

# Crawley Borough Council

## Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room B**, Town Hall, Crawley, on **Tuesday 3 January 2017** 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 McCrow, 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 21 December 2016

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The order of business may change at the Chair's discretion

## 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 5 December 2016 (**Enclosure A**).

### 5. Planning Applications

To consider report PES/212 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 22 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 Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016

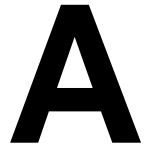
To consider report PES/229 of the Head of Economic and Environmental Services. (**Enclosure C**).

### 7. Supplemental Agenda

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

**This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services Team on 01293 438549 or email: [democraticservices@Crawley.gov.uk](mailto:democraticservices@ Crawley.gov.uk)**

# Crawley Borough Council



## Minutes of Planning Committee 5 December 2016 at 7.30pm

### Present:

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

### Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Roger Brownings	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)
Clem Smith	Head of Economic and Environmental Services
Hamish Walke	Principal Planning Officer

### Apologies for Absence:

Councillor S J Joyce and F Guidera

### 40. Lobbying Declarations

The following lobbying declaration was made:-

Councillor P C Smith had been lobbied regarding application CR/2016/0840/FUL.

### 41. Members' Disclosure of Interests

No disclosures of interests were made.

### 42. Minutes

The minutes of the meeting of the Committee held on [8 November 2016](#) were approved as a correct record and signed by the Chair.

### 43. Planning Applications List

The Committee considered report [PES/211](#) 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/211](#) of the Head of Economic and Environmental Services and in the Register of Planning Applications, the decisions be given as indicated:-

### Item 001

#### CR/2016/0722/FUL

Land at Faraday Road, Northgate, Crawley.

The Committee noted that with the agreement of the Chair, this application had been withdrawn from the report, and would be resubmitted for the Committee's consideration at its next meeting on 3 January.

### Item 002

#### CR/2016/0781/ARM

Phase 3 and Part Phase 4, Forge Wood (NES), Crawley

Approval of reserved matters for infrastructure comprising:-  
road & drainage infrastructure, pumping stations, noise barrier (comprising fence and bund along eastern boundary and associated landscaping), undergrounding of 132v power cables and other associated works pursuant to outline planning permission CR/2015/0552/NCC for new mixed neighbourhood (amended plans received and amended description)

The Principal Planning Officer provided a verbal summation of the application. It was confirmed that during the course of consideration of the application, revised plans and documents had been submitted to address concerns raised and issues identified. Additional publicity and re-consultation had since 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 was 16 December 2016 (not 14 or 15 December as stated in the report). The Committee was referred to a condition recommended by Highways England that surface water should not run off onto the M23 motorway or in to any drainage system connected to the highway. Whilst this was the case, and with the report setting out further details of this matter, it was emphasised that the recently approved outline planning application, as supported by a Flood Risk Assessment, carried forward the previously agreed principles of the site wide drainage strategy, and Highways England had raised no objections to that application. The Drainage Officer has concurred with the comments from the applicant regarding the drainage strategy and Officers considered that the suggested condition seemed unreasonable in this particular situation. In these circumstances Officers had been actively liaising with Highways England and the applicant to try and find a way forward. If the Committee was 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 meant that if the recommended condition was not imposed then the application would have to be referred to the Secretary of State for Transport before a decision was made. Amongst other issues raised, reference was made to a proposal by the applicant to add landscaping as well as fencing around the associated pumping stations to assist their sympathetic integration into the general neighbourhood scene. In response to comments received regarding the planned cycle route, it was proposed that this would pass through the landscaped area to the front of the site before connecting to the Balcombe Road via a toucan (pedestrian and cycle) crossing. The pumping station

landscaping and the cycle route were outside the current application site though and would be resolved through subsequent detailed applications.

The Committee was advised of an updated list of plans, a revised condition and an additional condition, all as below (in italics):-

***Revised Plans List***

- *T 0347 27 Infrastructure Site Location Plan (Wider Context)*
- *T 0347 06 Rev J Infrastructure Site Location Plan*
- *T 0347 21 Rev A Phase 3 132KV Overhead/Underground Power Cables Plan*
- *T 0347 28 Rev A Phase 3 Roadway Programme*
- *T 0347 31 Indicative Infrastructure Layout Plan*
- *T 255/20 Rev H Phase 3 Drainage Plan*
  
- *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*
- *P804/05 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*
- *P804/08 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*
- *P804/10 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*
- *P804/20 Cellular Storage Tank Details*
- *P804/21 Rev A Construction Details*
- *P804/22 Rev A Foul Water Pump Station Compound*
- *P804/24 Rev B Lighting Lux Plan,*
- *P804/27 Existing Levels Plan*
- *P804/28 Temporary Construction Access*
- *P804/43 Emergency Access,*
- *P804 44 Phase 3 Vehicle Swept Path*
  
- *7827/Phase 3/02 Rev B Tree Protection Plan*
  
- *CSA/667/226 Rev E Hard & Soft Spine Road Strategy - Sheet 1 of 3*
- *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*
- *CSA/667/229 Rev B Detailed Planting to Bund & SuDS - Sheet 1 of 4*
- *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*
- *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*
- *CSA/667/257 Rev A Acoustic Bund Sectional Elevation (without planting proposals)*
- *CSA/667/258 Rev A Acoustic Bund Sectional Elevation (with planting proposals)*
- *CSA/667/259 Rev A Acoustic Bund Sectional Elevation Detailed Area (Zone B)*

**Revised condition 10**

*No works to develop the noise barrier (comprising fence and bund) shall commence unless and until full details of the materials and specification for the acoustic fencing and details of the future maintenance and management arrangements for the fence and bund 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.*

**Additional condition 17**

*The emergency access hereby permitted shall be executed in full with the submitted Arboricultural Impact Assessment ( ref JTK/7827/Phase 3 rev C/so) dated November 2016, and drawing numbers P804/43 Emergency Access; and 7827/Phase 3/02 Rev B Tree Protection Plan; which includes the erection of and maintenance of protective fencing, construction details within the root protection area involving the use of 'no dig' construction techniques and utilising a cellular confinement system and use of a gravel finish surface course.*

*REASON: To ensure the successful and satisfactory retention of important trees on the site in accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030.*

The Agent, Ms Laura Humphries, addressed the Committee in support of the application.

The Committee then considered the application. A Member asked how an objection raised by this Authority's Refuse and Recycling Team relating to communal collection points for individual houses, had been addressed. In response, the Committee was advised that this would be considered in detail through later detailed housing applications, rather than through this infrastructure application. However, the current application included plans demonstrating that refuse and recycling vehicles would be able to access all neighbourhood roads proposed.

**Approved**, 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, the updated list of plans above, and subject to the imposition of conditions, including the updated conditions above, and, but not limited, to the conditions listed in report [PES/211](#)

**Item 003**

**CR/2016/0840/FUL**

20 Milton Road, Pound Hill, Crawley

Retrospective Permission for single storey rear extension.

The Principal Planning Officer provided a verbal summation of the application. He indicated that the construction was at an advanced stage, with the main issues for

consideration being the proposed rendered finish, the colour that the rendered finish would be painted and the impact of the extension on the visual amenities and character of the wider area and the amenities of neighbouring occupiers.

Mrs Rita Richardson, of 18 Milton Road, addressed the Committee in objection to the application.

The Committee listened carefully to the matters raised in objection. One such matter related to Mrs Richardson's concern regarding potential flooding in her property's rear garden as a result of hard surfacing put into the rear garden of no 20. Mrs Richardson had referred to the fact that her garden was lower than that of no. 20 Milton Road, and it was not apparent that extra drainage had been included to make up for the natural drainage afforded by the former lawns. In response to a Member's comments on this matter, and on that relating to the alignment of the extension's rear wall with that property's garage, the Principal Planning Officer confirmed that: (i) the hard surfacing of the rear garden did not require a planning application (the Local Planning Authority had no control over that matter), and (ii) the rear wall of the extension extends slightly beyond the front elevation of the property's garage. It was generally felt that whilst the extension was of a significant size, it would have very limited visibility from public viewpoints, and that, subject to control over paint colour, the extension was considered acceptable.

**Permitted** subject to the conditions set out in report [PES/211](#).

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

The Committee considered report [PES/228](#) of the Head of Economic and Environmental Services which sought to determine whether to confirm the Tree Preservation Order (TPO) with or without modification for continued protection or, not to confirm the TPO.

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

Mr Steven Chalk spoke in objection to the TPO.

The Committee then considered the report. The Committee acknowledged the concerns raised in objection, including those relating to amenity value (with reference made to the previous removal of other trees along Three Bridges Road), and safety/nuisance issues. Some Members acknowledged that trees can be a nuisance, whilst others noted that the oak tree concerned was a healthy specimen, required regular maintenance as with all garden trees and considered that it added to the amenity and environmental value of the area. Whilst noting the apparent confusion around the previous status of the tree and whether it was protected, it was generally considered that the tree was, in any case, worthy of protection for its amenity value and because of the potential threat of its removal. It was further recognised that the confirmation of the Order would not preclude further application for works to the trees in terms of any maintenance required.

Having considered the issues raised in the report, including those raised through the objection, the Committee agreed to confirm the TPO without modification.

**Confirmed**



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

The Group Manager (Development Management) introduced the report [PES/227](#) which sought to determine whether to confirm these two Tree Preservation Orders (TPOs) with or without modification for continued protection or, not to confirm the TPOs.

Having considered the issues raised in the report, including those raised through an objection, the Committee agreed to confirm the two TPOs without modification.

**Confirmed.**

**46. Closure of Meeting**

The meeting ended at 8.18 pm.

I T IRVINE  
**Chair**

# CRAWLEY BOROUGH COUNCIL

PLANNING COMMITTEE - 3 January 2017

REPORT NO: PES/212

# B

<u>ITEM</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>RECOMMENDATION</u>
<a href="#">001</a>	CR/2016/0501/FUL	WINGSPAN FIELD & PART OF DONKEY FIELD, BETTS WAY, LANGLEY GREEN, CRAWLEY	PERMIT
<a href="#">002</a>	CR/2016/0502/FUL	DONKEY FIELD, BETTS WAY, LANGLEY GREEN, CRAWLEY	REFUSE
<a href="#">003</a>	CR/2016/0722/FUL	LAND AT FARADAY ROAD, NORTHGATE, CRAWLEY	PERMIT
<a href="#">004</a>	CR/2016/0795/FUL	5 DENE TYE, POUND HILL, CRAWLEY	PERMIT
<a href="#">005</a>	CR/2016/0820/FUL	FLEMING HOUSE, FLEMING WAY, NORTHGATE, CRAWLEY	PERMIT
<a href="#">006</a>	CR/2016/0838/FUL	5 PERRYFIELD ROAD, SOUTHGATE, CRAWLEY	PERMIT
<a href="#">007</a>	CR/2016/0839/FUL	13 PERRYFIELD ROAD, SOUTHGATE, CRAWLEY	PERMIT
<a href="#">008</a>	CR/2016/0857/FUL	83 - 87 THREE BRIDGES ROAD, THREE BRIDGES, CRAWLEY	PERMIT

**REFERENCE NO: CR/2016/0501/FUL**

**LOCATION:** [WINGSPAN FIELD & PART OF DONKEY FIELD, BETTS WAY, LANGLEY GREEN, CRAWLEY](#)

**PROPOSAL:** CREATION OF A CAR PARK TO PROVIDE UP TO 401 SPACES FOR USE IN CONJUNCTION WITH NOVA AND ASTRAL TOWERS

**TARGET DECISION DATE:** 27 September 2016

**CASE OFFICER:** Mr M. Edwards

**APPLICANTS NAME:** Colsilverbird C SARL care of Quidnet Capital Par

**AGENTS NAME:** DMH Stallard LLP

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**PLANS & DRAWINGS CONSIDERED:**

Location Plan

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |     |                                       |  |
|-----|---------------------------------------|--|
| 1.  | GAL - Planning Department             | No Objection subject to informative regarding possible future requirement for land south and east of the existing safeguarding line for potential construction of the second runway  |
| 2.  | GAL - Aerodrome Safeguarding          | No Objection subject to conditions with regard to landscaping and bird hazard management.  |
| 3.  | Environment Agency                    | No comments received.  |
| 4.  | WSCC – Highways                       | No Objection subject to Section 106 Legal Agreement re parking arrangements.   |
| 5.  | Thames Water                          | No comments received   |
| 6.  | Gatwick Diamond GROW Group            | Support application with the proviso that the development in no way constrains or affects the future development of a Second Runway or ancillary supporting developments at Gatwick. |
| 7.  | Police                                | No Comments  |
| 8.  | West Sussex Fire Brigade              | No Comments  |
| 9.  | CBC - Planning Arboricultural Officer | No Objection   |
| 10. | CBC - Environmental Health            | No Comments  |
| 11. | Southern Water                        | No Objection   |
| 12. | Ecology Officer - Mike Bird           | No Objection subject to conditions   |

**NEIGHBOUR NOTIFICATIONS:-**

Diaverum Facilities Crawley Kidney Treatment Centre, Betts Way; First Choice Holidays and Flight and Tui Travel Ltd, The Atrium, London Road; Groundstar Centre, London Road; Ground Floor Units 1 - 2 and Units 3 – 5, City Business Centre, Whitworth Road; First Floor Units 1 – 2, City Business Centre, Whitworth Road; Crawley Mail And Distribution, County Oak Way; Little Dell, London Road; Town Hall, The Boulevard, Northgate; 29 Holmesdale Park, Coopers Hill Road, South Nutfield; Unit 55C Basepoint Business Centre, Metcalf Way, Langley Green;

## **NEIGHBOUR NOTIFICATIONS:-**

A 21 day Press notice was published on 14<sup>th</sup> June 2016 and 21 day Site Notices were displayed at various points adjacent to the site on 27<sup>th</sup> July 2016.

## **RESPONSES RECEIVED:-**

3 letters of support were received from Gatwick Diamond Business and Manor Royal Business District on the basis that much needed office space would be provided, although the need to consider travel planning and parking provision would be important and concerns were also raised with regard to the potential impact on land which has been set aside for the expansion of Gatwick Airport should a second runway come forward.

1 letter of objection was received citing the loss of green space that would result from the car park development.

## **REASON FOR REPORTING TO COMMITTEE**

The application is linked to a major office development in that its intention is to provide land /parking facilities to bring forward the Nova office development.

## **THE APPLICATION SITE:-**

- 1.1 The application site is formed by two fields, known as the Wingspan Field and Donkey Field, which are located to the rear, (north and west), of the existing Astral Towers /Nova car park, on the western side of London Road A23.
- 1.2 The field known as Wingspan lies within the built up area, and within the Manor Royal Industrial Area, (as designated within the Crawley Borough Local Plan 2015-2030), between the existing Astral/Nova car park, the former Wingspan building (now in use as a dialysis unit) and Ocado located on Whitworth Road. The Donkey Field lies outside (north) of the built up area, and to the west of a 6 storey office building fronting London Road (A23) known as The Atrium.
- 1.3 The two fields themselves are flat and consist of rough grass and scrubland. However, there is a low grassy bank that runs north to south along the eastern boundary of the Wingspan field, which has been planted with young trees. There are number of mature trees that line the western boundary of this field, along with a 2.4m high palisade fence in the south western corner. The northern boundary adjoining the Donkey Field is also lined by a trees and the remnants of a hedgerow. The Wingspan field also contains a children's play area (previously associated with the use as a social club) close to the southern boundary and it appears that the field has undergone some limited management such as grass cutting etc.
- 1.4 The Donkey Field to the north is bounded on all sides by a mixture of semi-defunct hedgerows interspersed with mature individual trees, and a ditch runs along its southern boundary. The surface is mainly scrub and bare ground showing evidence of previous vegetation clearance. The boundaries of the field are marked by a variety of fencing- low/broken wire fence to the north, a 2m high wooden panel fence to the eastern boundary separating the field from the car park to the west/rear of The Atrium building, and a 1.5m high wire mesh fence to the running along the southern boundary.
- 1.5 The north and west part of the Donkey Field is subject to Gatwick Airport Safeguarded Land for the potential construction of the second runway, and the boundary/red line of the application site is not a physical boundary but reflects the boundary that marks this safeguarded area, which is also designated within the Crawley Borough Local Plan 2015-2030.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 This proposal is for the creation of a car park to provide up to 401 spaces for use in conjunction with the existing Astral Towers office building and the proposed Nova Office Building.
- 2.2 This application has been submitted as the applicant has stated that the original planning permission (CR/2012/0034/FUL) which was submitted for the erection of an office building comprising 11,362sqm GFA and associated parking including a multi storey decked car park provided on the neighbouring Astral Towers/Nova site is no longer viable due to the cost of providing the decked car park. An application for planning permission to modify this application (CR/2016/0500/NCC) was recently resolved to be permitted subject to a deed of variation being completed to the original Section 106 Legal Agreement.
- 2.3 This current application together with a further application for the Donkey Field (CR/2016/0502/FUL – item 002 on this agenda) are intended to make up the shortfall in car parking facilities that would result if the multi storey car park as originally proposed is not provided.
- 2.4 The original application, (the amended application CR/2016/0500/NCC), and the two current applications are inextricably linked to each other and the full details of the current proposals are as follows.
- Application A: (CR/2016/0501/FUL) Creation of a car park to provide up to 401 spaces for use in conjunction with Nova and Astral Towers
  - Application B: (CR/2016/0502/FUL – item 002 on this agenda) Creation of a temporary (up to 15 years) car park to provide up to 265 spaces for use in conjunction with Nova and Astral Towers
- 2.5 Planning permission is sought for Application A on Wingspan Field and part of Donkey Field i.e. land outside the Gatwick Safeguarded Land (GSL) as defined by the Crawley Local Plan. Planning permission is sought for Application B on Donkey Field only, including land within the GSL as defined by the Crawley Local Plan.
- 2.6 The Nova office development was originally permitted with a total provision for both Astral Towers and Nova of 1,016 car parking spaces, a total of 366 spaces were provided for Nova. The above level of parking provision for Nova is broadly in line with 1 space per 31sq.m recommended by the Crawley Borough Council parking standards and was to be achieved by the inclusion of an under-croft car park and a decked car park. The under croft car park provided 18 visitor and disabled spaces, whilst the decked car park provided around 550 car parking spaces (partially to be used by occupants of Astral Towers). However, the developer considers it is no longer viable to deliver the proposed Nova building alongside the under croft-car park or the decked car park. Consequently, Planning Applications A and B seek to achieve a solution that would make delivery of the scheme viable.
- 2.7 The developer states: *'In the case of Planning Application A and B being implemented the decked car parking would not be erected, this will achieve a total number of parking spaces of 1,022, which would be provided as follows:*

<b>Car Park</b>	<b>No. of Spaces</b>
Existing Nova Car Park	321
Floor Level Astral Car Park	137
Donkey Field	265
Wingspan Field	299
<b>Total</b>	<b>1022</b>

- 2.8 *It should be noted that in the above case, the number of car parking spaces that are sought planning permission for under Application A would be reduced slightly from the rearrangement of parking spaces following the implementation of Application B.*

2.9 However, in the case that the car park sought by Application B is either refused or is no longer available, it is proposed to erect a single deck of the decked car park permitted under application CR/2012/0034/FUL to replace the number of parking spaces subsequently lost and to ensure that Nova continues to meet the required level of parking numbers. In this case, a total of 1,022 spaces will be delivered as follows:

<b>Car Park</b>	<b>No. of Spaces</b>
Nova Car Park (ground floor)	297
Astral Car Park	137
Nova Decked car Park (first floor)	187
Wingspan and Donkey Field	401
<b>Total</b>	<b>1022</b>

2.10 Should both the car parks permitted by Application A and Application B become unavailable in the future, (either due to the expiration of lease or construction of the second runaway), it would be necessary for the Applicant to implement the decked car park in full as permitted by CR/2012/0034/FUL (or CR/2016/0500/NCC) should it then be viable unless an alternative transport solution can be found.

