areas of new native species planting will help to significantly increase biodiversity and will help to enhance the foraging opportunities available for birds.

- 6.55 The habitats within the application site are considered generally sub- optimal for reptiles, comprising regularly managed improved / poor semi-improved grassland, ruderal vegetation and scrub. Habitat works will be undertaken during appropriate weather conditions to remove suitable vegetation and ensure that reptiles are not present within the application site.
- 6.56 Before the removal of suitable dormouse habitat including scrub, hedgerow and woodland takes place a Natural England licence will be obtained and suitable mitigation strategy implemented.
- 6.57 The Ecologist has no objections to these proposals and recommends that the actions detailed in the report are secured by a suitable condition.

CONCLUSIONS:-

- 7.1 The overall arrangements of the proposed access roads, drainage features and the acoustic bund and fence are considered to be in substantial accordance with the Masterplan as required by Condition 1 on the outline planning application.
- 7.2 The layout of these features does not prejudice the future design and comprehensive development of the wider land parcels within Phase 3. The applicants have that demonstrated the drainage approach is acceptable, that the ecological impacts have been fully considered and suitably mitigated; and that suitable noise mitigation measures are proposed in respect of the bund and fence.
- 7.3 This application as submitted was initially described as being pursuant to the original outline permission CR/1998/0039/OUT. However, the proposed scheme and its layout comply with the new Master Plan and Design Statement that has subsequently been approved under CR/2015/0552/NCC and the application has been assessed and developed on this basis.
- 7.4 Following the approval of CR/29015/0552/NCC, the description of this application has been revised to refer to the new outline permission and further publicity and consultation has been undertaken. At the time of writing this report, the consultation period is still open, with the final date for receipt of comments being 15th December 2016.

RECOMMENDATION RE: CR/2016/0781/ARM

- 8.1 The recommended is to **APPROVE** this Reserved Matters application, subject to the expiry of the consultation period as set out above, referral to the Secretary of State for Transport if the matter of the drainage condition and the M23 is not resolved and subject to the imposition of conditions, including but not limited to:
 - 1. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
 - 2. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence erected in accordance with the Arboricultural Impact Assessment (November 2016) and as shown on the Tree Protection Plan drawing number 7827/Phase 3/02 Rev B.

Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon

without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.

REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2030.

3. No removal of hedgerows or trees shall be carried out on site between 1st of March and the 31st July inclusive in any year, unless proved to be clear of breeding birds by a suitably qualified ecologist and approved in writing by the Local Planning Authority.
REASON: To protect breeding birds in accordance with the Wildlife and Countryside Act 1981
4. The development hereby permitted shall be undertaken in accordance with the recommendations set out in the Ecological Assessment report (September 2016).
REASON: To ensure that the ecology of the site is protected and enhanced in accordance with policy ENV2 of the Crawley Borough Local Plan 2015-2030 and Para 118 of the NPPF 2012.
5. The development hereby approved shall be carried out in accordance with the overarching drainage principles set out in the documents required to be submitted under condition 16 of the outline approval CR/2015/0552/NCC and the Phase 3 - Sustainable Surface Water Drainage Strategy Report – ref P804-FN01 Rev C September 2016(updated November 2016) or as otherwise agreed in writing by the Local Planning Authority.
REASON: to ensure that the proposed development is satisfactorily drained in accordance with Policy ENV8 of the Crawley Borough Local Plan 2030.
6. The existing access to Heathy Farm PH shall be stopped up permanently and obliterated in accordance with details to be submitted and approved by the Local Planning Authority.
REASON: In the interests of road safety in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
7. The temporary construction access from the site to the public highway shall be designed, laid out and constructed with kerb radii/ visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced. REASON: In the interests of road safety and to accord with approved Policy CH3 of the Crawley Borough Local Plan 2015-2030.
8. All landscaping works shall be carried out in accordance with the approved drawings and details. No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of visual amenity and because the scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Gatwick Airport through the attraction of birds.
9. All planting, seeding or turfing comprised in the approved details of landscaping within the application site shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
10. No development, including site works of any description shall take place on the site unless and until full details of the materials and specification for the acoustic fencing and details of future maintenance and management arrangements have been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and retained thereafter and no dwelling shall be occupied until the bunding and acoustic fencing has been provided in accordance with the details so approved.

REASON: To safeguard the appearance of the development and the amenities of the occupiers of the proposed dwellings and to ensure a satisfactory visual appearance area and to ensure the operational requirements of the development in accordance with Policies GD2 and CH3 of the Crawley Borough Local Plan 2015 -2030.

11. No works to develop the noise barrier (comprising fence & bund) shall commence until a Key Stage 2 Preliminary Assessment including Preliminary Certification which is undertaken in line with the requirements of the Design Manual for Roads and Bridges volume 4, section 1, part 2 HD22/08, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England).
REASON: To ensure that the bund is designed and constructed in a way which protects the integrity of the M23 motorway and its drainage, to ensure that the M23 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
12. No works to develop the noise barrier (comprising fence & bund) shall commence until Key Stage 3 Geotechnical Design and Construction Certification which is undertaken in line with the requirements of the Design Manual for Roads and Bridges volume 4, section 1, part 2 HD22/08, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England).
REASON: To ensure that the bund is designed and constructed in a way which protects the integrity of the M23 motorway and its drainage, to ensure that the M23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
13. The noise barrier (comprising fence & bund) shall be constructed in accordance with the Geotechnical Design Report approved within the Key Stage 3, unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England). Once constructed the bund shall, thereafter, be maintained in good order in perpetuity.
REASON: To ensure that the bund is designed and constructed in a way which protects the integrity of the M23 motorway and its drainage, to ensure that the M23 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
14. No works to the noise barrier (comprising fence & bund) shall commence on site until a Construction Management Plan, to include details of numbers and routeing of construction vehicles and provision to control and manage construction traffic and measures to prevent dust and debris from being blown or otherwise deposited onto the M23 motorway, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).
REASON: To ensure that construction of the noise barrier does not result in avoidable congestion on the M23 motorway, to prevent extraneous material being deposited on the highway, to ensure that the M23 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
15. No works to the noise attenuation fencing shall commence until a design in accordance with the guidance in Design Manual for Roads and Bridges volume 10, section 5, part 1 HA 65/94 and Design Manual for Roads and Bridges volume 10, section 5, part 2 HA 66/95 has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the attenuation fencing shall be carried out in accordance with the approved design.
REASON: To ensure that the fencing is designed and constructed in a way which protects the integrity of the M23 motorway, to ensure that the M23 motorway continues to be an effective part of

the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

16. No part of the development hereby permitted shall be provided with access (either temporary or permanently) from or to the M23 motorway.
REASON: To ensure that the M23 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Together with any further conditions and informatives required as a result of consultation responses.

INFORMATIVES

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirements of the British Standard Code of Practice of the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4 'Cranes and Other Construction Issues' available at www.aoa.org.uk/policy-campaigns/operations-safety/
2. The applicant is advised that the management and maintenance of the drainage proposals for this site and Forge Wood as a whole must be included in an application to discharge condition 16 of the outline planning permission.
3. The applicant should ensure they check with Thames Water, and CBC, as to whether the receiving sewers/watercourse have sufficient capacity, as the proposal should not result in an increase in flood risk at the site, or elsewhere.
4. The prior permission from the Lead Local Flood Authority for any works within the channel of an ordinary watercourse may be required, and the applicant should contact West Sussex County Council for further guidance.
5. The applicant may be required to apply for other consents directly from the Environment Agency. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and the EA has a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult the website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>
6. The applicant is advised that full details of the design and landscaping of the wider areas around the proposed pumping stations must be included in the Reserved Matters applications for the residential parcels to demonstrate how these installations will be assimilated sympathetically into the vicinity of the site, and having due regard to the setting of Heathy Farm PH, a grade II Listed Building.

NPPF Statement

1. In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:
 - Providing advice in a timely and manner through pre-application discussions/correspondence.
 - Liaising with consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary during the course of the determination of the application.
 - Seeking amended plans/additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.



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West Sussex RH10 1UZ

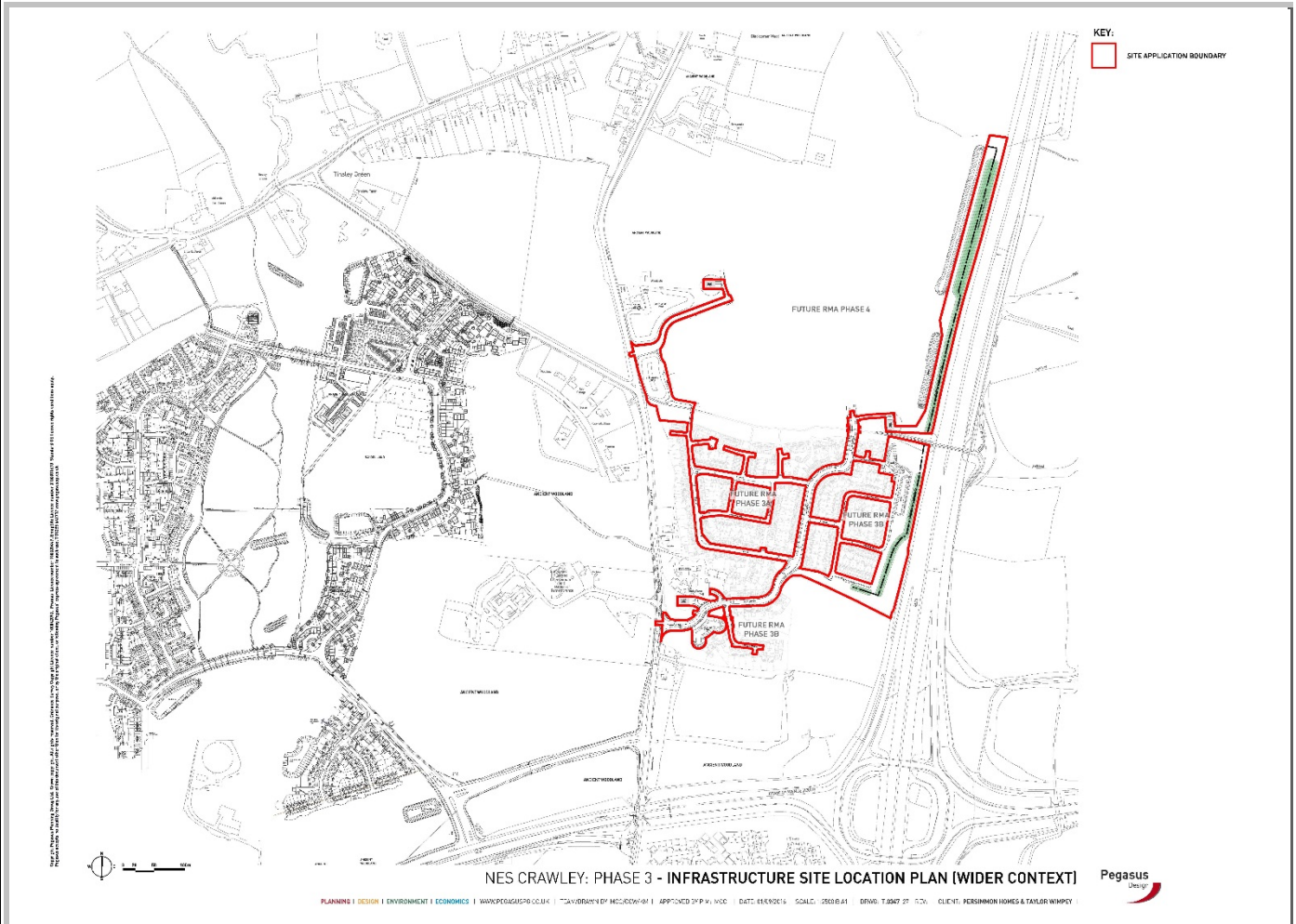
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CR/2016/0781/ARM

Date 16 November 2016

Approx. Scale 1:1,250

**PHASE 3 AND PART PHASE 4, FORGE WOOD (NES),
CRAWLEY**



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REFERENCE NO: CR/2016/0840/FUL

LOCATION: [20 MILTON ROAD, POUND HILL, CRAWLEY](#)

PROPOSAL: RETROSPECTIVE PERMISSION FOR SINGLE STOREY REAR EXTENSION.