2.11 In each of these scenarios the proposals would seek to achieve 1,022 parking spaces, broadly in line with the approved Nova scheme. As set out by the Transport Statement, this would mean that the level of attracted car trips would essentially be the same as approved under the 2012 planning permission.

2.12 In order to ensure delivery of an appropriate number of parking spaces (both in terms of under provision and over provision), the Applicant proposes to enter into a Section 106 Agreement with the Local Planning Authority to ensure that:

A. Application A and Application B are only delivered for use in connection with Nova/Astral Towers, and;

B. No more than 1,022 car parking spaces will be delivered across Application A and Application B site areas and the Nova/Astral Towers site (i.e. that identified within CR/2012/0034/FUL), and;

C. Should permission be granted for Application A and B, only level parking will be constructed (to provide up to a maximum of 1022 spaces), and;

D. Should permission only be granted for Application A, level parking and a single deck car park would be constructed (to provide up to a maximum of 1022 spaces), and;

E. Should either the Wingspan or Donkey Field car parks become unavailable at a later date, the decked car park permitted under CR/2012/0034/FUL will be constructed in full should it be viable, or; an alternative transport by a scheme to be agreed in writing with the Local Planning Authority will be put in place.

2.13 The above will ensure that no more than 1,022 spaces are provided across the whole site at any one time, whilst ensuring that should any of the applications lapse there is a mechanism in place to provide the required and approved level of parking across the site.

2.14 The proposed car park either under Application A or B would adjoin the existing Nova/Astral Towers car park and consequently would not require a separate access. The primary access for the site would remain from Betts Way, whilst access from London Road will be used for deliveries and visitors only.

2.15 The planning application incorporates proposals for landscaping and lighting, a significant number of trees will be planted to replace those lost (as set out within the Arboriculture Implications Assessment). The hedge and trees to the northern and western boundaries of the Wingspan Field

*will be retained (as will some individual trees within the site). The lighting proposed will be low level bollard lighting sufficient for security purposes only.'*

- 2.16 The application was submitted accompanied by the following documents; Planning Statement, Transport Assessment/Statement, Ecology Survey, Arboriculture Survey and Implications Assessment, Flood Risk Assessment and Drainage Strategy.
- 2.17 During the course of the consideration of the application further evidence was requested to justify the developer's assertion that the multi-deck car park approved under the original application was no longer financially viable, and hence the requirement for the further provision of surface level car parking on adjacent sites. A viability appraisal has also been provided.

### **PLANNING HISTORY:-**

- 3.1 CR/96/0444/RG4- Outline application for new B2 or B8 Building (Wingspan site) - Approved
- Related planning applications
- 3.2 CR/2016/0502/FUL - Creation of a temporary (up to 15 years) car park to provide up to 265 spaces for use in conjunction with Nova and Astral Towers.(Donkey Field) – agenda item 002.
- 3.3 CR/2016/0500/NCC- Non- compliance with condition 2 (approved drawings) pursuant to CR/2012/0034/FUL & CR/2012/0034/NM1 for demolition of existing office building (The White House) and erection of office building comprising 11,362 sq.m GEA and a decked car park- comprising the removal of the undercroft car park resulting in a reduction in the maximum building height and loss of 10 x visitor parking spaces and 8 x disabled parking spaces which will be re designated within the permitted outdoor car park (resulting in the loss of 18 general use staff parking spaces)- Resolution to Permit subject to completion of Deed of Variation to the Section 106 Agreement.
- 3.4 CR/2012/0034/NM1- Non material amendment of approved application to add condition containing approved drawings- Approved – 17/05/16
- 3.5 CR/2012/0034/CC1- Discharge of condition (3) contamination, condition 4 (materials), condition 5 drainage, condition 11 (details of construction), condition 12 bird hazard management plan and condition 13 (details of renewable energy system) pursuant to CR/2012/0034/FUL demolition of existing office building (The White House) and erection of office building comprising 11,362 sq.m GEA and a decked car park (Amended drawings)- Approved 15/09/15
- 3.6 CR/2012/0034/FUL- Demolition of existing office building (The White House) and erection of office building comprising 11,362 sq.m GEA and a decked car park (amended drawings) - Approved 02/11/12
- 3.7 Planning permission was previously granted for the demolition of the White House and partial demolition of the single storey extension to Astral Towers (Total 2,990 sq.m) under reference CR/2008/0277/FUL. An extension of time to this permission was subsequently granted on the 25<sup>th</sup> October 2011 under reference CR/2011/0397/FUL. This application proposed the replacement of the White House with 22,911 sq.m of offices in three office buildings, seven/eight, six and six/five storeys in height. Parking for 1,064 cars was proposed within a decked car park to the western edge of the site, which also accommodated parking for cycles and motorcycles. The proposed three buildings were to be grouped around a central landscaped courtyard, with the new buildings adjacent to the eastern and northern boundaries. Staff access to the new development would have been from the existing access to Betts Way, whilst service access would be taken from the shared access with the Atrium.

## **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 Development Plan currently is the Crawley Borough Local Plan 2015-2030. The plan was adopted by the Council in December 2015 and is in compliance with the NPPF.
- 4.2 The National Planning Policy Framework 2012 (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 Relevant sections are:
- paragraph 14: presumption in favour of sustainable development – this means that development that accords with the development plan should be approved without delay, or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts which would outweigh the benefits or it would be contrary to the policies in the NPPF
  - paragraph 17 : core planning principles which include proactively driving and supporting 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 to identify and then meet the development needs of an area, and respond positively to wider opportunities for growth.
  - Section 7: requiring good design - this emphasises the importance of good design to achieve high quality and inclusive design for all development. Including individual buildings, public and private spaces and wider development schemes. It is proper to seek to promote or reinforce local distinctiveness and the policies and decisions should address the integration of new development into the natural, built and historic environment.

4.4 Crawley 2030: The Crawley Borough Local Plan 2015-2030

Relevant policies include:

- 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.
- Policy CH2 sets out the ‘Principles of Good Urban Design’ which requires development to amongst other things, create continuous frontages onto streets and spaces with clearly defined private and public areas, respond to and reinforce locally distinctive patterns of development, provide recognisable routes, intersections and landmarks to help people find their way around and provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.
- Policy CH3 sets out the ‘Normal Requirements of All New Development’ requiring development to be based on a thorough understanding of its context, be high quality in design and related sympathetically to its surroundings. Development should also provide a good standard of amenity for future occupants, demonstrate how secure by design has been included into the design, ensure the development needs its operational needs such as for access, parking, refuse storage and demonstrate building for life 12 Criteria taken into account.



- Policy CH4 (Comprehensive Development) states that development proposals should use land efficiently and not unduly prejudice the development potential of adjoining land.
- Policy CH6 -Tree Planting and Replacement Standards states that where trees are lost as part of a development replacement trees should be provided. The Manor Royal design Guide SPD sets out tree planting requirements for sites in Manor Royal.
- Policy CH9 (Development Outside the Built-Up Area) sets out a number of criteria for development within the countryside, development should:
  - Be grouped where possible with existing buildings to reduce impact on visual amenity.
  - Be located to avoid the loss of important on site and off site views to landscape features.
  - Reflect local character in terms of size, form, height, boundary treatment and materials.
  - Minimise the impact of lighting to avoid blurring the distinction between countryside and urban areas.
  - Ensure buildings and any outdoor storage and parking areas are not visually prominent in the landscape.
  - Does not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed.
  - Does not generate traffic of a type or amount inappropriate to the rural roads;
  - Does not introduce a use which by virtue of its operation is not compatible with the countryside.
- Policy EC1 (Sustainable Economic Growth) states that Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced.
- Policy EC2 (Economic Growth in Main Employment Areas) seeks to support proposals for employment generating development in the Main Employment Areas where they contribute to the specific characteristics of the main employment area, and overall economic function of the town, through providing a mix of employment generating uses.
- Policy EC3 (Manor Royal) places a clear focus on the delivery of B-Class business uses within Manor Royal, though outlines that proposals for non B-Class development will be permitted provided that they are of a scale and function that enhances the established role and business function of Manor Royal.
- Policy EC4- (Employment Development and Residential Amenity) states that proposals for the redevelopment of sites for employment use adjacent to residential areas will be permitted where there is no adverse harm to local amenity or function of the surrounding area.
- Policy ENV1 (Green Infrastructure) sets out how the criteria for how Crawley's multi-functional green infrastructure will be conserved and enhanced.
- Policy ENV2 (Biodiversity) all developments proposals will be expected to incorporate features to encourage biodiversity where appropriate.
- Policy ENV4 (Open Space, Sport and Recreation) states that proposals that remove or affect the continued use of existing open space, sport and recreational facilities will not be permitted unless an assessment of the needs of open space sport and recreation clearly show the site to be surplus to the requirements
- Policy ENV8 (Development and Flood Risk) Development proposals must avoid areas which are exposed to an unacceptable risk of flooding
- Policy ENV9 (Tackling Water Stress) For non-residential redevelopment where technically feasible and viable, development should meet BREEAM Excellent re addressing maximising water efficiencies

- Policy ENV10 (Pollution Management and Land Contamination) seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution, or land instability.
- Policy ENV11 (Development and Noise) sets out requirements for new development and states that noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses will not be exposed to noise impact.
- Policy IN1 (Infrastructure Provision) development will only 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 existing infrastructure services.
- Policy IN3 (Development and Requirements for Sustainable Transport) requires development to be concentrated in locations where sustainable patterns of travel can be achieved and development does not have an unacceptable increase in traffic congestion or highway safety.
- Policy IN4 (Car and Cycle Parking Standards) requires development to provide the appropriate amount of car and cycle parking to meet its needs. Car parking standards for commercial development will be based on the particular usage of the premises which will take account of the intensity and requirements of each employment usage and the accessibility of the area by public transport and other sustainable modes.
- Policy GAT2 (Safeguarded Land) identifies land which will be safeguarded from development which would be incompatible with expansion of Gatwick Airport to accommodate the construction of an additional wide spaced runway if required by national policy.
- Policy GAT3 (Gatwick Airport Related Parking) states that the provision of additional or replacement airport parking will only be permitted within the airport boundary. All new proposals must be justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. The reasoned justification for this policy states that there are number of businesses which offer car parking services to airport passengers which use sites that do not have planning permission for airport related car parking. These could be sites in the countryside or previously developed sites which have been used for employment or other purposes which are currently vacant. Such sites are not in the most sustainable locations, may not be appropriate for parking and would lead to the loss of the site for employment or the other uses.

#### 4.5 Supplementary Planning Documents (SPD)

- Manor Royal SPD –adopted in July 2013. The SPD recognises that improvements are required to the public realm through enhancing important private frontages and gateway sites. The SPD identifies where such improvements are needed, having regard to the location of sites, and setting out where the use of design principles, or the provision of structural landscaping, could provide improvement to both the private and public realms. The SPD also provides general design principles for the whole area and aims to deliver improvements to the setting and environment of Manor Royal as a means of enhancing its position in the sub-region and as a local employment destination.
- Crawley Community Infrastructure Levy Charging Schedule July 2016 and Regulation 123 List which sets out the Councils approach to securing developer contributions and Section 106 provisions.

## PLANNING CONSIDERATIONS:-

- 5.1 As set out above this application is one of two submitted seeking planning permission to provide two surface level car parks to provide parking facilities for a consented development on the neighbouring Astral Towers and Nova Sites.
- 5.2 The original planning permission ref CR/2012/0034/FUL and a more recent application (CR/2016/0500/NCC) propose either a 4 or 5 storey office block with 11,362 sq.m of office space and a four storey decked car park to provide 1022 parking spaces in order to serve the existing Astral Towers office building and the proposed Nova Office Building.
- 5.3 The applicant and developer now consider that the proposed construction of the multi decked car park element would render the scheme unviable, and have provided evidence to support this assertion. As a consequence they have submitted this application for the use of two plots of land known as Wingspan and part of the Donkey Field and a separate application for The Donkey Field for surface level parking.
- 5.4 The evidence submitted by the developer has been independently assessed by the District Valuer. He concludes that the scheme with surface car parking is viable whilst the scheme with multi decked car parking is not viable. The key issue in this case is the cost of the decked car park versus the cost of the surface car park which is approx. £12,500 to £15,000 a space compared to £1,750 to £2,000 per space. Due to the commercially sensitive nature of the viability report, should Members wish to scrutinise this conclusion in further detail, the meeting will need to move to Part B (Exempt item) where the report can be discussed.
- 5.5 There are no residential occupiers close to the application site and it is considered that there would be no harmful impact to any of the amenities of adjoining commercial occupiers. Therefore, the main planning considerations are:
- whether the proposal is acceptable in principle including issues concerning
    - i) employment land;
    - ii) airport safeguarding;
    - iii) development outside the built up area;
  - The impact on the character and visual amenities of the area including impact on ecology, biodiversity and open space.
  - Impact on trees
  - Flood Risk and Drainage
  - Impact on the highway network
  - Airport Related Parking
  - Section 106 Agreement

### The principle of the development

- i) Employment land

- 5.6 The key economy related Local Plan policies which are relevant to this application are EC1 and EC3.
- 5.7 Policy EC1 seeks to protect and enhance Crawley's role as the key economic driver in the Gatwick Diamond, in particular through promoting business-led economic growth at Manor Royal. The policy identifies an overall need for 57.9 hectares of business land in Crawley over the Plan period to 2030, identifying an available business land supply pipeline of 23 hectares, and therefore a business land shortfall of 35 hectares. The Wingspan Field is one of the sites identified in the Employment Land Trajectory as available for business development.
- 5.8 To help meet economic growth requirements, Policy EC1 outlines that minor extensions, (to the employment area), in proximity to Manor Royal may be appropriate. The intention of the policy is to consider such minor extensions in the context of providing new employment land and whilst it is

acknowledged that the surface parking proposed at Donkey Field could help facilitate the delivery of office space at the Astral Towers/Nova site, this is not the explicit intention of the policy. However, if permitted, because the proposed parking would only be justified on the basis that it would support delivery of the new White House/Nova office development, it would be necessary to condition the use of the proposed parking area to users of the proposed development and on this basis it would be acceptable.

- 5.9 The site at Astral Towers/The Nova is a key site for business-led economic growth, and it is recognised that the current parking-related applications, if permitted, would facilitate delivery of a significant amount of Grade A office space which is much needed in the Borough. However, this must be balanced against the fact that the proposed car parking at Wingspan Field would result in the loss of a site which is itself identified for business development in the Employment Land Trajectory.
- 5.10 Local Plan Policy EC3 places a clear focus on the delivery of B-Class business uses in Manor Royal, whilst providing flexibility for non B Class developments where these are of a scale and function that enhances the established role and business function of Manor Royal. The Wingspan Field covers an area of around 0.64 hectares and is identified in the Employment Land Trajectory, forming part of the Borough's 23 hectare land supply. Based on assumptions from the Economic Growth Assessment (2014), it is not unfeasible that a development of around 2,500 square metres business floorspace could be provided on the Wingspan Field site.
- 5.11 Given the limited available land supply in Crawley, Local Plan Policy CH4 requires that development proposals make for an efficient use of land. The proposed use of the site for surface car parking is not an efficient use of land in this context, particularly when set against the under supply of available business land in Crawley, and given that the extant proposal would accommodate the required parking more efficiently through a decked car park. The preferred approach would therefore be for the extant permission at Astral Towers/Nova to be implemented with the decked car park as originally proposed, leaving the Wingspan Field site available for business use as a key part of Crawley's identified business land supply.
- 5.12 However, the applicant has supplied further evidence, which has been independently assessed, that demonstrates that the decked car park is no longer considered to be viable as originally permitted and the loss of potential new floorspace at Wingspan must be balanced against the potential delivery of around 11,000 sq m of grade A office space.
- 5.13 It is considered that as there have been few viable proposals for the redevelopment of the Wingspan site, and the loss of this potential employment site to parking needs to be balanced against the very real benefit of facilitating the construction of the proposed Nova Office Building which would provide much needed Grade A office space. This key site located adjacent to the northern gateway of the Manor Royal Business Area, on a site that despite having the benefit of planning permission, has remained undeveloped since 1989. This permission would meet the clear aspirations of Manor Royal Business Area and the new modern office development located on the main A23 entrance to Manor Royal would positively reinforce the vital business function of the area.
- 5.14 On balance, it is considered that the proposal is likely to be acceptable in economic terms, in that it would facilitate the delivery of employment provision.
- ii) Gatwick Airport Safeguarding
- 5.15 This application relates to an area of land that adjoins the southern boundary of the Safeguarded Land adjacent to Gatwick Airport for the construction of the second runway. This is designated in the Crawley Borough Local Plan 2015-2030. Policy GAT2 is relevant in this context.
- 5.16 Gatwick Airport Ltd have commented that whilst accepting that the application site lies outside the land that, since 2005, has been officially safeguarded for the development of a second runway, the Council will be aware of the significant further design work that has been undertaken by GAL over

the past three years to inform the Airports Commission and Government policy. That work has included public consultation on alternative runway options and subsequent evolution of the preferred 2-Runway masterplan including allowing for necessary supporting infrastructure and mitigation. As a result of this work it is highly likely that land needed for a second runway would extend slightly further south in the vicinity of County Oak. The north-west part of the site to which this application relates lies within the land which GAL anticipates would now be required for airport development in the event of consent being granted for a second runway at the airport.

- 5.17 For this reason, GAL considers that should permission be granted the applicants should be made aware of the likely prospect that part of the land would be needed for the construction of a second runway. In this way the applicants will be able to plan properly for the long term car parking needs of the proposed Nova building development in that eventuality. Accordingly it is suggested that an informative is attached to any permission referring to this representation. In the event that planning permission is approved a clause could be added to the Section 106 Agreement requiring the provision of decked car parking or other alternative provision in the event that part of the surface car park becomes unavailable.
- 5.18 GAL also commented that they have some concerns with to the impact of the proposed parking in landscaping and ecology terms, which are discussed further in the second part of these observations.
- iii) Development on land outside the built up area
- 5.19 Policy CH9 Development Outside the Built-Up Area seeks to ensure Crawley's compact nature and attractive setting is maintained. Proposals should respect the character and role of the Upper Mole Farmlands Rural Fringe Landscape Character Area. The main role of this area is in maintaining the separate identities of Crawley and Gatwick. Increased visual intrusion from new development within the area would erode this role. The landscape area has a moderate sensitivity to change with hedgerows and trees to some extent reducing visual sensitivity. Related to this is the value of the area as accessible countryside with opportunities for quiet recreation such as walking, cycling and horse riding
- 5.20 The NPPF does not specifically offer policy guidance for the urban/rural fringe areas of towns. Paragraph 28 offers support for expansion of all types of business and enterprise in rural areas whilst respecting the character of the countryside. Paragraph 113 requires local authorities to set criteria based policies against which proposals for any development on or affecting landscape areas will be judged. A core principle of the NPPF is to take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside but also to proactively drive and support sustainable economic development.
- 5.21 The site is located where the Upper Mole Farmlands Rural Fringe meets County Oak Retail Park. The site is therefore adjacent to and bounded on three sides by the built development of Crawley's main urban area. There are pockets of development (Gatwick Kennels and Southways Park) to the north with small fields enclosed by tree/hedges the dominant character. There is also a public bridleway approximately 120 metres to the north in the countryside and a footpath 85 metres to the east which skirts the urban edge and leads into the open countryside.
- 5.22 A car park in this location would cause some harm to the landscape character area as it reduces the area of countryside between Gatwick and Crawley, brings development closer to public rights of way and would be more visually prominent than its current land use as a field. However in this case, it may be possible to mitigate these impacts to an acceptable level. The development should be able to mitigate any visual impact through effective, high-quality screening by retaining trees and hedgerows and planting additional screening where there are gaps. The proposals are a sufficient distance from recreational routes in terms of visual and noise intrusion, and traffic impact on the landscape setting would be negligible as access would be from the existing urban area using main roads. The low level lighting proposed should minimise any light spill and visual intrusion to the north and west into the countryside.

5.23 In summary, it is considered that the proposal would be acceptable in relation to the specific location and relationship to the landscape character area in which it sits, provided visual impact is mitigated through effective, high-quality screening by retaining trees and hedgerows which are already there and planting additional screening where there are gaps. This can be secured by condition as discussed below.

Impact on visual amenity and character of the area including ecology and biodiversity open space and landscaping

- 5.24 Closely linked to the impact on the character of the area landscape is the issue of impact on biodiversity and ecology. The applicant submitted a preliminary ecological assessment to address these issues; Policies ENV1 and ENV2 are relevant in this regard.
- 5.25 There are a number of species rich hedgerows on the site which form part the wider field pattern. The southern hedgerow of the Donkey Field is part of a distinct linear habitat 570 metres long stretching into the wider countryside and linking to Public Rights of Way. It is likely the hedges which form the boundaries of the Donkey Field are classed as Important Hedgerows under Hedgerow Regulations 1997.
- 5.26 It is considered that the hedgerow meets the following criteria for being defined as important hedgerow:
- The hedgerow is more than 30 years old: 1947 aerial photos show the hedgerow was in place at that time. The hedgerow is marked on historic maps from 1895 as 3ft HR.
  - At least 7 woody species present: the ecology report submitted lists 9 types of woody species present in the hedgerows including the associated features of a ditch and standard trees.
  - The southern hedgerow of the Donkey Field marks an historic county/parish boundary. This is shown on 1895 historic map. This makes it likely that the hedgerow predates the Enclosure Acts of 1884 onwards which is another criteria for defining important hedgerows.
- 5.27 In order to ensure compliance with wildlife legislation and relevant planning policy the ecology report submitted with the application makes a number of recommendations. Recommendation 1 (R1) regarding the native, species rich defunct hedgerows has implications for the layout and design of the car parking:
- 'It is also recommended that any retained hedgerows on site are enhanced by planting up gaps with a variety of native tree and shrub species. Consideration should be given to the possibility of incorporating new species-rich native hedgerows with standard trees into the layout of the proposed development. Creating new hedgerows on site would help to compensate for the habitat loss resulting from the land take of the proposed development and would provide a valuable habitat resource and ecological corridors for a range of fauna. New hedgerows would also enhance the visual appeal of the site and provide natural screening along the boundary lines. (Submitted ecology report, page 2)'*
- 5.28 The submitted site layout plan shows the complete removal of the southern hedgerow of the Donkey Field with parking spaces in its place. This would be contrary to the ecological recommendation above given its importance as a hedgerow under Hedgerow regulations 1997, status as a Habitat of Principal Importance (CRoW Act) and also its contribution to landscape character and biodiversity.
- 5.29 It considered that the recommendations of the applicant's ecology report should be followed in full to ensure compliance with environmental legislation and the Crawley Local Plan. This means that some re-designing of the layout to avoid the loss of hedgerow as well as enhancement measures including native planting within the design of the scheme to compensate for the habitat loss resulting from the land take should be undertaken. A condition could be imposed on any approval of planning permission to facilitate this as there are some existing gaps in the hedgerow, which could be used for access and mitigated by enhanced planting along other sections of the hedgerow.

- 5.30 Policy ENV1 seeks to conserve and enhance the green infrastructure network. Proposals should integrate and enhance the network and maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space. Both the Donkey Field and Wingspan applications include hedgerows which are part of the green infrastructure network for the many benefits they bring. The development site in total is approximately 0.8 hectares and the policy requires large proposals to provide new and/or create links to green infrastructure where possible. There are no amenity green space or other types of open space provided as part of this application to serve the large numbers of office workers that the application relates to. The proposals do not address Policy ENV1 requirements for applications of this size and impacts upon existing green infrastructure. The objection from an office worker in Astral Towers also highlights this lack of amenity space.
- 5.31 Policy ENV4 normally requires an assessment of the needs for open space, sport and recreation. However, given the nature of the application for surface car parking, linked to the major office development and the requirement to maximise the parking spaces on this site there would be little scope to incorporate amenity or green space for office workers. Once again this deficiency needs to be balanced against the desirability of permitting the application in order to secure the office development on the neighbouring site.

#### Landscaping

- 5.32 The application site is located within Manor Royal Business District and adjoins the boundary that marks the edge of the built up area. Therefore, landscaping is an important consideration, especially given the nature of the proposal which would form a large unrelieved parking area. During the course of the determination of the application, concerns were expressed with regard to this issue and in response the applicant has submitted a detailed planting plan, (which covered both sites in the event that planning permission was approved for both applications). However, although the plan proposes new tree planting within the parking areas, very little boundary planting is proposed particularly along the southern and western boundaries of the site and this would be contrary to the requirements of the Manor Royal Design Guide SPD.
- 5.33 However, in the event that planning permission is granted, a condition could be imposed to require the submission of an enhanced and detailed landscape plan for the site, which would also be subject to consultation with Gatwick Airport regarding potential bird management issues and aerodrome operational safety. In addition, if this application is approved and the linked application for the Donkey Field refused, consideration must be given as to how the treatment of the northern boundary and the existing remnant ancient hedgerow is dealt with within the Landscape Plan.

#### Impact on trees

- 5.34 The site is flat and open and mostly consists of semi-improved grassland, with the majority of trees and hedgerows located towards the western boundary of the Wingspan Field and the northern boundary of the Donkey Field. There are however a number of smaller trees and a hedgerow that runs along the southern boundary of the Donkey Field.
- 5.35 An arboricultural survey and impact assessment was submitted with the application. There are no trees on the site that are subject to Tree Preservation Orders (TPO). The proposals would result in the loss of seventeen trees, two groups of trees and two hedgerows. In addition two further hedgerows would be partially removed. Overall the arboricultural assessment considered that given the location of the trees their removal would not have a significant impact on the local landscape.
- 5.36 It is proposed that the remainder of the tree and hedgerows would be protected during construction and an arboricultural method statement would be submitted setting out the details. The Council's tree officer has been consulted and has raised no objections to the proposals. Policy CH6 requires that replacement tree planting must be provided where trees are removed, and sets out criteria for the number of replacement trees based on the size of those removed. It is considered that any replacement planting should take place on site to try and mitigate the unrelieved parking areas as

much as possible and a condition can be imposed on any approval of planning permission for the submission of the method statement and a detailed landscape plan to include replacement tree planting.

- 5.37 It should be noted that the amended landscape plan which would be the subject of the condition should address the concerns outlined above in relation to ancient hedgerow that forms the existing northern boundary of the Wingspan field and the southern boundary of the Donkey Field. Depending on whether or not approval is granted for this and/or the linked application for the Donkey Field this will require a rearrangement of the layout of the proposed parking facilities and landscape areas.

#### Flood Risk and Drainage

- 5.38 The Flood Risk Assessment submitted with the application indicates that the entirety of the site lies within Flood Zone 1. The development of car parks is not inappropriate within such areas, and the FRA states that there would be a low risk of all forms of flooding to the proposed car parks.
- 5.39 The submitted Drainage Strategy identifies that the existing greenfield site drains towards the east into a ditch running along the eastern boundary of the site. In order to drain the car park a SuDS system will be used with infiltration to ground and overflow discharged via a control chamber into the existing ditch. The surface water drainage would be designed in accordance with CIRIA SuDS Manual and once implemented will ensure that the proposed development will not increase the risk of flooding on or off site.
- 5.40 No objections have been received from Thames Water and an informative could be placed on any decision notice to remind the applicant to contact them in relation to surface water drainage details.

#### Impact on the highway and parking issues

- 5.41 West Sussex County Council have made the following comments in relation to this and the linked application for the Donkey Field (CR/2016/0502/FUL).
- 5.42 *'The Nova office development was originally consented with a total car parking provision of 1,016 spaces for the Astral Towers and Nova with 366 of these spaces being provided for Nova. This is broadly in line with Crawley borough council's parking standards of 1 space per 31sq.m (assuming a B1 GFA of 31,682sq.m). The Nova parking, however, would be reduced to 348 spaces as a result of the loss of the 18 undercroft parking spaces (approved under application reference CR/2016/0500/NCC), so total car parking provision would fall to 998 spaces.'*
- 5.43 *WSCC state 'The proposed loss of the 550 space multi-storey car park, however, is significant. On the face of it this would reduce the 998 spaces further to 448 spaces, although it is envisaged that this would be slightly higher as it is assumed that some ground level parking would be provided on the footprint of the multi-storey car park. The applicants state that the existing Nova car park has 321 spaces and the floor level Astral Towers car park 137 spaces, providing a total of 458 spaces without the multi-storey car park. To replace the multi-storey car park, 401 spaces are proposed on the 'Wingspan Field' site and part of the 'Donkey Field' site which brings the total to 1,022 spaces should planning permission be given.'*
- 5.44 *However, the 'Donkey Field' site is subject to a separate application (CR/2016/0502/FUL) which may or may not be approved. If this application is looked at on its merits then only 859 spaces are being proposed. On the basis of a B1 GFA of 31,682sq.m, this reduces the parking ratio to 1 space per 37sq.m which is below the borough council's adopted car parking standards.*
- 5.45 *Furthermore, it appears that the applicant's do not actually own either the 'Donkey Field' or 'Wingspan Field' sites, so future parking on these sites cannot be guaranteed. However, if the 'Donkey Field' site is no longer available then the applicants are proposing to erect a single deck of the multi-storey car park permitted under CR/2012/0034/FUL to provide 187 spaces.*



- 5.46 *However, this still assumes 401 spaces on the combined 'Wingspan' and part of the 'Donkey Field' sites which is rather confusing if the 'Donkey Field' is no longer available. From WSCC's point of view, if both applications are approved then 1,022 parking spaces would become available and would meet the car parking standards.'*
- 5.47 The main concerns from WSCC centre around the issue of land ownership and the possible future non-availability of these parking areas and a potential increase in on-street parking pressures in the area that would inevitably result, and what measures could then be taken to address the significant loss of parking.
- 5.48 Therefore, in highways terms the acceptability of the proposals for both this and the linked planning applications for parking on the Donkey Field, (CR/2016/0501/FUL) and the recently approved application for modifications to the Nova Office Development (CR/2016/0500/NCC), rely on the successful negotiation of a Section 106 Legal Agreement that successfully links all three applications and guarantees the provision and retention of sufficient parking facilities to cater for the existing Astral Tower office and the approved Nova office development.

#### Airport Related Parking

- 5.49 There is a high level of demand for parking in the locality of Manor Royal from other existing and forthcoming office and commercial developments and there is also significant demand in the area for off-site Airport Car Parking. Policy GAT3 states that the provision of additional or replacement airport parking will only be allowed within the airport boundary. Sites within the airport boundary provide the most sustainable location for parking, close to the terminals, and linked to the airport operator's modal shift targets. The reasoned justification for this policy also identifies that there are a number of businesses which offer car parking services to airport passengers which use sites that do not have planning permission for airport related parking. These could be both sites in the countryside or previously developed sites which have been used for employment or other purposes which are currently vacant. There are a number of such uses close to the site in neighbouring Lowfield Heath and Maple Manor to the north. Uncontrolled provision of large newer car parks in this area could lead to inappropriate use in future for airport related car parking because of the financial benefit to the car park owner/operator. Therefore, this will need to be controlled through a detailed Section 106 Agreement and by future monitoring of car park use.

#### Section 106 Legal Agreement

- 5.50 As noted above in paragraph 2.12 a Section 106 Legal Agreement would be necessary to link the relevant applications together in the event that it is resolved to grant planning permission.
- 5.51 The legal agreement would need to be precisely written to ensure that parking facilities once constructed are only used for the Nova and Astral Towers developments. The main issues for the Section 106 Agreement to address would be as follows;
- the approved planning permission(s) and any conditions imposed on the permissions must be linked to the Nova Office development and unless this is agreed any approval for the extended surface car parking provision cannot be carried out in its own right.
  - the agreed 'sequence' of construction to ensure that the car park is not constructed in advance of substantial progress having been made on the construction of the new office.
  - the Nova Office development should not be occupied before satisfactory arrangements are in place to ensure that there are sufficient parking facilities for both Nova and Astral Towers.
  - measures to be put into place to deal with potential future changes to the safeguarded land areas for the second runway at Gatwick Airport
  - control and management of the car park use
  - measures to be put into place to deal with issues surrounding land ownership and the future availability of land to provide parking facilities

- measures to ensure that there is no over provision of car parking to prevent implementation of the both the decked car parks and the surface car parking

## **CONCLUSIONS:-**

- 6.1 The development of this site for the provision of parking facilities for the neighbouring office development has been proposed in light of the non-viability of the approved multi-storey car park on the office site, and in order to bring forward the high-quality Class A office development for which there is an acknowledged need in this part of the Borough.
- 6.2 However, this aspiration must be balanced against all the other planning considerations as set out above, particularly the fact that provision of the car park would lead to the loss of potential future employment site on the Wingspan Field. The developer has offered a number of assurances in an attempt to address all the concerns raised by both the applications submitted and these assurances must be realised if the development is to be acceptable.
- 6.3 Therefore, and with the provision set out above, it is considered that, on balance, and subject to appropriate conditions and the completion of a satisfactory Section 106 Legal Agreement the application can be recommended for approval.