TARGET DECISION DATE: 25 November 2016

CASE OFFICER: Mr M. Edwards

APPLICANTS NAME: Mr Aryan Mehta

AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

4996-001 Site Location Plan & Existing Floor Plan and Elevations, 4996-002 Block Plan & Proposed Floor Plan and Elevations

CONSULTEE NOTIFICATIONS & RESPONSES:-

Not required.

NEIGHBOUR NOTIFICATIONS:-

17, 18, 19, 21, and 22 Milton Road, Pound Hill.

RESPONSES RECEIVED:-

One objection letter was received raising concerns that the extension does not match the existing house as it is rendered, rather than finished in brick. The plans are misleading as the extension projects beyond the garage wall. Objector is unhappy with the extension and queries the colour that the render will be painted.

REASON FOR REPORTING TO COMMITTEE:-

Applicant is a close family relative of a Councillor.

THE APPLICATION SITE:-

- 1.1 The application site is situated on the south side of Milton Road, and comprises a two storey detached dwelling with detached garage to the side/rear. The neighbouring properties are similar in terms of plot size and design. The area is residential in character featuring a mix of detached and semi-detached properties. Immediately to the south of the rear boundary is Worth Park Avenue, which is partially screened by vegetation.

THE PROPOSED DEVELOPMENT:-

- 2.1 This application is for retrospective planning permission as the external construction of the rear extension is at an advanced stage. The development comprises a single storey rear extension. The dimensions are 9m wide x 4m depth x 2.5m high (to the eaves) with a maximum roof height of 2.9m. The roof extension has overhanging eaves projecting to the rear with a depth of between 0.4m – 0.5m. The external materials are rendered blockwork to the walls to be painted light grey (Plymouth Grey) with a felt roof. The windows, fascia and soffit are all white UPVC.

PLANNING HISTORY:-

3.1 None

PLANNING POLICY:-

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise. The current Development plan is the Crawley Borough Local Plan 2015-2030 which was adopted in December 2015 and is compliant with the NPPF.

National Planning Policy Framework (2012):

4.2 The NPPF has a golden thread running through it which seeks to ensure a presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development and the planning system performs an economic, social and environmental role. These roles are mutually dependent. The Framework requires applications to be determined in accordance with the development plan.

4.3 Paragraph 17 (Core planning principles). Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Section 7: Requiring Good Design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.5 Paragraph 61 states that “although the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.

Crawley Borough Local Plan 2015-2030:

4.6 Policy SD1 (Presumption in favour of Sustainable Development). In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.

4.7 Policy CH2 (Principles of Good Urban Design) states that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.

4.8 Policy CH3 (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.

Urban Design Supplementary Planning Document (SPD)

4.9 The relevant sections for householder extensions state that an extension with good design in mind will relate appropriately to the parent dwelling’s character and style, dimensions, materials and

finishes and the character of the neighbourhood. Development should incorporate materials and colours that match the existing dwelling or, where appropriate, contrast with it, and planning conditions can be used to control these. When considering the extension it is important to think about the impact the development may have on neighbours and the wider area.

- 4.10 A house extension with a roof pitch that is different to the existing one can look out of place, while an extension with a matching roof pitch will likely be more suitable. The roof form above an extension will contribute to the appearance of the extension and the dwelling as a whole. A roof design that sits in harmony with the existing roof will usually be more acceptable. Roof extensions should not dominate by being too large and flat roofs are generally discouraged unless they are in harmony with the existing dwelling. Any development should reflect the existing dwelling by ensuring that new window apertures are of a matching size and situated in line with existing ones.
- 4.11 Rear extensions can cause overshadowing or a dominating impact on neighbours, which can be avoided by keeping extensions relatively small. The 45° guide test will be used to assess impact upon neighbours. A distance of 21 metres will be required between extension windows and those in opposing properties and a 10.5 metre depth should be retained in the rear garden.

PLANNING CONSIDERATIONS:-

- 5.1 The main planning considerations are;
- The impact of the extension on the visual amenities and character of the wider area
 - The impact on the amenities of neighbouring occupiers.

Impact on visual amenity and character

- 5.2 The single storey extension is located at the rear of the property. It has very limited visibility from the street, as it is screened by the main house and existing side gates. The rear boundary of the property is partially screened by evergreen vegetation. Therefore it is considered that the extension has no significant impact on the visual amenity and character of the surrounding residential area.

Impact on the amenity of neighbouring occupiers

- 5.3 The extension can be seen from the rear elevations and gardens of neighbouring properties, particularly Nos. 18 and 22. The occupier of No. 18 has raised concerns about the visual appearance of the extension. The timber fence between Nos. 18 and 20 is only 1.3 metres high, topped by a trellis. No. 18 is also at a slightly lower level than No. 20. The extension is therefore clearly visible from windows to the rear of No. 18 and from its rear garden. However, it is approximately 1.3 metres from the side boundary and there is a similar gap between the house at No. 18 and the side boundary. The rear walls of the two houses are also angled slightly away from each other. The extension would not cut into the 45° line taken from the nearest rear window at No. 18. Whilst the extension would be visible from No. 18, it would not cause overshadowing, loss of privacy or have a significant overbearing impact.
- 5.4 No. 22 is just over five metres from No. 20, separated by the driveways to the two houses. Although there is a window in the side elevation of the extension, it looks onto the boundary fence between the two houses.
- 5.5 There are sizable rear extensions existing to the rear of other houses in this part of Milton Road. The proposal is not considered to have a significant impact upon neighbouring houses and is acceptable in residential amenity terms.
- 5.6 A key issue is the paint finish to be applied to the render. The application is retrospective, but the render has yet to be painted. The applicant proposes to use a Plymouth Grey colour. It would be difficult to match the colour of the existing brickwork and, in any case, it is considered that painting it to match bricks that have natural variation in their colouring would be inappropriate. A contrasting

colour is therefore considered appropriate. Plymouth Grey is a light grey colour and is considered by officers to be acceptable. A condition to secure use of that colour is recommended.