## **RECOMMENDATION RE: CR/2016/0501/FUL**

PERMIT subject to the completion of a Section 106 Legal Agreement and the following 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. The car park hereby permitted shall only be used in connection with the office building on the Astral Towers/Nova site permitted under CR/2012/0034/FUL and amended by CR/2016/0500/NCC and for no other purpose  
REASON: To reflect the special circumstances applicable to this development and to ensure adequate parking facilities are available to serve the associated office development in accordance with policies CH3, IN4 and GAT 3 of the Crawley Borough Local Plan 2015-2030.
4. Works shall not commence until details of a surface water drainage strategy which shall also include details of the construction specification and materials to be used for the parking area and a levels plan all of which must be consistent with Sustainable Urban Drainage System techniques has been submitted to and approved by the Local Planning Authority in consultation with the sewage undertaker.  
REASON: To ensure the proposed development is satisfactorily drained in accordance with Policy ENV8 of the Crawley Borough Local Plan 2015-30.
5. No development shall commence until the following details have been submitted to, and approved by, the local planning authority: proposals to compensate as far as practical for the loss of hedges, including new planting and enhancement of remaining hedges; and a statement setting out how the recommendations of the Middlemarch Environmental report (ref RT-MME-122232-01) will be implemented in practice. The development shall proceed in strict accordance with the approved details unless otherwise approved in writing by the local planning authority.  
REASON: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF and Policy ENV2 of the Crawley Borough Local Plan 2015-2030.

6. No development shall take place until there has been submitted to, and approved by, the Local Planning Authority a landscaping scheme and amended parking layout including both hard and soft landscaping works. Details must comply with Advice Note No.3 'Potential Bird Hazards from Amenity Landscaping and Building Design' available from [www.aoa.org.uk/policy-campaigns/operations-safety](http://www.aoa.org.uk/policy-campaigns/operations-safety). These details shall include: any parking areas, details of lighting earthworks, grassed areas, the species number and spacing of trees and shrubs and details of any bird/bat boxes. No subsequent alterations to the approved details are to take place without the approval in writing of the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the completion of the car park, and any trees or plants which, within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
 REASON: In the interests of the amenity and of the environment and to avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site in accordance with Policies CH3, CH7, GAT1 and IN4 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 existing trees/bushes/hedges to be retained on the site have been protected in accordance with a detailed Arboricultural Method Statement to be submitted to and approved by the Local Planning Authority. All works shall be carried out in strict accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.  
 REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy CH7 of the Crawley Borough Local Plan 2015 - 2030.

## INFORMATIVES

1. The site to which this application relates lies partly within the proposed two runway extended boundary published by Gatwick Airport Limited (GAL) in July 2014, being land which GAL may require for airport development in the event of permission being granted for a second runway at the airport.
2. 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](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>)
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
4. The Crime Prevention Design Adviser (Sussex Police) recommends that any lighting implemented into the car park conforms to the recommendations within BS5489:2013, and from a Secured By Design perspective that Park Mark, a British Parking Association scheme is adopted.
5. For the avoidance of doubt no vehicular access shall be formed from the site onto Whitworth Road.

## 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:  
Seeking 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.



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

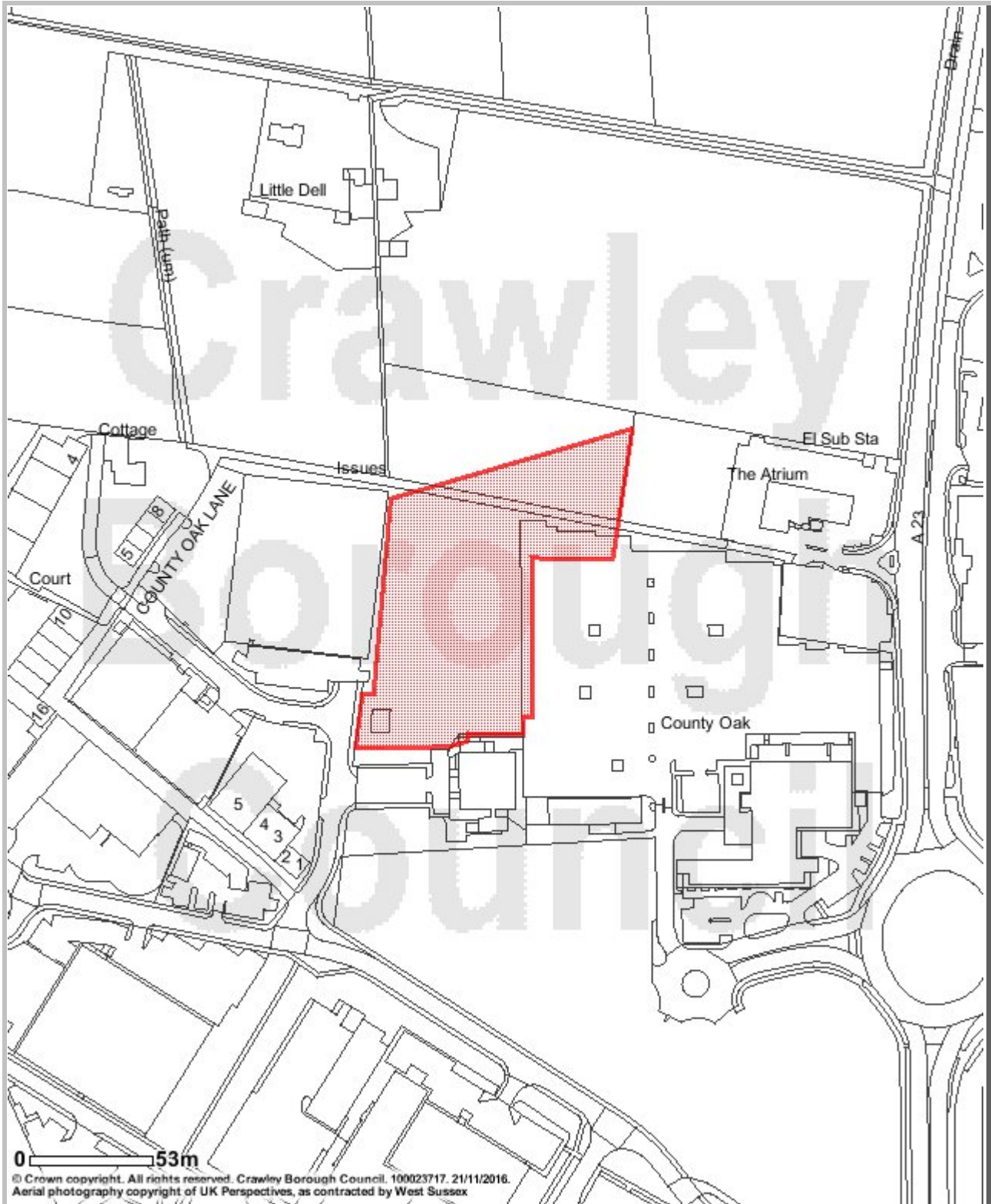
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0501/FUL**

Date 16 November 2016

Approx. Scale 1:1,250

**WINGSPAN FIELD & PART OF DONKEY FIELD,  
BETTS WAY, LANGLEY GREEN, CRAWLEY**



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REFERENCE NO: CR/2016/0502/FUL

**LOCATION:** [DONKEY FIELD, BETTS WAY, LANGLEY GREEN, CRAWLEY](#)  
**PROPOSAL:** CREATION OF A TEMPORARY (UP TO 15 YEARS) CAR PARK TO PROVIDE UP TO 265 SPACES FOR USE IN CONJUNCTION WITH NOVA AND ASTRAL TOWERS

**TARGET DECISION DATE:** 27 September 2016

**CASE OFFICER:** Mr M. Edwards

**APPLICANTS NAME:** Colsilverbird C SARL (represented by Quidnet Cap)  
**AGENTS NAME:** DMH Stallard

**PLANS & DRAWINGS CONSIDERED:**

Location Plan, 200-01-Rev D - Proposed Site Plan

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |     |                                       |  |
|-----|---------------------------------------|--|
| 1.  | GAL - Planning Department             | <b>Objection</b> on second runway safeguarding grounds-temporary 15 year use is not considered minor development   |
| 2.  | GAL - Aerodrome Safeguarding          | No Objection on aerodrome safeguarding subject to conditions with regard to landscaping and bird hazard management, and cranes informatives.   |
| 3.  | Environment Agency                    | No comments received.  |
| 4.  | WSSC – Highways                       | No Objection subject to Section 106 Legal Agreement re parking arrangements.   |
| 5.  | National Air Traffic Services (NATS)  | No Objection   |
| 6.  | Thames Water                          | No comments received   |
| 7.  | Gatwick Diamond GROW Group            | Support application with the proviso that the Development in no way constrains or affects the future development of a Second Runway or ancillary supporting developments at Gatwick. |
| 8.  | Police                                | No Comments  |
| 9.  | West Sussex Fire Brigade              | No Comments  |
| 10. | CBC - Planning Arboricultural Officer | No Objection   |
| 11. | CBC - Environmental Health            | No Comments  |
| 12. | Southern Water                        | No Objection   |
| 13. | Ecology Officer - Mike Bird           | No Objection subject to conditions   |

**NEIGHBOUR NOTIFICATIONS:-**

Diaverum Facilities Crawley Kidney Treatment Centre, Betts Way; First Choice Holidays and Flight and Tui Travel Ltd, The Atrium, London Road; Groundstar Centre, London Road; Ground Floor Units 1 - 2 and Units 3 – 5, City Business Centre, Whitworth Road; First Floor Units 1 – 2, City Business Centre, Whitworth Road; Crawley Mail And Distribution, County Oak Way; Little Dell, London Road; Town Hall, The Boulevard, Northgate; 29 Holmesdale Park, Coopers Hill Road, South Nutfield; Unit 55C Basepoint Business Centre, Metcalf Way, Langley Green;

## **NEIGHBOUR NOTIFICATIONS:-**

A 21 day Press notice was posted on 14<sup>th</sup> June 2016 and 21 day Site Notices were displayed at various points adjacent to the site on 27<sup>th</sup> July 2016.

## **RESPONSES RECEIVED:-**

3 letters of support were received from Gatwick Diamond Business and Manor Royal Business District on the basis that much needed office space would be provided, although the need to consider travel planning and parking provision would be important and concerns were also raised with regard to the potential impact on land which has been set aside for the expansion of Gatwick Airport should a second runway come forward.

1 letter of objection was received citing the loss of green space that would result from the car park development.

## **REASON FOR REPORTING TO COMMITTEE**

The application is linked to a major office development in that its intention is to provide land /parking facilities to bring forward the Nova office development.

## **THE APPLICATION SITE:-**

- 1.6 The application site is formed by a field, known as the Donkey Field, which is located to the (north), of the existing Astral Towers /Nova car park, on the western side of London Road A23.
- 1.7 The Donkey Field is bounded on all sides by a mixture of semi-defunct hedgerows interspersed with mature individual trees, and a ditch runs along its southern boundary. The surface is mainly scrub and bare ground showing evidence of previous vegetation clearance. The boundaries of the field are marked by a variety of fencing- low/broken wire fence to the north and west, a 2m high wooden panel fence to the eastern boundary separating the field from the car park to the west/rear of a 6 storey office building known as The Atrium, and on the southern boundary a semi- defunct hedgerow and a 1.5 high wire mesh fence.
- 1.8 The site lies outside the built up area, and is adjacent to the northern boundary of the Manor Royal Industrial Area, (as designated within the Crawley Borough Local Plan 2015-2030), which lies within the built up area. To the south is the Wingspan Field which is currently a flat area of semi-managed grassland, with a children's play area adjacent to its southern boundary, and also to the south, part of the existing car park to the Astral Towers office development. To the north and east are open fields linked to the Little Dell residential dwelling further north.
- 1.9 The north and west part of the Donkey Field is identified as Safeguarded Land for the potential construction of the second runway which is also designated within the Crawley Borough Local Plan 2015-2030 (under policy GAT2).

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 This proposal is for the creation of a temporary car park (for a period of up to 15 years) to provide up to 265 spaces for use in conjunction with the existing Astral Towers office building and the proposed Nova Office Building.
- 2.2 This application has been submitted as the applicant has stated that the original planning permission (CR/2012/0034/FUL) which was submitted for the erection of an office building comprising 11,362sqm GFA and associated parking including a multi storey decked car park provided on the neighbouring Astral Towers/Nova site is no longer viable due to the cost of

providing the decked car park. An application for planning permission to modify this application (CR/2016/0500/NCC) was recently resolved to be permitted subject to a deed of variation being completed to the original Section 106 Legal agreement.

- 2.3 This current application together with a further application for the Wingspan Field and part of the Donkey Field (CR/2016/0501/FUL – item 001 on this agenda) are intended to make up the shortfall in car parking facilities that would result if the multi storey car park as originally proposed is not provided.
- 2.4 The original application (and the amended application CR/2016/0500/NCC) and the two current applications are inextricably linked to each other and the full details of the current proposals are as follows.
- o Application A: (CR/2016/0501/FUL – item 001 on this agenda) Creation of a car park to provide up to 401 spaces for use in conjunction with Nova and Astral Towers
  - o Application B: (CR/2016/0502/FUL) Creation of a temporary (up to 15 years) car park to provide up to 265 spaces for use in conjunction with Nova and Astral Towers
- 2.5 Planning permission is sought for Application A on Wingspan Field and part of Donkey Field (i.e. land outside the Gatwick Safeguarded Land ((GSL) as defined by the Crawley Local Plan). Planning permission is sought for Application B on Donkey Field only, including land within the GSL as defined by the Crawley Local Plan.
- 2.6 The Nova office development was originally permitted with a total provision for both Astral Towers and Nova of 1,016 car parking spaces, a total of 366 spaces were provided for Nova. The above level of parking provision for Nova is broadly in line with 1 space per 31 sq.m as recommended by the Crawley Borough Council parking standards and were achieved by the inclusion of an undercroft car park and a decked car park. The undercroft car park provided 18 visitor and disabled spaces, whilst the decked car park provided around 550 car parking spaces (partially to be used by occupants of Astral Towers). However, the developer considers it is no longer viable to deliver the proposed Nova building alongside the undercroft car park or the decked car park for viability reasons. Consequently, Planning Applications A and B seek to achieve a solution that would make delivery of the scheme viable.
- 2.7 The developer states; *‘In the case of Planning Application A and B being implemented the decked car parking would not be erected, this would achieve a total number of parking spaces of 1,022, which will be provided as follows:’*

<b>Car Park</b>	<b>No. of Spaces</b>
Existing Nova Car Park	321
Floor Level Astral Car Park	137
Donkey Field	265
Wingspan Field	299
<b>Total</b>	<b>1022</b>

- 2.8 *‘It should be noted that in the above case, the number of car parking spaces for which planning permission is sought under Application A would be reduced slightly from the rearrangement of parking spaces following the implementation of Application B.’*
- 2.9 *‘However, in the case that the car park sought by Application B is either refused or is no longer available, it is proposed to erect a single deck of the decked car park permitted under application CR/2012/0034/FUL to replace the number of parking spaces subsequently lost and to ensure that Nova continues to meet the required level of parking numbers. In this case, a total of 1,022 spaces will be delivered as follows:’*

<b>Car Park</b>	<b>No. of Spaces</b>
Nova Car Park (ground floor)	297



Astral Car Park	137
Nova Decked car Park (first floor)	187
Wingspan and Donkey Field	401
<b>Total</b>	<b>1022</b>

- 2.10 *'Should both the car parks permitted by Application A and Application B become unavailable in the future, (either due to the expiration of the lease or construction of the second runway), it would be necessary for the Applicant to implement the decked car park in full as permitted by CR/2012/0034/FUL (or CR/2016/0500/NCC) should it then be viable unless an alternative transport solution can be found.'*
- 2.11 *'In each of these scenarios the proposals would seek to achieve 1,022 parking spaces, broadly in line with the approved Nova scheme. As set out by the Transport Statement, this would mean that the level of attracted car trips would essentially be the same as approved under the 2012 planning permission.'*
- 2.12 *'In order to ensure delivery of an appropriate number of parking spaces (both in terms of under provision and over provision), the Applicant proposes to enter into a Section 106 Agreement with the Local Planning Authority to ensure that:*
- A. Application A and Application B are only delivered for use in connection with Nova/Astral Towers, and;*
- B. No more than 1,022 car parking spaces will be delivered across Application A and Application B site areas and the Nova/Astral Towers site (i.e. that identified within CR/2012/0034/FUL), and;*
- C. Should permission be granted for Application A and B, only level parking will be constructed (to provide up to a maximum of 1022 spaces), and;*
- D. Should permission only be granted for Application A, level parking and a single deck car park would be constructed (to provide up to a maximum of 1022 spaces), and;*
- E. Should either Wingspan or Donkey become unavailable at a later date, the decked car park permitted under CR/2012/0034/FUL will be constructed in full should it be viable, or; an alternative transport by a scheme to be agreed in writing with the Local Planning Authority will be put in place.'*
- 2.13 *'The above will ensure that no more than 1,022 spaces are provided across the whole site at any one time, whilst ensuring that should any of the applications lapse there is a mechanism in place to provide the required and approved level of parking across the site.'*
- 2.14 *'The proposed car park either under Application A or B would adjoin the existing Nova/Astral Towers car park and consequently will not require a separate access. The primary access for the site would remain from Betts Way, whilst access from London Road would be used for deliveries and visitors only.'*
- 2.15 *'The planning application incorporates proposals for landscaping and lighting, a significant number of trees will be planted to replace those lost (as set out within the Arboriculture Implications Assessment). The hedge and trees to the northern and western boundaries of the Wingspan Field will be retained as will some individual trees within the site. The lighting proposed will be low level bollard lighting sufficient for security purposes only.'*
- 2.16 The application was submitted accompanied by the following documents; Planning Statement, Transport Assessment/Statement, Ecology Survey, Arboriculture Survey and Implications Assessment, Flood Risk Assessment and Drainage Strategy.
- 2.17 During the course of the consideration of the application further evidence was requested to justify the developer's assertion that the approved multi deck car park approved under the original

application was no longer financially viable, and hence the requirement for the further provision of surface level car parking on adjacent sites. A viability appraisal has also been provided.

### **PLANNING HISTORY:-**

3.1 No site planning history

#### Related planning applications

- 3.2 CR/2016/0500/NCC- Non- compliance with condition 2 (approved drawings) pursuant to CR/2012/0034/FUL & CR/2012/0034/NM1 for demolition of existing office building (The White House) and erection of office building comprising 11,362 sq.m GEA and a decked car park- comprising the removal of the undercroft car park resulting in a reduction in the maximum building height and loss of 10 x visitor parking spaces and 8 x disabled parking spaces which will be re designated within the permitted outdoor car park (resulting in the loss of 18 general use staff parking spaces)- Resolution to Permit subject to completion of Deed of Variation to Section 106 Legal Agreement.
- 3.3 CR/2012/0034/NM1- Non material amendment of approved application to add condition containing approved drawings- Approved – 17/05/16
- 3.4 CR/2012/0034/CC1- Discharge of condition (3) contamination, condition 4 (materials), condition 5 drainage, condition 11 (details of construction), condition 12 bird hazard management plan and condition 13 (details of renewable energy system) pursuant to CR/2012/0034/FUL demolition of existing office building (The White House) and erection of office building comprising 11,362 sq m GEA and a decked car park (Amended drawings) Approved 15/09/15
- 3.5 CR/2012/0034/FUL- Demolition of existing office building (The White House) and erection of office building comprising 11,362 sq.m GEA and a decked car park (amended drawings) - Approved 02/11/12
- 3.6 Planning permission was previously granted for the demolition of the White House and partial demolition of the single storey extension to Astral Towers (Total 2,990 sq.m) under reference CR/2008/ 0277/FUL. An extension of time to this permission was subsequently granted on the 25<sup>th</sup> October 2011 under reference CR/2011/0397/FUL. This application proposed the replacement of the White House with 22,911 sq.m of offices in three office buildings, seven/eight, six and six/five storeys in height. Parking for 1,064 cars was proposed within a decked car park to the western edge of the site, which also accommodated parking for cycles and motorcycles. The proposed three buildings were to be grouped around a central landscaped courtyard, with the new buildings adjacent to the eastern and northern boundaries. Staff access to the new development would have been from the existing access to Betts Way, whilst service access would be taken from the shared access with the Atrium.

### **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 Development Plan currently is the Crawley Borough Local Plan 2015-2030. The plan was adopted by the Council in December 2015 and is in compliance with the NPPF.
- 4.2 The National Planning Policy Framework 2012 (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 Relevant sections are:

- paragraph 14: presumption in favour of sustainable development – this means that development that accords with the development plan should be approved without delay, or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts which would outweigh the benefits or it would be contrary to the policies in the NPPF
- paragraph 17 : core planning principles which include proactively driving and supporting 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 to identify and then meet the development needs of an area, and respond positively to wider opportunities for growth
- Section 7: requiring good design - this emphasises the importance of good design to achieve high quality and inclusive design for all development. Including individual buildings, public and private spaces and wider development schemes. It is proper to seek to promote or reinforce local distinctiveness and the policies and decisions should address the integration of new development into the natural, built and historic environment.

#### 4.4 Crawley 2030: The Crawley Borough Local Plan 2015-2030

Relevant policies include:

- 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.
- Policy CH2 sets out the 'Principles of Good Urban Design' which requires development to amongst other things, create continuous frontages onto streets and spaces with clearly defined private and public areas, respond to and reinforce locally distinctive patterns of development, provide recognisable routes, intersections and landmarks to help people find their way around and provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.
- Policy CH3 sets out the 'Normal Requirements of All New Development' requiring development to be based on a thorough understanding of its context, be high quality in design and related sympathetically to its surroundings. Development should also provide a good standard of amenity for future occupants, demonstrate how secure by design has been included into the design, ensure the development needs its operational needs such as for access, parking, refuse storage and demonstrate building for life 12 Criteria taken into account.
- Policy CH4 (Comprehensive Development) states that development proposals should use land efficiently and not unduly prejudice the development potential of adjoining land.
- Policy CH6 -Tree Planting and Replacement Standards states that where trees are lost as part of a development replacement trees should be provided. The Manor Royal design Guide SPD sets out tree planting requirements for sites in Manor Royal.
- Policy CH9 (Development Outside the Built-Up Area) sets out a number of criteria for development within the countryside, development should:
  - Be grouped where possible with existing buildings to reduce impact on visual amenity.
  - Be located to avoid the loss of important on site and off site views to landscape features.
  - Reflect local character in terms of size, form, height, boundary treatment and materials.

- Minimise the impact of lighting to avoid blurring the distinction between countryside and urban areas.
  - Ensure buildings and any outdoor storage and parking areas are not visually prominent in the landscape.
  - Does not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed.
  - Does not generate traffic of a type or amount inappropriate to the rural roads;
  - Does not introduce a use which by virtue of its operation is not compatible with the countryside.
- Policy EC1 (Sustainable Economic Growth) states that Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced.
  - Policy EC2 (Economic Growth in Main Employment Areas) seeks to support proposals for employment generating development in the Main Employment Areas where they contribute to the specific characteristics of the main employment area, and overall economic function of the town, through providing a mix of employment generating uses.
  - Policy EC3 (Manor Royal) places a clear focus on the delivery of B-Class business uses within Manor Royal, though outlines that proposals for non B-Class development will be permitted provided that they are of a scale and function that enhances the established role and business function of Manor Royal.
  - Policy EC4- (Employment Development and Residential Amenity) states that proposals for the redevelopment of sites for employment use adjacent to residential areas will be permitted where there is no adverse harm to local amenity or function of the surrounding area.
  - Policy ENV1 (Green Infrastructure) sets out how the criteria for how Crawley's multi-functional green infrastructure will be conserved and enhanced.
  - Policy ENV2 (Biodiversity) all developments proposals will be expected to incorporate features to encourage biodiversity where appropriate.
  - Policy ENV4 (Open Space, Sport and Recreation) states that proposals that remove or affect the continued use of existing open space, sport and recreational facilities will not be permitted unless an assessment of the needs of open space sport and recreation clearly show the site to be surplus to the requirements
  - Policy ENV8 (Development and Flood Risk) Development proposals must avoid areas which are exposed to an unacceptable risk of flooding
  - Policy ENV9 (Tackling Water Stress) For non-residential redevelopment where technically feasible and viable, development should meet BREEAM Excellent re addressing maximising water efficiencies
  - Policy ENV10 (Pollution Management and Land Contamination) seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution, or land instability.
  - Policy ENV11 (Development and Noise) sets out requirements for new development and states that noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses will not be exposed to noise impact.
  - Policy IN1 (Infrastructure Provision) development will only 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 existing infrastructure services.

- Policy IN3 (Development and Requirements for Sustainable Transport) requires development to be concentrated in locations where sustainable patterns of travel can be achieved and development does not have an unacceptable increase in traffic congestion or highway safety.
- Policy IN4 (Car and Cycle Parking Standards) requires development to provide the appropriate amount of car and cycle parking to meet its needs. Car parking standards for commercial development will be based on the particular usage of the premises which will take account of the intensity and requirements of each employment usage and the accessibility of the area by public transport and other sustainable modes.
- Policy GAT2 (Safeguarded Land) identifies land which will be safeguarded from development which would be incompatible with expansion of Gatwick Airport to accommodate the construction of an additional wide spaced runway if required by national policy.
- Policy GAT3 (Gatwick Airport Related Parking) states that the provision of additional or replacement airport parking will only be permitted within the airport boundary. All new proposals must be justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. The reasoned justification for this policy states that there are number of businesses which offer car parking services to airport passengers which use sites that do not have planning permission for airport related car parking. These could be sites in the countryside or previously developed sites which have been used for employment or other purposes which are currently vacant. Such sites are not in the most sustainable locations, may not be appropriate for parking and would lead to the loss of the site for employment or the other uses.

#### 4.6 Supplementary Planning Documents

- Manor Royal SPD –adopted in July 2013. The SPD recognises that improvements are required to the public realm through enhancing important private frontages and gateway sites. It identifies where such improvements are needed, having regard to the location of sites, and setting out where the use of design principles, or the provision of structural landscaping, could provide improvement to both the private and public realms. The SPD also provides general design principles for the whole area and aims to deliver improvements to the setting and environment of Manor Royal as a means of enhancing its position in the sub-region and as a local employment destination.
- Crawley Community Infrastructure Levy Charging Schedule July 2016 and Regulation 123 List which sets out the Councils approach to securing developer contributions and Section 106 provisions.

#### **PLANNING CONSIDERATIONS:-**

- 5.1 As set out above this application is one of two submitted seeking planning permission to provide two surface level car parks to provide parking facilities for a consented development on the neighbouring Astral Towers and Nova Sites.
- 5.2 The original planning permission ref CR/2012/0034/FUL and a more recent application (CR/2016/0500/NCC) propose either a 4 or 5 storey office block with 11,362 sq.m of office space and a four storey decked car park to provide 1022 parking spaces in order to serve the existing Astral Towers office building and the proposed Nova Office Building.
- 5.3 The applicant and developer now consider that the proposed construction of the multi-decked car park element would render the scheme unviable, and have provided evidence to support this assertion. As a consequence they have submitted an application for the use of two plots of land known as Wingspan and part of the Donkey Field and this application for The Donkey Field for surface level parking for up to 265 spaces for a temporary period of 15 years.

- 5.4 The evidence submitted by the developer has been independently assessed by the District Valuer. He concluded that the scheme with surface car parking is viable whilst the scheme with multi decked car parking is not viable. The key issue in this case is the cost of the decked car park versus the cost of the surface car park which is approx. £12,500 to £15,000 a space compared to £1,750 to £2,000 per space. Due to the commercially sensitive nature of the viability report, should Members wish to scrutinise this conclusion in further detail, the meeting will need to move to Part B (Exempt item) where the report can be discussed.
- 5.5 The nearest neighbouring residential occupier is situated at the house, (Little Dell) which is approximately 100m to the north west of the Donkey Field. It is considered that this separation distance is sufficient to ensure that there would be no significant or harmful impact on the amenities of the occupiers. Given the nature of the development it is also considered that there would be no harmful impact to any of the amenities of adjoining commercial occupiers. Therefore, the remaining planning considerations are:
- whether the proposal is acceptable in principle including issues concerning
    - i) airport safeguarding;
    - ii) development outside the built up area;
  - The impact on the character and visual amenities of the area including impact on ecology, biodiversity and open space.
  - Impact on trees
  - Flood Risk and Drainage
  - Impact on the highway network
  - Airport Related Parking
  - Section 106 Agreement

#### The principle of the development

##### i) Gatwick Airport Safeguarding

- 5.6 This application relates to an area of land that straddles the southern boundary of the Safeguarded Land adjacent to Gatwick Airport for the construction of the second runway. This is designated in the Crawley Borough Local Plan 2015-2030. Policy GAT2 is relevant in this context.
- 5.7 Gatwick Airport Ltd (GAL) have commented that they acknowledge that the application seeks planning permission for a temporary use as a car park for a 15 year period. However, they do not accept that the construction of the surfaced car park, with the infrastructure entailed with such a development is minor development permitted by Policy GAT2. In addition they do not consider that the policy objection would be overcome by granting of a temporary consent in this case due to the nature of the proposed development and the remedial works that would be involved in restoring the site in the eventuality that the government eventually supports a second runway.
- 5.8 Although the Government have recently announced that their preferred option for a new runway is at Heathrow, this option is subject to further consultation with a final decision not anticipated until Autumn 2017 at the earliest. Also it is not yet known whether or not the government will lift its requirement for land to be safeguarded at Gatwick. The land therefore remains safeguarded and this designation can only be changed as part of a Local Plan review triggered by the Government removing the requirement for safeguarding. Therefore, for the foreseeable future it is likely that GAL will maintain their objection, and that Policy GAT2 remains a significant material planning consideration in the determination of this application. This application is clearly contrary to Policy GAT2.
- 5.9 In addition, GAL also commented that they have some concerns with to the impact of the proposed parking in landscaping and ecology terms, and specifically in relation to bird management concerns.

##### ii) Development on land outside the built up area

- 5.10 Policy CH9 seeks to ensure Crawley's compact nature and attractive setting is maintained. Proposals should respect the character and role of the Upper Mole Farmlands Rural Fringe Landscape Character Area. The main role of this area is in maintaining the separate identities of Crawley and Gatwick. Increased visual intrusion from new development within the area would erode this role. The landscape area has a moderate sensitivity to change with hedgerows and trees to some extent reducing visual sensitivity. Related to this is the value of the area as accessible countryside with opportunities for quiet recreation such as walking, cycling and horse riding.
- 5.11 The NPPF does not specifically offer policy guidance for the urban/rural fringe areas of towns. Paragraph 28 offers support for expansion of all types of business and enterprise in rural areas whilst respecting the character of the countryside. Paragraph 113 requires local authorities to set criteria based policies against which proposals for any development on or affecting landscape areas will be judged. A core principle of the NPPF is to take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside but also to proactively drive and support sustainable economic development.
- 5.12 The total proposed area of parking is approximately 0.5ha in size with tree/hedge boundaries on all sides. To the west is open fields. To the east is a temporary car park and to the south lies the Wingspan Field and the corner of the large Astral Towers car park. It is located where the Upper Mole Farmlands Rural Fringe meets County Oak Retail Park. The site is therefore adjacent to and bounded on two sides by the built development of Crawley's main urban area. There are pockets of development (Gatwick Kennels and Southways Park) to the north with small fields enclosed by tree/hedges the dominant character. There is also a public bridleway approximately 120 metres to the north in the countryside and a footpath 85 metres to the east which skirts the urban edge and leads into the open countryside.
- 5.13 A car park in this location would cause some harm to the landscape character area as it reduces the area of countryside between Gatwick and Crawley, brings development closer to public rights of way and is more visually prominent than its current land use as a field. However, it may be possible to mitigate these impacts to an acceptable level. The development should be able to mitigate any visual impact through effective, high-quality screening by retaining trees and hedgerows which are already there and planting additional screening where there are gaps. The proposals are a sufficient distance from recreational routes in terms of visual and noise intrusion, and traffic impact on the landscape setting will be negligible as access would be from the existing urban area using main roads. The low level lighting proposed should minimise any light spill and visual intrusion to the north and west into the countryside.
- 5.14 In summary, it is considered that the proposal is acceptable in relation to the specific location and relationship to the landscape character area in which it sits, provided visual impact is mitigated through effective, high-quality screening by retaining trees and hedgerows which are already there and planting additional screening where there are gaps.

Impact on visual amenity and character of the area including ecology and biodiversity open space and landscaping

- 5.15 Closely linked to the impact on the character of the area landscape is the issue of impact on biodiversity and ecology. The applicant submitted a preliminary ecological assessment to address these issues; Policies ENV1 and ENV2 are relevant in this regard.
- 5.16 There are a number of species rich hedgerows on the site which form part the wider field pattern. The southern hedgerow of the Donkey Field is part of a distinct linear habitat 570 metres long stretching into the wider countryside and linking to Public Rights of Way. It is likely the hedges which form the boundaries of the Donkey Field are classed as Important Hedgerows under Hedgerow Regulations 1997.
- 5.17 It is considered that the hedgerow meets the following criteria for being defined as important hedgerow:

- The hedgerow is more than 30 years old: 1947 aerial photos show the hedgerow was in place at that time. The hedgerow is marked on historic maps from 1895 as 3ft HR.
  - At least 7 woody species present: the ecology report submitted lists 9 types of woody species present in the hedgerows including the associated features of a ditch and standard trees.
  - The southern hedgerow of the Donkey Field marks an historic county/parish boundary. This is shown on 1895 historic map. This makes it likely that the hedgerow predates the Enclosure Acts of 1884 onwards which is another criteria for defining important hedgerows.
- 5.18 In order to ensure compliance with wildlife legislation and relevant planning policy the ecology report submitted with the application makes a number of recommendations. Recommendation 1 (R1) regarding the native, species rich defunct hedgerows has implications for the layout and design of the car parking:  
*'It is also recommended that any retained hedgerows on site are enhanced by planting up gaps with a variety of native tree and shrub species. Consideration should be given to the possibility of incorporating new species-rich native hedgerows with standard trees into the layout of the proposed development. Creating new hedgerows on site would help to compensate for the habitat loss resulting from the land take of the proposed development and would provide a valuable habitat resource and ecological corridors for a range of fauna. New hedgerows would also enhance the visual appeal of the site and provide natural screening along the boundary lines. (Submitted ecology report, page 2)'*
- 5.19 The submitted site layout plan would see the complete removal of the southern hedgerow of the Donkey Field with parking spaces in its place. This would be contrary to the ecological recommendation above, importance as a hedgerow under Hedgerow regulations 1997, status as a Habitat of Principal Importance (CRoW Act) and also its contribution to landscape character and biodiversity.
- 5.20 It considered that the recommendations of the applicant's ecology report should be followed in full to ensure compliance with environmental legislation and the Crawley Local Plan. This means that some re-designing of the layout to avoid the loss of hedgerow as well as enhancement measures including native planting within the design of the scheme to compensate for the habitat loss resulting from the land take should be undertaken. A condition could be imposed on any approval of planning permission to facilitate this as there are some existing gaps in the hedgerow, which could be used for access and mitigated by enhanced planting along other sections of the hedgerow.
- 5.21 Policy ENV1 seeks to conserve and enhance the green infrastructure network. Proposals should integrate and enhance the network and maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space. Both the Donkey Field and Wingspan applications includes hedgerows which are part of the green infrastructure network for the many benefits they bring. The development site in total is approximately 0.5 hectares and the policy requires large proposals to provide new and/or create links to green infrastructure where possible. There are no amenity green space or other types of open space provided as part of this application to serve the large numbers of office workers that the application relates to. The proposals do not address Policy ENV1 requirements for applications of this size and impacts upon existing green infrastructure. The objection from an office worker in Astral Towers also highlights this lack of amenity space.
- 5.22 Policy ENV4 normally requires an assessment of the needs for open space, sport and recreation. However, given the nature of the application for surface car parking, linked to the major office development and the requirement to maximise the parking spaces on this site there would be little scope to incorporate amenity or green space for office workers. Once again this deficiency needs to be balanced against the desirability of permitting the application in order to secure the office development on the neighbouring site.