CONCLUSIONS:-

- 6.1 Whilst the extension is of a significant size, it would have very limited visibility from public viewpoints. Subject to control over paint colour, the extension is considered acceptable and approval is recommended.

RECOMMENDATION RE: CR/2016/0840/FUL

PERMIT - Subject to the following condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No windows (other than those shown on the plans hereby approved) shall be constructed in the north east or south west elevations of the extension hereby permitted which adjoins the side boundaries with Nos. 18 and 22 Milton Road without the prior permission of the Local Planning Authority on an application in that behalf.
REASON: To protect the amenities and privacy of the adjoining property in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 no part of the roof of the extension hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
REASON: To safeguard the amenities of the occupiers of adjoining property and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The external rendered walls of the extension hereby approved shall be painted Plymouth Grey before the extension is brought into use and maintained in a similar colour thereafter unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of amenity to achieve a reasonable visual quality in the extension in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

NPPF Statement

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.



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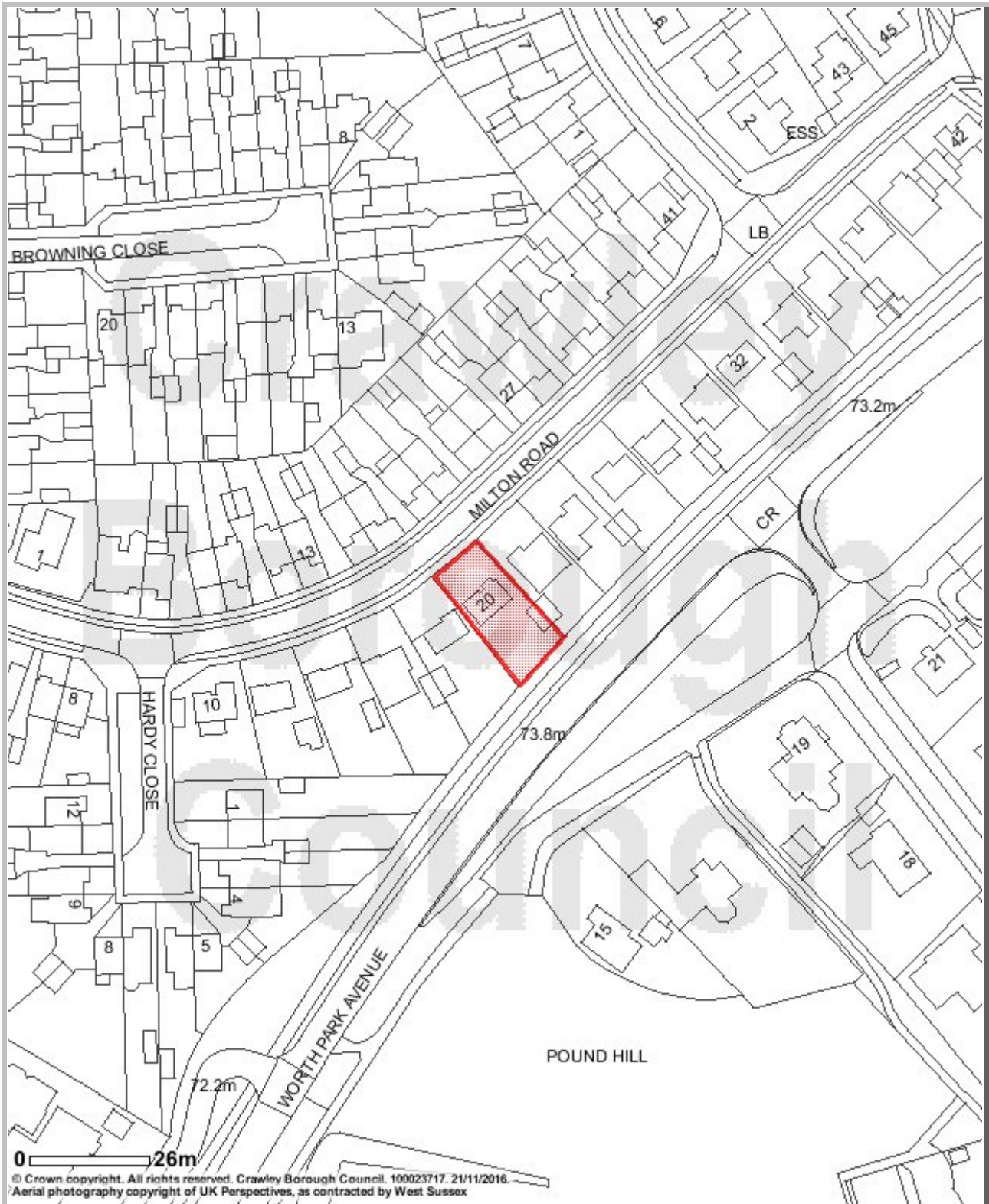
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Date 16 November 2016

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20 MILTON ROAD, POUND HILL, CRAWLEY



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Crawley Borough Council



Report to Planning Committee 5th December 2016

The Crawley Borough Tinsley Lane South Tree Preservation Order No. 16/2016 and Tinsley Lane North Tree Preservation Order No. 17/2016

Report of the Head of Economic and Environmental Services – PES / 227

1. Purpose

- 1.1 This report presents the one objection raised to the making of each of the 'Crawley Borough Tinsley Lane South Tree Preservation Order No. 16/2016' and 'Crawley Borough Tinsley Lane North Tree Preservation Order No. 17/2016'. The Committee is requested to consider the objection and determine whether to confirm the Tree Preservation Orders with or without modification for continued protection or, not to confirm the Tree Preservation Order.

2. Recommendations

- 2.1 It is recommended that the Committee **CONFIRM** the 'Crawley Borough Tinsley Lane South Tree Preservation Order No. 16/2016' without modification.
- 2.2 It is recommended that the Committee **CONFIRM** the 'Crawley Borough Tinsley Lane North Tree Preservation Order No. 17/2016' without modification.

3. Reasons for the Recommendation

- 3.1 Consideration has been given to the objection received during the public consultation period however, having regard to the considerable amenity value of the trees in their surroundings, they are considered worthy of protection for the reasons outlined in this report.