## Landscaping



- 5.23 The application site is located outside to the north of the Manor Royal Business District and adjoins the boundary that marks the edge of the built up area. Therefore, landscaping is an important consideration, especially given the nature of the proposal which is a large unrelieved parking area. During the course of the determination of the application, concerns were expressed with regard to this issue and in response the applicant has submitted a detailed planting plan covering both sites in the event that planning permission was approved for both applications. However, although the plan proposes new tree planting within the parking areas, only very little boundary planting is proposed.
- 5.24 However, in the event that planning permission is granted, a condition could be imposed to require the submission of an enhanced and detailed landscape plan for the site, which would also be subject to consultation with GAL regarding potential bird management issues and aerodrome operational safety.

#### Impact on trees

- 5.25 The site is flat and open and mostly consists of semi-improved grassland, with the majority of trees and hedgerows located towards the western and northern boundary of the site. There are however and number of smaller trees and a hedgerow that runs along the southern boundary of the Donkey Field.
- 5.26 An arboricultural survey and impact assessment was submitted with the applications to cover both linked sites. There are no trees on the site that are subject to Tree Preservation Orders (TPO). The proposals would result in the loss of seventeen trees, two groups of trees and two hedgerows. In addition two further hedgerows would be partially removed. Overall the arboricultural assessment considered that given the location of the trees their removal would not have a significant impact on the local landscape. The remainder of the tree and hedgerows are proposed to be protected during construction and an arboricultural method statement would be submitted setting out the details.
- 5.27 The Council's tree officer has been consulted and has raised no objections to the proposals. Policy CH6 requires that replacement tree planting must be provided where trees are removed, and sets out criteria for the number of replacement trees based on the size of those removed. A condition can be imposed on any approval of planning permission for the submission of the method statement and a detailed landscape plan to include replacement tree planting.

#### Flood Risk and Drainage

- 5.28 The Flood Risk Assessment submitted with the application indicates that the entirety of the site lies within Flood Zone 1. The development of car parks is not inappropriate within such areas, and the FRA states that there would be a low risk of all forms of flooding to the proposed car parks.
- 5.29 The submitted Drainage Strategy identifies that the existing greenfield site drains towards the east into a ditch running along the eastern boundary of the site. In order to drain the car park a SuDS system will be used with infiltration to ground and overflow discharged via a control chamber into the existing ditch. The surface water drainage would be designed in accordance with CIRIA SuDS Manual and once implemented will ensure that the proposed development will not increase the risk of flooding on or off site.
- 5.30 No objections have been received from Thames Water and an informative could be placed on any decision notice to remind the applicant to contact them in relation to surface water drainage details.

#### Impact on the highway and parking issues

- 5.31 West Sussex County Council have made the following comments in relation to this and the linked application for the Wingspan and part of the Donkey Field (CR/2016/0501/FUL).

- 5.32 *'The Nova office development was originally consented with a total car parking provision of 1,016 spaces for the Astral Towers and Nova with 366 of these spaces being provided for Nova. This is broadly in line with Crawley borough council's parking standards of 1 space per 31sq.m (assuming a B1 GFA of 31,682sq.m). The Nova parking, however, would be reduced to 348 spaces as a result of the loss of the 18 undercroft parking spaces (approved under application reference CR/2016/0500/NCC), so total car parking provision would fall to 998 spaces.'*
- 5.33 *'The proposed loss of the 550 space multi-storey car park, however, is significant. On the face of it this would reduce the 998 spaces further to 448 spaces, although it is envisaged that this would be slightly higher as it is assumed that some ground level parking would be provided on the footprint of the multi-storey car park. The applicants state that the existing Nova car park has 321 spaces and the floor level Astral Towers car park 137 spaces, providing a total of 458 spaces without the multi-storey car park. To replace the multi-storey car park, 401 spaces are proposed on the 'Wingspan Field' site and part of the 'Donkey Field' site which brings the total to 1,022 spaces should planning permission be given. (CR/2016/0501/FUL).'*
- 5.34 *'However, the 'Donkey Field' site is subject to this separate application which may or may not be approved. If this application is looked at on its merits then only 859 spaces are being proposed. On the basis of a B1 GFA of 31,682sq.m, this reduces the parking ratio to 1 space per 37sq.m which is below the borough council's adopted car parking standards.'*
- 5.35 *'Furthermore, it appears that the applicant's do not actually own either the Donkey Field or Wingspan Field sites, so future parking on these sites cannot be guaranteed. However, if the Donkey Field site is no longer available then the applicants are proposing to erect a single deck of the multi-storey car park permitted under CR/2012/0034/FUL to provide 187 spaces'.*
- 5.36 *'However, this still assumes 401 spaces on the combined Wingspan and part of the Donkey Field sites which is rather confusing if the 'Donkey Field' is no longer available. From WSCC's point of view, if both applications are approved then 1,022 parking spaces would become available and would meet the car parking standards.'*
- 5.37 The main concerns from WSCC centre around the issue of land ownership and the possible future non-availability of these parking areas and a potential increase in on-street parking pressures in the area that would inevitably result, and what measures could then be taken to address the significant loss of parking.
- 5.38 Therefore, in highways terms the acceptability of the proposals for both this and the linked planning applications for parking on the Wingspan/Donkey Field, (CR/2016/0501/FUL) and the recently approved application for modifications to the Nova Office Development (CR/2016/0500/NCC), rely on the completion of a Section 106 Legal Agreement that successfully links all three applications and guarantees the provision and retention of sufficient parking facilities to cater for the existing Astral Tower office and the approved Nova office development.

#### Airport Related Parking

- 5.39 There is a high level of demand for parking in the locality of Manor Royal from other existing and forthcoming office and commercial developments and there is also evidence that there is demand in the area for off-site Airport Car Parking.
- 5.40 Policy GAT3 concerns Gatwick Airport Related Parking and states that the provision of additional or replacement parking will only be allowed within the airport boundary. Sites within the airport boundary provide the most sustainable location for parking, close to the terminals, and linked to the airport operator's modal shift targets. The reasoned justification for this policy also identifies that there are a number of businesses which offer car parking services to airport passengers which use sites that do not have planning permission for airport related parking. These could be both sites in the countryside or previously developed sites which have been used for employment or other purposes which are currently vacant. There are a number of such uses close to the site in

neighbouring Lowfield Heath and Maple Manor to the north. Uncontrolled provision of large newer car parks in this area could lead to inappropriate use in the future for airport related car parking because of the financial benefit to the car park owner/operator. Therefore, in the event that this application was approved, this would need to be controlled through a detailed Section 106 Agreement and by future monitoring of the car park use.

#### Section 106 Legal Agreement

- 5.41 As noted above in paragraph 2.12 a Section 106 Legal Agreement would be necessary to link the relevant applications together in the event that it is resolved to grant planning permission.
- 5.42 In the event that planning permission was approved for this application the legal agreement would need to be precisely written to ensure that parking facilities once constructed are only used for the Nova and Astral Towers developments. In addition, the agreed sequence of construction would be important to ensure that the Nova Office development is not occupied before satisfactory arrangements are in place to ensure that there are sufficient parking facilities for both Nova and Astral Towers. As stated above the possibility that the developer may need to construct at least some decked car park element in the event that this application was refused has already been acknowledged. However, in the event this application was approved the legal agreement would need to deal with the issues regarding potential changes to the safeguarding criteria, and issues concerning land ownership and long term availability of the land for parking.

#### CONCLUSIONS:-

- 6.1 The development of this site for the provision of parking facilities for the neighbouring office development has been proposed in light of the non-viability of the approved multi-storey car park on the office site, and in order to bring forward the high-quality Class A office development for which there is an acknowledged need in this part of the Borough.
- 6.2 However, this aspiration must be balanced against all the other planning considerations as set out above. Most significant amongst these must be the concerns raised by GAL and the conflict with Policy GAT2 of the Crawley Borough Local Plan 2015-2030. It is considered that the desirability to bring forward the office development does not outweigh the safeguarding concerns that remain, and the applicant should seek an alternative solution to the provision of adequate car parking facilities in order to secure the neighbouring office development. Therefore, it is recommended that the application be refused for the following reason.

#### RECOMMENDATION RE: CR/2016/0502/FUL

REFUSE for the following reason

1. The proposed development by virtue of its siting within the area of land safeguarded for the future expansion of Gatwick Airport could prevent the delivery of the second runway contrary to 2003 Aviation White Paper 2003, the Aviation Policy Framework 2013 and policy GAT2 of the Crawley Borough Local Plan 2015-2030.

#### 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:

Informing the applicant of identified issues that are so fundamental that it would not be possible to negotiate a satisfactory way forward due to the harm that would be caused.

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.



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

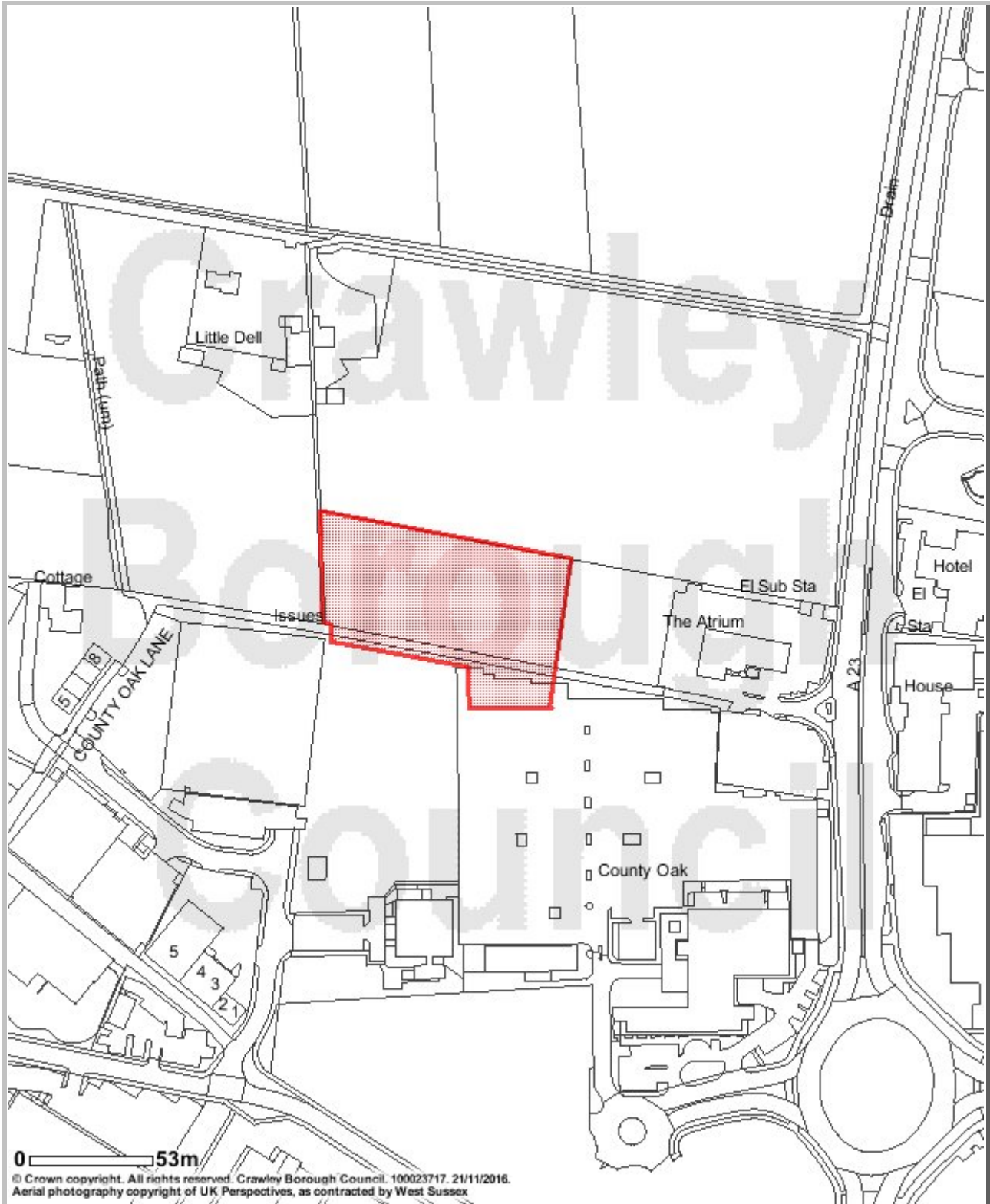
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0502/FUL**

Date 16 November 2016

Approx. Scale 1:1,250

**DONKEY FIELD, BETTS WAY, LANGLEY GREEN,  
CRAWLEY**



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**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, 16806 Sketch Showing Landscape Strategy Rev B

**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 formerly contaminated land – condition required.   |
| 10. | CBC - Environmental Health           | No objection subject to condition and informative.   |
| 11. | Cycle Forum                          | 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:-**

One 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 are in short supply.
- Proposal will benefit the business district.

**REASON FOR REPORTING TO COMMITTEE:-**

The application is 'major' development.

The application was withdrawn from the last agenda on the 5<sup>th</sup> December 2016 as the applicants were continuing dialogue with officers to overcome the refusal reasons set out in that report.

**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 where there are currently 3 points of access. 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.

Additional documents have been recently supplied to accompany the application including:  
Landscape Strategy – December 2016  
Detailed site survey plans  
Further details on landscaping, fencing and cycle storage

### **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 11<sup>th</sup> 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 current application 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 that 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 though 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 Policy 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 emphasises 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 this 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 though 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 warehouses (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 and SPDs set out in section 4 above. The relevant considerations are:
- Design of development, landscaping 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, landscaping 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 1<sup>st</sup> 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. Amendments to the original layout in relation to the fence alignment and landscaping have been made as result of discussions with Officers.
- 5.6 It is accepted that Unit 1, which requires it's servicing to the front of the building, does not closely relate to the road frontage. The proposed layout to the front has extensive parking and servicing to serve the unit which would not create an active frontage or high quality setting for the building. However, illustrative plans have now been received which have removed a parking space in the north east corner of the site to allow for additional landscaping on this prominent boundary. In addition, further landscaping is proposed either side of the northern site access and along the northern boundary to soften the impact of the proposed security fencing around the front of the unit. The proposal is to provide 2 semi-mature trees either side of the northern access to provide a stronger landscaped frontage to this section of Faraday Road and further landscaping around southern site access. In addition to the trees and landscaping, climbing plants are proposed along the fencing on the northern and eastern boundaries which would assist in supplementing the landscaping and in greening and screening the views of the parking areas from the streetscene. The landscaping strategy indicates that the climbing plants would be established through installation of alternate panels of pre-grown climbers into a suitably drained soil, the exact details would need to be controlled via a landscaping condition. It is considered that the additional landscaping now proposed to Unit 1 is a better attempt to respond positively to the public realm along this section of the application site and would be more robust at screening the extensive hard landscaping with the servicing and parking areas.
- 5.7 Unit 3 is orientated with its side on to the road. The entrance doorway is closest to the street and windows (at first floor level on the side and on the front elevation) have sought to break up the building on approach travelling southwards along the Faraday Road. The proximity and orientation of the unit to the street scene remains of concern as the building has an extensive 55m largely blank flank elevation facing Faraday Road. The space for landscaping is also fairly limited. However, the landscaping strategy has sought to demonstrate that there is sufficient space for

some meaningful robust landscaping to be established taking into account the site levels which drop from the application site onto the public footpath. The applicants have confirmed that the site is accurately surveyed and the area shown for landscaping is available and it is proposed that an accurate survey plan showing that the landscaping can be accommodated within the application site boundaries should be provided prior to the meeting.

- 5.8 Two triangular shaped areas of landscaping are proposed along this elevation to soften the impact of the building along the street. The first section adjacent to the flank wall of the building measures 6m deep, its southern end tapering to around 0.5m adjacent to the front corner of unit 3. The additional information in the landscaping strategy has sought to demonstrate how the planting can be established on this sloping site which drops around 1m from the building to street level. At the southern (wider end) a landscaped slope is proposed which would be planted with suitable tree species. Approximately halfway along the flank of the building the planting area is more limited to under 3m depth and a planted gabion wall feature would be introduced up to the point where there are steps up to the front of the unit. An indicative shrub and ground cover mix which could potentially provide year round interest has also been provided to show potential planting along the narrower area of landscaping.
- 5.9 The second area of planting for unit 3 is further to the north adjacent to the service yard. It measures 4m tapering to 0.8m. The landscaping plan has indicated that potentially 2 tree specimens could be accommodated on the wider portion of this landscaped area and again has suggested planting of the fencing and other lower level planting along the thinner part of the landscape strip. While narrower, this area of planting is not adjacent to the building, would receive good natural light and with appropriate maintenance, has potential to establish well.
- 5.10 The amendments also show revisions to the access for units 2 and 3 introducing an additional area of landscaping to the north of this entrance and removing a section of fence, this also allows for a softer landscaped setting to this site entrance.
- 5.11 There is specific guidance (set out in para 4.23) in relation to the design approach for this 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 site layout can only meet the desired thickness of landscaping (3m deep) set out in the SPD for around 20% of the site frontage, the amended details have sought demonstrate that a softened tree line can be achieved along the whole of the site frontage and at its narrower points this could be supplemented by climbing planting. It is considered that the landscape strategy has demonstrated that the approach proposed would integrate with the planting provided on the sites recently redeveloped to the north of the site and currently under construction (Harwoods) to the south of the site.
- 5.12 Officers are still concerned about the position of unit 3 due to its size and proximity to the Faraday Road frontage which, as a matter of fact, does not comply with the design guidance in the Urban Design SPD. The amendments do not address the concerns of the Urban Design Officer however, on balance, it considered that the proposed landscaping can be implemented to help mitigate the visual impact of the building and improve the landscaping and public realm along Faraday Road.

### Operational Needs

- 5.13 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 and further details have been provided to show indicatively the design and appearance of the cycle provision proposed.
- 5.14 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.

- 5.15 WSCC, while not objecting to the application, has commented that manoeuvring into and out of the service bays is rather tight. 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. However, the amendments have now demonstrated that landscaping can be established within the layout and should not interfere with the operational requirements of the units, this layout is therefore considered on balance to be acceptable.

#### Impact on nearby occupiers

- 5.16 There are not considered to be any harmful impacts from the development in relation to its use, layout or the size and orientation of the proposed buildings to adjacent occupiers. Adjoining units are all in commercial use and, even with 24 hour operation, it is not considered that adverse impact would result.

#### Sustainability

- 5.17 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.

#### Infrastructure Contributions

- 5.18 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 The proposal is supported in principle as an employment use in the Manor Royal industrial area and it is accepted that there is a need for high quality new business floorspace within the Manor Royal Business District. Overall, the designs of the individual buildings are considered to be of high quality although, as highlighted above, their juxtaposition in relation to the street scene (in particular unit 3) is not ideal and the amount of development does appear rather cramped, albeit mitigated to some extent by the additional landscaping proposed to screen the service areas and parking. The concerns of the Urban Design officer have not been overcome however, it is considered that the applicants have now demonstrated that the landscaping proposals for the site, while not strictly according with the Manor Royal Guidance, would create an attractive frontage to Faraday Road, would integrate with the development to the north and south of the site and could result in a positive improvement to landscaping in the public realm in accordance with the aspirations of the Manor Royal SPD.
- 6.2 Taking all matters into consideration and weighing up the urban design aspirations and policy considerations with the economic benefits of the development and the now improved public realm/ landscaping proposals, it is recommended on balance that the application be permitted subject to conditions to control the development design detail for the building and wider public realm.

## **RECOMMENDATION RE: CR/2016/0722/FUL**

Subject to S106 Agreement to secure Manor Royal contribution set out in 5.18 and subject to receipt of an accurate survey plan showing the land available for planting, it is recommended to **PERMIT** with the following 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 commence until a scheme to deal with the contamination of the land and/or ground water has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in the agreed scheme have been fully implemented. The scheme shall include all the following measures:
  - (i) A Desk Study (including Conceptual Model of potential pollutant linkages) and the following stages where required;
  - (ii) A Detailed Site Investigation.
  - (iii) Remediation.
  - (iv) Post Remediation Verification Testing and Report.  
(based on a staged a staged risk assessment as set out in CLR11 – Model Procedures for the Management of Land Contamination), unless the Local Planning Authority dispenses with any such requirement specifically and in writing:REASON: To safeguard the environment in accordance with policy ENV10 of the Crawley Borough Local Plan 2015-2030.
4. Development should not commence until an adequately detailed surface water drainage design for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed design.  
REASON: The information provided to date is inadequate to demonstrate compliance with the legislative requirements and to prevent the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
5. Development shall not commence until full details of the maintenance and management of the SUDS system is set out in a site-specific maintenance document and submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented and maintained in accordance with the approved details.  
REASON: To ensure the long term maintenance of the drainage system, prevent the increased risk of flooding and in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030
6. Before any work for the implementation of this permission commences, detailed plans and particulars of the land levels and the finished floor levels of the warehouse units, the associated parking areas and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed in accordance with the approved levels.  
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
7. 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 buildings 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 buildings of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

8. No construction work on the units shall commence until precise details showing the 1<sup>st</sup> floor window profiles, main entrance door and loading door fenestration profiles including surround detail (including a 1:20 section of the glazing details) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.  
REASON: To control the development in detail and to ensure a high quality development in accordance with policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030
9. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily restricted to the following matters:
  - (i) Location of site offices
  - (ii) Location of plant and material storage
  - (iii) Location of loading/unloading and turning area for delivery vehicles
  - (iv) Location of staff and operative parking
  - (v) Location of wheel washing equipment
  - (vi) Location of any hoardings
  - (vii) Measures for management of dust from the site during any demolition and construction activitiesREASON: To minimise any impact on highway users and amenities of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
10. The development shall not be occupied unless and until the accesses to the site have been designed, laid out and constructed in all respects in accordance with details to be submitted to and approved in writing by the Local Planning Authority:  
REASON: To ensure the operational requirements of the site are met and in the interests of highway safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
11. The development shall not be occupied unless and until all access to the site other than hereby approved shall be closed and obliterated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure the operational requirements of the site are met and in the interests of highway safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
12. The development hereby permitted shall not be occupied unless and until the northbound bus stop on the Faraday Road site frontage has been relocated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
REASON To safeguard and ensure appropriate re-provision of this facility, in the interests of highway safety and to ensure the safe operation of the bus stop in accordance with policy IN1 of the Crawley Borough Local Plan 2015-2030.
13. Each unit hereby permitted shall not be occupied unless and until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in respect of that unit. The Travel Plan for each unit once approved shall thereafter be implemented as specified in the approved document.  
REASON: To encourage sustainable transport modes in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030.
14. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:
  - (i) Management of any flat/shallow pitched/ roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards Around Aerodromes', available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>The Bird Hazard Management Plan shall be implemented as approved, upon completion of the roofs and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority



REASON: It is necessary to manage the roofs in order to minimise their attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

15. No landscaping works shall take place until there has been submitted to, and approved by, the Local Planning Authority a landscaping scheme (hard and soft). The approved details of the landscaping shall be carried out in the first planting and seeding season, following the first 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 development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the amenity and of the environment of the development in accordance with policy CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.
16. The buildings shall not be occupied until a landscape management plan which covers a period of no less than 15 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include a programme for implementation, long term design objectives, long term management responsibility and maintenance schedules for all landscaped areas. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of visual amenity of the area in accordance with policy CH3 of the Crawley Borough Local Plan and the Manor Royal SPD.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings shall not be extended or altered in any way including any additional floorspace as defined with Class H or Part 7 of Schedule 2 of the order unless permission is granted by the Local Planning Authority on application in that behalf.  
REASON: A more intensive use of the site would be likely to cause congestion or adjacent roads contrary to policies IN1 and IN4 of the Crawley Borough Local Plan.
18. The parking and loading areas shown on the plans hereby approved shall be laid out and maintained in accordance with the approved drawing number XXX. These parking /loading areas shall be kept available for such use and shall not be used for any other purpose including any outside storage of materials.  
REASON: To ensure the operational requirements of the site are met and in the interests of highway safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030
19. The buildings shall not be occupied until plans and details have been submitted to and approved by the Local Planning Authority for covered and secure cycle parking spaces for employees and visitors and for the storage of refuse / recycling provision to serve each industrial unit has been submitted and agreed in writing. The agreed details must be laid out and available for prior first occupation of the unit.  
REASON: To ensure the operational and servicing requirements of the development are met in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
20. Within three months of the completion of each unit, a post construction report shall be submitted to and agreed in writing by the Local Planning Authority verifying that the development of that unit has achieved the minimum Energy and Water standards for BREEAM 'Excellent'.  
REASON: In the interests of sustainable design and construction in accordance with Local Plan Policies ENV6 and ENV9.
21. Before construction of the building commences, details of the provisions made within the scheme design to enable the development to be 'network ready' in the event that a District Energy Network is delivered in the vicinity shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.  
REASON: In the interests of climate change mitigation in accordance with Local Plan Policy ENV7.

## INFORMATIVES

### 1. Hours of Construction

Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the hours the noisy works are permitted.

The permitted hours for noisy construction work in the Borough of Crawley are as follows:

0800 to 1800 Monday to Friday and

0800 to 1300 on Saturday.

With no noisy construction works taking place on Sundays, Bank Holidays, Public Holidays, Christmas Day, Boxing Day or New Years' Day.

The developer shall employ at all times the best practical means to minimise noise disturbance to nearby residents. All construction work practises shall comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.

Any exemptions to the above hours must be agreed with The Environmental Health Team in advance.

### 2. Section 278 Road Agreement

The applicants will be required to enter into a S278 road agreement for the construction of the new accesses, closure of the existing accesses and relocation of the bus stop. West Sussex County Council charges a separate fee to process the Traffic Regulation Order necessary for the relocated bus stop.

### 3. Cranes

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](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

### 4. Contamination

**The applicants attention is drawn to the following additional information which should be read in relation to condition 3 on this notice.**

1. A **desk-top study** carried out by a competent person. The study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. Two full copies of the desk-top study and the non-technical summary shall be submitted to the LPA.
2. A **site investigation** shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology BS 10175:2011. The site investigation should fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications, including an assessment of risk to any potential receptors. A full report on the findings of the site investigation shall be submitted to the LPA see note above.
3. A written **remediation statement**, detailing the works necessary so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including any controlled waters, shall be submitted to the LPA and agreed in writing with the LPA prior to any remediation commencing on site. Two copies of the remediation report shall be submitted to the LPA.
4. Approved remediation works shall be carried out in full on site, under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the remediation works contamination is encountered that had not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA in accordance with the process laid out at points 1 – 3 above.
5. Upon completion of the remediation works, this condition shall not be discharged until further **validation report** has been submitted to, and approved by the LPA. The validation report shall

include quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site.

#### 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 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.



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

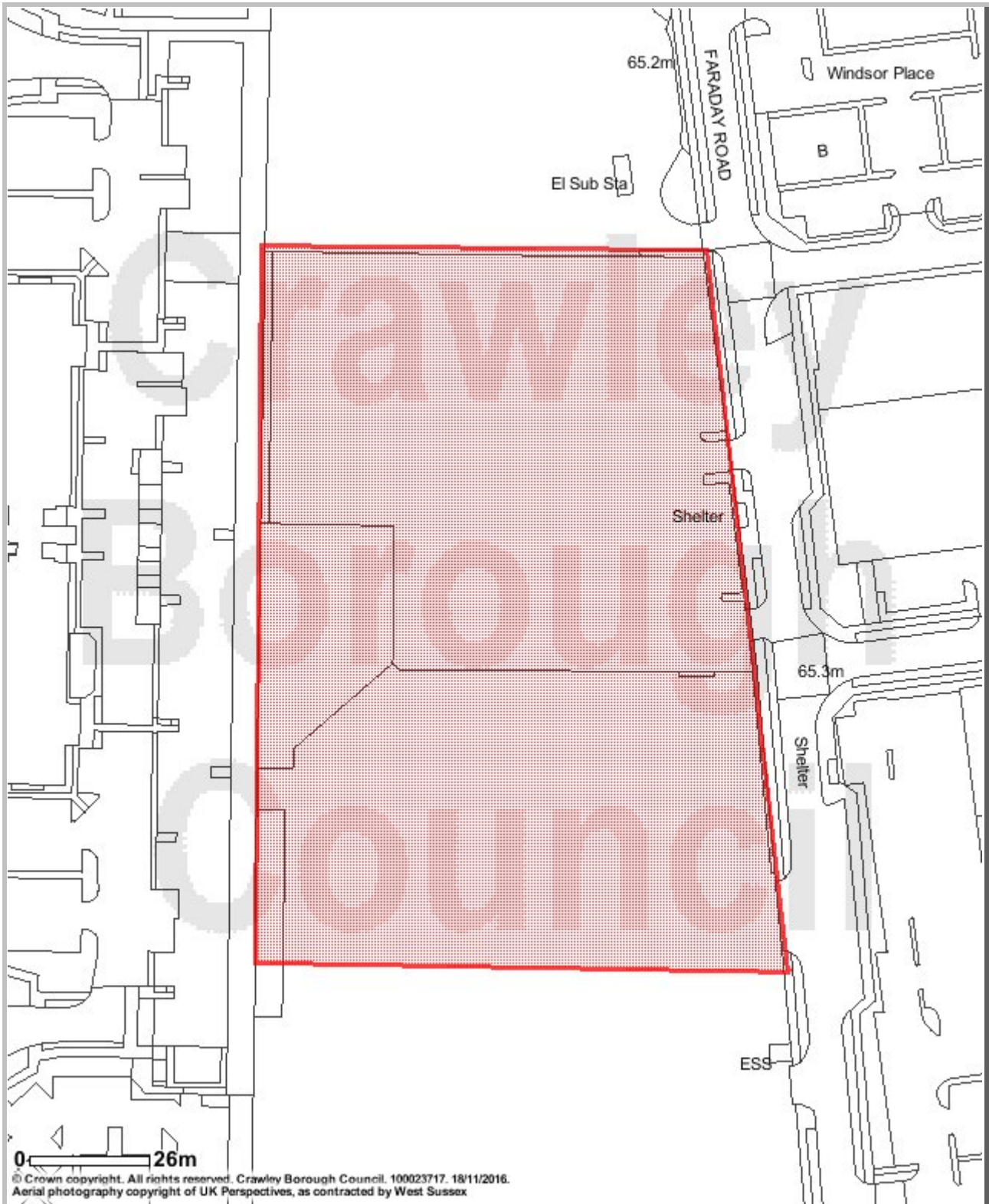
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**CR/2016/0722/FUL**

Date 14 October 2016

Approx. Scale 1:1,250

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



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REFERENCE NO: CR/2016/0795/FUL

LOCATION: [5 DENE TYE, POUND HILL, CRAWLEY](#)  
PROPOSAL: ERECTION OF A REAR CONSERVATORY

TARGET DECISION DATE: 7 November 2016

CASE OFFICER: Miss D. Angelopoulou

APPLICANTS NAME: Mr & Mrs Mahmood  
AGENTS NAME: Anglian Home Improvements

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**PLANS & DRAWINGS CONSIDERED:**

CBC 0001 - Location Plan, CBC 0002 - Block Plan, 099/91821 Page 1 of 2 - Existing Elevations & Ground Floor Plan, 099/91821 Page 2 of 2 - Proposed Elevations & Ground Floor Plan

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

CBC - Planning Arboricultural Officer	Following the submission of further details regarding the foundations, Root Protection Area and a method statement, and the subsequent site visit from the Arboricultural Officer, no objection is raised.
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**NEIGHBOUR NOTIFICATIONS:-**

3, 7 and 9 Dene Tye, Pound Hill.

**RESPONSES RECEIVED:-**

Two representations have been received from nearby occupiers raising objections to the proposal on the following grounds:

- Loss of light and privacy and noise. The previous extension has already impacted on light and the existing bathroom window on the northern elevation which was part of the previous application under reference CR/2010/0325/FUL overlooks the patio and gives rise to noise.
- The proposal with the previous extension would make the garden very small for the area.
- The extension would be very close to a tree with a preservation order.

**REASON FOR REPORTING TO COMMITTEE:-**

The applicant is a member of staff.

**THE APPLICATION SITE:-**

- 1.1 The application site relates to a two storey detached dwelling on the east side of Dene Tye within the neighbourhood of Pound Hill. The site level rises notably west to east and there is one protected Ash tree under TPO reference number: 16.8.6 in the rear garden.
- 1.2 The property itself is brick built and has a linked garage to the front. It benefits from single storey front and two storey rear extensions. There is a stagger in the building line of properties No.3, 5 and 7 Dene Tye such that the rear wall of No.5 is set back 5.5 metres from that of No.3 and No. 7

projects by 4 metres beyond No.5's rear wall. The boundary to the north is marked by high bushes, trees and mesh fencing and to the south by 1.8m high fence, high bushes and trees. It should be noted that there is an excavated area to the rear of the existing extension which measures nearly 2.5 metres in depth. It is understood that this was carried out at the time of the construction of the original extension.

### **THE PROPOSED DEVELOPMENT:-**

- 2.1 Planning permission is sought for the erection of a single storey rear conservatory. The proposed single storey rear conservatory would project 3 metres from the rear elevation of the previously approved and implemented rear extension and would extend the full width of the property. It would be set away from the rear site boundary by 15 metres. It would have a glass roof and would include glazed uPVC frames on its northern side elevation and rear east elevation (with French doors), on a brick dwarf wall. On the southern elevation the side wall would be brick at a height of 2 metres. The conservatory would rise to a height of 3 metres to the ridge and would be 2.1 metres at the eaves.

### **PLANNING HISTORY:-**

- 3.1 The most recent relevant planning history is as following:
- CR/2011/0101/FUL – Erection of a single storey front extension to provide hall & study with pitched roof extending over existing garage – Permitted and Implemented.
  - CR/2010/0325/FUL – Erection of two storey rear extension to replace existing conservatory – Permitted and Implemented.
  - CR/2009/0289/TPO – Ash pollard – Consent granted.
  - CR/2003/0512/TPO – Mountain Ash-Reduce the crown by 30%, remove deadwood and cut ivy stems growing on main trunk – Consent granted.