4. Background

- 4.1 The trees in respect of which both of these Orders were made are various single, groups and areas of trees located in the upper and lower playing fields of Oakwood Football Club off Tinsley Lane. A copy of both TPO plans showing the locations of the trees is attached to this report.
- 4.2 Both Orders were made in response to the intended development of the site by the Homes and Communities Agency (HCA). The site is allocated for housing and open-space under policy H2 of the Crawley Borough Local Plan 2015-2030. A development brief for the site has been prepared and was consulted upon in July / August 2016. The final brief is still to be issued following on from the consultation comments with final publication expected in the next few months.
- 4.3 The trees are a mix of species, age, class and quality and are all in generally good condition.
- 4.5 The provisional Tree Preservation Orders were made on 6th July 2016 (Tinsley Lane South) and 7th July (Tinsley Lane North) and each remains provisionally in force for a period of six months (until 6th January 2017 and 7th January 2017 respectively). If the Orders are confirmed, the protection becomes permanent, if the Orders are not confirmed they cease to have effect and the trees on the site cease to have any protection from removal or works.

5. Notification/ Consultation/Representation

- 5.1 Following the making of the Order, the Council is required to notify persons interested in the land affected by it and send a copy of the Order and notice with prescribed information. The Council therefore notified the owner(s)/occupiers(s) of the land and other interested parties that the provisional Tree Preservation Orders had been made as they related to each Order. The following addresses/bodies were notified:

For Order number 16/2016

5 Summersvere Close
6 Summersvere Close
7 Summersvere Close
8 Summersvere Close
9 Summersvere Close
Oakwood Sports And Social
Thomson Sports Club
10 Summersvere Close
Homes and Communities Agency

For Order number 17/2016

Oakwood Sports and Social
Homes and Communities Agency

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the notice of the Order. The notification period for representations/objections ended on 10th August 2016 (Tinsley Lane South) and 11th August (Tinsley Lane North).
- 5.3 An objection in respect of both Orders was received from the agent acting on behalf of the HCA who are the landowners. This was received on the 26th October following a meeting between the agent and planning officers (including the arboricultural officer) to discuss the emerging site layout on the 27th September 2016.

The objection is for the following reasons:

Amenity of the Trees

The letter states

- *“Areas 2, 3 and 4 [of Tinsley Lane South] are most restrictive in terms of the development and yet the Tree Officer noted that Area 2 and Area 3 did not have amenity value and would not be adverse to their removal, particularly when landscaping proposals show compensatory planting;*
- *Areas 2 and 3 [of Tinsley Lane South] do not have significant arboricultural value, and an assessment against the Hedgerow Regulations, by in-house suitably qualified ecologists, does not merit them as being ‘important’;*
- *Where access is required through area 4 [of Tinsley Lane South], from Birch Lea, the trees affected have been badly pruned by a utility company. This should be considered when reclassifying trees in this area and their exclusion from the TPO recommended;*
- *The Tree Officer confirmed in the meeting that the two trees within G1 [of Tinsley Lane North] do not have amenity value. Therefore, placing a TPO on these trees is not justified;*
- *Considerable new planting is proposed on the southern boundary and indeed throughout the site [North and South sites] which would more than offset the tree losses and increase the amenity value of the site significantly. Summersvere Woodland will also be retained, protected and enhanced as a result of the proposals, ensuring a significant landscape and recreational feature on-site.”*

The letter also objects on the following other matters:

- The use of 'Area' categories within an Order [Tinsley Lane South] as practice guidance states this is intended for short term protection in an emergency and as a temporary measure so the LPA can fully assess and reclassify the trees in an area. There is no evidence to suggest the TPOs were made in an emergency. The use of Area TPO's is not expedient or necessary.
- The HCA state that it has engaged with the Planning Authority at all stages through the Development Brief production stage and has sought to be open and honest about development intentions. An arboricultural survey was prepared at an early stage and draft masterplan options have been sought to retain as many A-class and B-class trees as feasibly possible alongside plans to protect and improve Summersvere Wood.

6. Amenity Value/Assessment and Consideration of the Representations

Amenity of the Tree

- 6.1 The site is allocated for housing and open space. In making the TPO's the aim was to identify the important trees on site which are of value to the wider amenity of the area to inform the Development Brief and to give the Planning Authority a little more control over what is removed and a means by which replacement planting can be ensured where necessary. The TPOs are not intended to impede or inhibit future development in any way, but to identify those trees which have amenity individually and collectively in order to assist in the evolution of a suitable site layout which can accommodate the trees on site and maintain some of its natural features of benefit to the wider environment and ecology. Where protected trees require removal, these will need to be justified as part of any planning application, the Orders do not preclude future removals if a suitable layout is granted via a subsequent planning permission..
- 6.2 Some of the trees or groups of trees are of lower arboricultural or amenity merit when viewed in isolation, however it is the cohesive strength of the groups and of the wider tree cover of the site as a whole that should also be taken into account while considering trees for protection as well as the power that a TPO bestows to require replacements which can be of higher quality than the original trees and which will therefore enrich and enhance the site.

Other

- 6.3 Many of the groups of trees within the Tinsley Lane South site were large and included standard trees as well as understorey species which were considered equally important to the group's cohesive strength, it was not practical and in some cases impossible to count the number of each species accurately in order to give a group designation, however a woodland designation would not have been justified either, in these cases the designation of 'Area' was the most appropriate option at the time, especially given the fact that the HCA are keen to progress things swiftly.
- 6.4 It is anticipated that the site will be resurveyed at the earliest opportunity in order to re-classify the area designations as individual trees or groups of trees. The arboricultural officer was only made aware of the existence of a more detailed tree survey after the order had been served at the meeting in September. The purpose of the Order was to inform the design process as to the arboricultural constraints at the earliest stage, and to provide a level of protection for those specimens from site clearance or removal, this has been achieved and the form that that Order takes is appropriate given the reasons set out above.

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 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 use of property in accordance with the general interest. The recommended continued protection of the tree is considered to be in the general interest of the community and is considered to be both proportionate and justified.

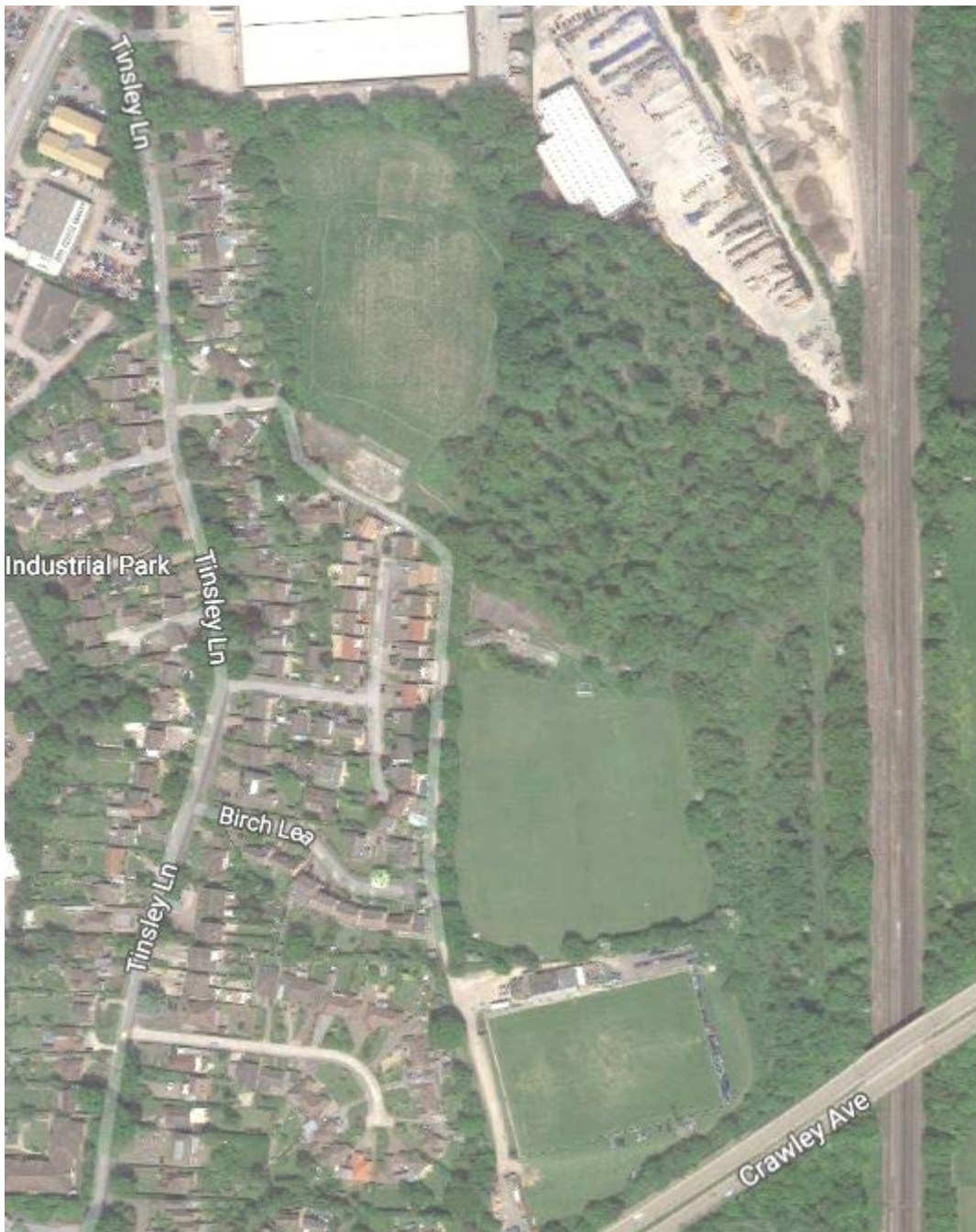
Planning legislation

7.3 The 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 Tinsley Lane South Tree Preservation Order No. 16/2016 and Crawley Borough Tinsley Lane North Tree Preservation Order No. 17/2016.

Aerial photo of site.



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**SCHEDULE
SPECIFICATION OF TREES**

**Tinsley Lane North
Tree Preservation Order No 17/2016**

**Trees Specified Individually
(encircled in black on the map)**

Reference on Map	Description	Situation
T1	English Oak	Grid Ref: TQ-28459-38737
T2	Silver Birch	Grid Ref: TQ-28455-38723
T3	English Oak	Grid Ref: TQ-28458-38714

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

Reference on Map	Description	Situation
G1	Silver Birch, Common Laburnum, English Oak	Grid Ref: TQ-28464-38611

**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
NONE		



Tree Preservation Order No 17/2016
Tinsley Lane North

Clem Smith
Head of Economic and Environmental Services

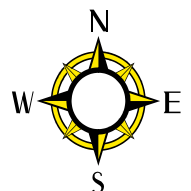
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Date 22/11/2016



**SCHEDULE
SPECIFICATION OF TREES**

**Tinsley Lane South
Tree Preservation Order No 16/2016**

**Trees Specified Individually
(encircled in black on the map)**

Reference on Map	Description	Situation
T1	English Oak	Grid Ref: TQ-28655-38221
T2	Silver Birch	Grid Ref: TQ-28640-38209
T3	English Oak	Grid Ref: TQ-28632-38203
T4	English Oak	Grid Ref: TQ-28609-38191
T5	English Oak	Grid Ref: TQ-28571-38241
T6	English Oak	Grid Ref: TQ-28555-38289
T7	English Oak	Grid Ref: TQ-28584-38324
T8	Silver Birch	Grid Ref: TQ-28598-38326
T9	English Oak	Grid Ref: TQ-28618-38329
T10	English Oak	Grid Ref: TQ-28689-38397
T11	English Oak	Grid Ref: TQ-28590-38516
T12	English Oak	Grid Ref: TQ-28577-38523
T13	English Oak	Grid Ref: TQ-28571-38529
T14	Common Ash	Grid Ref: TQ-28564-38534

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

Reference on Map	Description	Situation
G1	Field Maple (8), Silver Birch (3), Hazel (2), Hawthorn (3)	Grid Ref: TQ-28575-38221
G2	Lawson Cypress (21)	Grid Ref: TQ-28564-38267
G3	English Oak (4), Goat Willow	Grid Ref: TQ-28649-38469

**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-28670-38235
A2	The numerous trees of whatever species standing within the area bounded by the dotted black line.	Grid Ref: TQ-28572-38325

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

Reference on Map	Description	Situation
A3	The numerous trees of whatever species standing within the area bounded by the dotted black line.	Grid Ref: TQ-28668-38338
A4	The numerous trees of whatever species standing within the area bounded by the dotted black line.	Grid Ref: TQ-28553-38419



Tree Preservation Order No 16/2016
Tinsley Lane South

Clem Smith
Head of Economic and Environmental Services

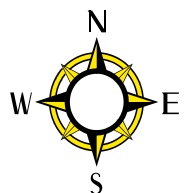


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Date 22/11/2016

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Crawley Borough Council



Report to Planning Committee 5th December 2016

The Crawley Borough 114-118 Three Bridges Road Tree Preservation Order No. 21/2016

Report of the Head of Economic and Environmental Services – PES / 228

1. Purpose

- 1.1 This report presents the single objection raised to the making of the 'Crawley Borough 114-118 Three Bridges Road Tree Preservation Order No. 21/2016' and in particular the inclusion of the oak tree within the order. The Committee is requested to consider the objection 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 'Crawley Borough 114-118 Three Bridges Road Tree Preservation Order No. 21/2016' without modification.

3. Reasons for the Recommendation

- 3.1 Consideration has been given to the comments received during the public consultation period however, having regard to the considerable amenity value of the tree in its surroundings, it is considered worthy of protection for the reasons outlined in this report.

4. Background

- 4.1 The trees in respect of which this order was made are a single English Oak (*Quercus robur*) (T1) located in the front garden/driveway of 114 Three Bridges Road (adjacent to Three Bridges Road and the footpath that runs alongside Rowan Close), a Lime tree (T2) and Birch tree (T3) on the boundary between 116 and 118 and a group of trees (G1) in the north east corner of 118. The objection that has been raised relates to the Oak tree (T1) only. A copy of the TPO plan showing the location of the trees is attached to this report.
- 4.2 This Order was made in response to an alert from a member of public that an adjacent Lime tree in the front garden of 116 had been felled. This tree, along with the Oak and others had previously been identified for a preservation order which was started but not progressed. The group of trees clearly was then, and still is considered to be of high amenity value and worthy of protection, it was therefore considered expedient to serve a TPO so as to ensure that the remaining trees in the group are preserved.
- 4.3 The Oak tree in the front garden of 114, the subject of the objection, is in good physiological condition with a full, healthy, roughly symmetrical crown. At the time of the site visit on 29th September 2016 there were no signs of significant structural defects in the crown or fungal infection. The tree has had some relatively minor pruning work in the past, mainly those branches overhanging the road and those extending towards the house.
- 4.5 The provisional Tree Preservation Order was made on 4th October 2016 and remains provisionally in force for a period of six months (until 4th April 2017). If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

- 4.6 An application for works to a protected tree (the oak tree) was submitted by the owners of 114 on 13th October 2016 ref. CR/2016/0882/TPO, as an interim measure while the objection is considered. The level of works were considered acceptable and justified and consent was therefore granted on 31st October 2016. These works have now been carried out as can be seen in the attached photograph.

5. Notification/ Consultation/Representation

- 5.1 Following the making of the Order, the Council is required to notify persons interested in the land affected by it a copy of the Order and notice with prescribed information. The Council therefore notified the owner(s)/occupiers(s) of the land and other interested parties that a provisional Tree Preservation Order had been made. The following addresses/bodies were notified:

114 Three Bridges Road
116 Three Bridges Road
118 Three Bridges Road
West Sussex County Council
Crawley Borough Council

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the notice of the Order. The notification period for objections ended on 8th November 2016.
- 5.3 An objection has been received from 114 Three Bridges Road objecting to the Tree Preservation Order as it relates to the Oak tree.

The following objection reasons have been submitted for consideration:

Amenity of the Tree

- Several houses along Three Bridges Road, including the one next door, have removed trees that are larger and more aesthetically pleasing and this has not affected the look of the road;
- As the tree located at 116 Three Bridges Road has been removed the most appropriate aesthetic action would be to remove tree T1 as per the plan in order to keep a clean and balanced look from both sides of the road and from Mitchells Road.

Neighbour Amenity and Safety Issues

- The tree is dangerous to both telephone cables and the road as it frequently drops significantly sized deadwood;
- The house and cars parked on the drive are constantly at risk of damage due to falling deadwood and damage due to sap;
- The tree in question blocks significant light to the property of 114 Three Bridges Road from 3pm in the afternoon.

Other

- this [TPO is] punitive and vindictive to others in the road following the actions of others, including specifically 116 Three Bridges Road, removing trees and is an act of unfair vendetta to those households remaining;
- [The objector says they] phoned the council twice to confirm whether tree T1 had a TPO on it already and was informed that it did.

6. Amenity Value/Assessment and Consideration of the Representations

Amenity of the Tree

- 6.1 The removal of the large adjacent Lime tree has left a considerable hole in the tree cover, it is therefore imperative that the remaining trees in this group are retained so that the green amenity be preserved as much as possible. It was the removal of the Lime tree that prompted the serving of the TPO as it was unknown whether any other trees within the group were to be removed also, this was a precaution that was considered wholly justified given the high amenity of this group especially when viewed from Mitchells Road.

6.2 The removal of T1 (oak) would not result in a more balanced look to the street scene, it is considered that this would only result would be a further erosion of the green amenity that is such an intrinsic part of the character of Three Bridges Road. Three Bridges Road is known for its large and mature trees lining the road and this feature must be preserved.

Neighbour Amenity and Safety Issues

6.3 All trees generate deadwood, this is a normal part of a healthy trees physiological processes and will never be considered justification for removing a tree with such strong amenity. Routine pruning and maintenance is an inevitable part of owning a tree and should not be considered unreasonable. T1 contained some deadwood (though not significant) and required a little containment pruning as some of the branches are encroaching onto the house and overhanging the highway these works have already been applied for and carried out under application reference: CR/2016/0882/TPO which was consented on 31st October 2016.

6.4 As stated above, deadwood is normal and to be expected in mature trees and its removal should be accepted as part of routine tree maintenance. The risks posed by deadwood within the crown is justification for removing the deadwood, not for removing the entire tree, deadwood removal is a relatively quick operation for a suitably qualified arborist and in the case of protected trees does not require consent.

6.5 'Sap' dripping from the leaves in summer also known as 'honey dew', caused by the excretion of aphids, is considered a seasonal nuisance only and another normal and natural part of a tree being a tree. This honey dew causes no damage to cars or any other surfaces and can easily be washed off with soap and water even when dry and will never be considered as justification for felling a tree of significant amenity importance.

6.6 Shading is another inevitable part of living in proximity to trees which can be mitigated through pruning and thinning operations and unless excessive, which is not the case here, will very rarely be considered justification for removing significant trees with strong visual amenity.

Other

6.6 The serving of this TPO was in no way punitive, vindictive or personal. Following the removal of the Lime tree, the remaining trees were protected due to their cohesive strength and collective contribution to the green amenity of the area. For this reason protecting all the trees in the group was considered expedient and justified as there has since been a request from the site owner to fell the oak tree.

6.7 The previous TPO, as stated in section 4.2 was made but was never served and is therefore invalid, however the details of the order were still recorded giving the impression that the order was in force, appearing the Councils mapping system, it would have appeared that the tree was indeed protected. There was not a deliberate act to mislead on the status of the trees as the discrepancy only came to light once the request and tree records were investigated in detail and it became clear that the TPO was not in fact in force. This does not change the fact that the tree was protected for its amenity value and due to the potential threat of its removal.

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 use of property in accordance with the general interest. The recommended continued protection of the tree 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 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

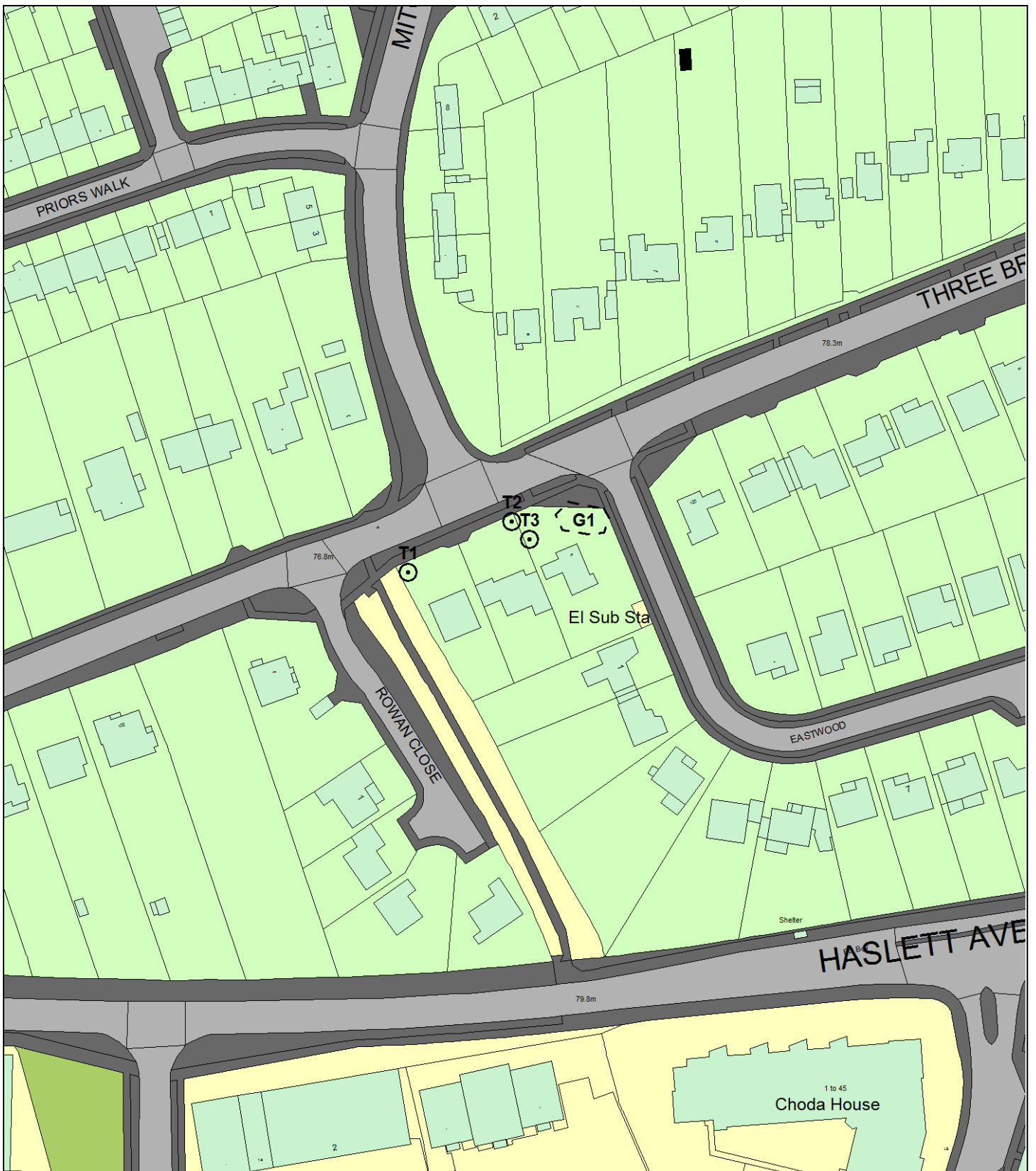
- 8.1 The Crawley Borough 114-118 Three Bridges Road Tree Preservation Order No. 21/2016

Photo of T1 – English Oak.

T1 – English Oak viewed from Three Bridges Road following works consented under CR/2016/0882/TPO.



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Tree Preservation Order No 21/2016
114-118, Three Bridges Road, Three Bridges

Clem Smith
Head of Economic and Environmental Services



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