### **PLANNING POLICY:-**

#### **National Planning Policy Framework (2012) (NPPF)**

- 4.1 The NPPF states that the applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. More specifically:
- Paragraph 14 – Presumption in favour of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
  - 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.
  - 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.

#### **Crawley Borough Local Plan (2015-2030) (adopted December 2015)**

- 4.2 The relevant policies include:
- 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.
  - Policy CH2: Principles of Good Urban Design to assist in the creation, retention or enhancement of successful places.
  - Policy CH3: Normal Requirements of All New Development states all proposals for development will be required to make a positive contribution to the area; be of a high quality urban design;

provide and retain a good standard of amenity for all nearby and future occupants of land and buildings; retain existing individual or groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity and be able to meet its own operational requirements necessary for the safe and proper use of the site. Development proposals must adhere to any relevant supplementary planning guidance produced by the council including residential extensions.

#### Urban Design Supplementary Planning Document (adopted October 2016)

4.3 The Urban Design SPD is a non-statutory document which supplements the policies of the Local Plan and is applicable to this application. It contains guidelines on the standards the Council expects for the public design and the design of extensions. In particular, it states that:

- *‘Overshadowing or dominating neighbours’ houses and gardens can be avoided by keeping rear extensions relatively small as compared to the size of the main buildings and the gardens in which they stand.’*
- *‘One or two storey rear extensions will need to maintain a minimum distance of 21 metres between the rear windows of an opposing dwelling and the rear facing windows of the extension, in order to avoid any potential overlooking and privacy issues.’*
- *‘A rear extension should not consume the entirety of a dwelling’s private amenity space. A garden should be retained with a minimum depth of 10.5m measured from the extension’s rear external wall to the property’s rear boundary in length, in order to ensure adequate private outdoor space. In some circumstances, in particular for extensions over two storeys or larger dwellings, more garden depth may be required.’*
- *‘An extension with good design in mind will relate appropriately to the parent dwelling’s character and style, dimensions, materials and finishes of the parent dwelling and the character of the neighbourhood. Furthermore, when considering an extension it is important to think about the impact the development may have on your neighbours and the wider area.’*
- *‘Development should incorporate materials and colours that match the existing dwelling.’*

#### Green Infrastructure Supplementary Planning Document (adopted October 2016)

4.4 The Green Infrastructure SPD is a non-statutory document which supplements the policies of the Local Plan and is applicable to this application. It contains guidelines on the standards the Council expects for designing for trees and Trees with Tree Preservation Orders (TPO’s). In particular, it states that:

- *‘A realistic assessment of the current and future relationships between the existing trees and new structures should be made.’*
- *‘Designs are expected to give special consideration to trees and woodlands subject to Tree Preservation Orders or within a Conservation area.’*

### **PLANNING CONSIDERATIONS:-**

5.1 The main planning issues in the determination of this application are:

- The design & appearance of the proposal and its impact on the dwelling, street scene & wider area
- The impact on neighbouring properties and amenities
- The impact on the protected tree

#### The design & appearance of the proposal and its impact on the dwelling, street scene & wider area

5.2 The proposed rear conservatory would not have any impact on the street scene since it would be positioned to the rear of the property and would be screened by the original dwelling. The proposed conservatory due to its predominately glazed design and matching brickwork is not considered to have a detrimental impact on the character of the dwelling. In addition, given that the property would

retain 15 metres of rear garden, it is also considered that adequate outdoor rear amenity space would remain in accordance with the Urban Design SPD despite the expressed concerns.

- 5.3 To conclude, the proposed development would satisfactorily integrate within the character of the existing property and would not be harmful to the street scene. It would therefore be in accordance with the relevant Local Plan Policies, the design guidance in the Urban Design SPD and the relevant paragraphs of the NPPF.

#### The impact on neighbouring properties and amenities

- 5.4 The properties most affected by the proposed conservatory are No. 3 Dene Tye to the north and No.7 Dene Tye to the south.
- 5.5 The proposed single storey rear conservatory would project 3 metres from the rear wall of the previously approved and implemented rear extension. There is a 2 metres separation gap between the proposal and the side boundary to No.3 to the north of the application site. Due to the stagger in the building line and the existing two storey rear extension, the resultant total projection of the application property beyond the rear of No.3 would be 8.5 metres. By being oriented to the north of the application site, there is a possible loss of light or overshadowing on No.3 from the proposal. However, the proposed conservatory would be glazed on this particular side elevation to allow the maximum light to No.3 Dene Tye and the roof would be pitching away from the boundary. Also, it should be noted that the garden of No.3 is currently overshadowed by the existing conifer trees. As such the overall impact on light and overshadowing is considered on balance acceptable despite the expressed concerns.
- 5.6 Whilst it is acknowledged that the common northern boundary with No.3 is formed by mesh fencing with some conifer trees and thus views through to the neighbouring property are available, the proposal relates to a typical conservatory and despite the expressed concerns it is considered on balance acceptable in terms of loss of privacy and outlook given the separation distance and the type of development. It should be noted that a 2m high fence could be erected along this boundary under permitted development rights. With regard to the comments made about noise caused by the existing bathroom window, this does not constitute a material planning consideration for this application.
- 5.7 There is a 1.2m separation gap between the proposal and side boundary to No.7. This dwelling is set 2.5 metres away from the application property. No. 7 projects by 4 metres beyond No.5's rear wall and as a result the proposal would be inset 1 metre from the rear of No.7. Given this relationship and being oriented to the south of the application site, it is not considered that the proposal would have a detrimental impact on loss of light, privacy or overshadowing on this neighbouring property.
- 5.8 To conclude, it is considered on balance that the proposed rear conservatory would not have a detrimental impact on the amenities enjoyed by the occupants of neighbouring properties and would accord with the relevant Local Plan Policies, the Urban Design SPD and the relevant paragraphs of the NPPF.

#### The impact on the protected tree

- 5.9 There is one protected Ash tree under TPO reference number: 16.8.6 in the rear garden of the application site. Following the submission of further details regarding the foundations, Root Protection Area and a method statement, the Arboricultural Officer had no objection subject to controls through conditions that all works would be carried out in accordance with the above-mentioned details.
- 5.10 The protected tree would be 5.7 metres from the rear wall of the proposed conservatory. The submitted details state that there would be block and beam foundations and protective fencing



would be erected during the construction. The footings will be dug by hand and the hard surface to the front of the house would be used to store the construction materials.

- 5.11 In addition, the Arboricultural Officer, having inspected the excavated area for the presence of roots from the protected Ash, confirmed that there appears to be no roots within the area and that the chances of encountering significant roots during construction of the conservatory are minimal. Also, he does not consider there will be any future conflict with the tree since it has been pollarded in the past and has a small crown, and should any conflict develop in the future, an application to re-pollard should be submitted. Therefore, the impact on the protected tree would be acceptable and the proposal would be in accordance with the relevant Local Plan Policies, the guidance in the Green Infrastructure SPD and the relevant paragraphs of the NPPF.

### **CONCLUSIONS:-**

- 6.1 In conclusion, it is considered on balance that the proposal would not have a detrimental impact on the amenities enjoyed by the occupants of neighbouring properties and the existing TPO'd tree and would not have an adverse impact on the character and appearance of the dwelling and the street scene. The proposed rear conservatory is considered to accord with the policies outlined in the NPPF (2012), the Crawley Borough Local Plan (2015-2030), the Urban Design Supplementary Planning Document (2016) and the Green Infrastructure Supplementary Planning Document (2016), and it is recommended to grant permission for this application subject to conditions.

### **RECOMMENDATION RE: CR/2016/0795/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. The brickwork on the external walls of the conservatory hereby permitted shall match in colour and texture those of the existing building.  
REASON: In the interests of amenity in accordance with Policy CH3 of the Crawley Borough Council Plan 2015-2030.
4. The development shall be implemented strictly in accordance with the recommendations set out in the submitted details for the foundations, precautions and Root Protection Area, dated 14th & 28th November 2016, including using only hand digging, and requiring construction materials to be stored at the front of the property, to prevent any storage within the Root Protection Area.  
REASON: To ensure the retention and maintenance of the protected tree and vegetation which is an important feature of the area in accordance with Policies CH2, CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.

#### 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 applicant and agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking 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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**CR/2016/0795/FUL**

Date 16 November 2016

Approx. Scale 1:1,250

**5 DENE TYE, POUND HILL, CRAWLEY**



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**REFERENCE NO: CR/2016/0820/FUL**

**LOCATION:** [FLEMING HOUSE, FLEMING WAY, NORTHGATE, CRAWLEY](#)  
**PROPOSAL:** PART DEMOLITION, CONVERSION AND EXTENSION OF EXISTING BUILDING AND CHANGE OF USE FROM INDUSTRIAL (B1, B2 & B8) TO FORM MULTI-CAR DEALERSHIP (SUI GENERIS) (AMENDED DESCRIPTION)

**TARGET DECISION DATE:** 22 December 2016

**CASE OFFICER:** Mr H. Walke

**APPLICANTS NAME:** GGT Estates Ltd C/O Motorline Holdings Ltd

**AGENTS NAME:** Assent Planning Consultancy Ltd

**PLANS & DRAWINGS CONSIDERED:**

CBC0001 Site Location Plan, R047/1 Existing Site Plan, R047/2 Existing Ground Floor Plan, R047/3 Existing Elevations, R047/4 Existing Rear Workshop, R047/11 Building Heights, R047/13 Proposed First Floor Plan, R047/15 Valet Bay Conversion, R047/12A Proposed Ground Floor Plan, R047/10A Proposed Site Plan, 0RR-1 Rev A Landscape Proposals, R047/14A Proposed Elevations

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

1.	WSCC - Highways	No objection subject to conditions
2.	Thames Water	No response
3.	CBC - Planning Arboricultural Officer	No objection
4.	UK Power Networks	No objection
5.	Southern Water	No objection subject to informative
6.	CBC - FP - Energy Efficiency & Sustainability	Further information on sustainability sought
7.	CBC - FP - Retail & Employment	No objection
8.	CBC - Contaminated Land	No objection subject to condition
9.	Gatwick Airport Safeguarding	No objection subject to conditions
10.	CBC - Economic Regeneration Manager	No response
11.	CBC - FP - Urban Design	No objection subject to conditions
12.	Town Access Group	Amendment sought to accessible toilet
13.	Crawley Cycle Forum	Further information sought on cycling provision
14.	NATS	No objection subject to crane details

**NEIGHBOUR NOTIFICATIONS:-**

The application has been advertised through an advert in the local press and by a site notices erected on the site frontage to Fleming Way.

**RESPONSES RECEIVED:-**

None received.

**REASON FOR REPORTING TO COMMITTEE:-**

The application is 'major' development.

## **THE APPLICATION SITE:-**

- 1.1 The application site (1.23 hectares) is located on the north side of Fleming Way close to, but on the opposite side from, the junction with Faraday Road. The site contains a large warehouse building, with attached two storey ancillary office accommodation to the front. There is a car parking area at the front of the site, with servicing and parking areas to both sides and the rear. There is also a detached workshop building to the rear. There are a number of trees along the site frontage and within the car park. In addition, there are trees covered by a Tree Preservation Order at the rear of the site. There is an electrical sub-station adjacent to the car park in the south-west corner of the site.
- 1.2 The building is currently vacant and was formerly occupied by Pasta Reale. The lawful use is storage and distribution (Class B8) with ancillary offices.
- 1.3 The site lies within the Manor Royal Main Employment Area defined in the Crawley Borough Local Plan 2015-2030. Adjoining sites are in commercial use and comprise warehouse/industrial buildings of similar scale to that on the application site. The Premier Inn hotel is located on the opposite side of Fleming Way to the south west. The new Welland Medical B1(c) light industrial building on Hydehurst Lane lies to the north. Beyond that building is the Built-Up Area Boundary and the North East Crawley High Woodland Fringe. The area to the north is also part of the Gatwick Safeguarded Land.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 The application seeks consent for change of use, part demolition and extension of the existing warehouse building to form a multi-car dealership (sui generis). A total of fifty car parking spaces are proposed.
- 2.2 Demolition of approximately three quarters of the existing building is proposed, with a sizable replacement extension being constructed to the front of the site. The agent has confirmed that the proposed physical alterations would retain approximately 1,550 square metres of the existing warehouse building and demolish around 4,397 square metres of warehouse/office floorspace. The new front part of the building would form three separate car showrooms (total floorspace 2,322 square metres) with extensive glazing to Fleming Way. The rear (existing) part of the building would be converted to servicing and MOT bays/workshops. First floor offices and related facilities such as meeting rooms would be provided with a floorspace of 709 square metres. The detached building (approx. 253 square metres) at the rear of the site would be converted to form valet and minor repair bays.
- 2.3 The building height would be 9.5 metres. The glazing would extend along the front part of each side elevation. Further back, the side elevations would be clad in metallic silver profiled composite sheeting.
- 2.4 A larger vehicle parking area on the site frontage is proposed for used car display and customer parking. Service and MOT related parking would take place to the side and rear of the site.

## **PLANNING HISTORY:-**

- 3.1 The site was originally used as a printing works and paper warehouse following permission (CR/214/62) for 'Stage 1 printing works and offices and car park.' There were a number of subsequent approvals through the 1960s for extensions and alterations to the works.
- 3.2 Permission was then granted (CR/324/90) for construction of replacement B1 commercial units. A further planning permission (CR/91/0402/FUL) was granted on 21 November 1991 on behalf of Pasta Reale for the erection of an industrial production building. There were a number of subsequent minor approvals for stores, signage and silos for Pasta Reale. Most recently, there was an application (CR/2016/0217/FUL) for two 11.5 metre high silos in connection with the previous Pasta Reale use.

## **PLANNING POLICY:-**

## The National Planning Policy Framework 2012 (NPPF)

- 4.1 The NPPF has a golden thread running through it which seeks to ensure a presumption in favour of sustainable development and 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.
- 4.2 Relevant sections are:
- paragraph 14: presumption in favour of sustainable development – this means that development that accords with the development plan should be approved without delay, or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts which would outweigh the benefits or it would be contrary to the policies in the NPPF
  - paragraph 17 : core planning principles
  - section 7: requiring good design - this emphasises the importance of good design to achieve high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes. It is proper to seek to promote or reinforce local distinctiveness and the policies and decisions should address the integration of new development into the natural, built and historic environment.

## Crawley Borough Local Plan 2015-2030

- 4.3 The Crawley Borough Local Plan 2015-2030 was adopted on 15th December 2015.
- 4.4 SD1 (Presumption in Favour of Sustainable Development) The Council will take a positive approach to approving development which is sustainable and work proactively with applicants, stakeholders and other partners to find solutions. Development will be supported where it meets strategic objectives including becoming carbon neutral and addressing climate change; complimenting the town's compact character and neighbourhood principles; respecting heritage; protecting and enhancing Green Infrastructure; creating a safe environment; providing for social and economic needs; and according with the Plan's policies and objectives.
- 4.5 CH2 (Principles of Good Urban Design) Proposals must support locally distinctive development patterns, landscape character and heritage; create defined frontages and public/private areas; create safe and attractive routes for all; connect places for people and integrate land use and transport; provide recognisable routes and landmarks; consider flexible development which responds to changing needs; provide diversity and choice to create viable places and meet local needs.
- 4.6 CH3 (Normal Requirements of all New Development) Development should be based on a thorough understanding of the significance and distinctiveness of the site and its wider context and demonstrate how attractive or important features of the site will be retained. These include: views, landmarks, footpaths, rights of way, trees, green spaces, hedges, other historic landscape features or nature conservation assets, walls and buildings. Developments will also need to be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surrounds in terms of scale, density, height massing, orientation, views, landscape, layout, details and materials. Development should also provide/retain a good standard of amenity for future occupants or cause harm to the amenity of the surrounding area, including through traffic generation, general activity. Development should demonstrate compliance with Secured by Design and meet the requirements for its safe and proper use, in particular in regard to access, circulation and manoeuvring and in this case vehicle parking. Individual or groups of trees that contribute positively to the area should be retained and, where any are lost, replacement tree planting should accord with the standards set out in policy CH6.

- 4.7 CH4 (Comprehensive Development and Efficient use of Land) Development proposals must use land efficiently and not unduly restrict the development potential of adjoining land, nor prejudice the proper planning and phasing of development.
- 4.8 CH6 (Tree Planting and Replacement Standards) Sets out that where development would result in the loss of trees these should be identified and replaced to mitigate the visual impact from the loss of canopies. The requirement for replacement trees is based on the size of the trees to be lost and this is expected to take place on site or be subject to commuted payments for planting elsewhere. The Manor Royal Design Guide sets out tree planting requirements for that area.
- 4.9 EC1 (Sustainable Economic Growth) Supports Crawley's role as key economic driver for the Gatwick Diamond area and supports business growth. The policy seeks to ensure that Crawley's recognised economic role and function is maintained and enhanced through building upon and protecting the established role of Manor Royal as the key Business (B1), General Industry (B2) and Storage and Distribution (B8) location for Crawley and ensuring that it is the focus for sustainable economic growth. The policy sets out the need for approximately 23 hectares of employment land over the plan period.
- 4.10 EC3 (Manor Royal) Manor Royal is the principal business location for Crawley, and instrumental to the success of the wider Gatwick Diamond. Development that is compatible with the area's economic function and role in the wider sub-region will be permitted where it falls within the B Use Class and would result in the reuse, intensification, or change of use of the land or buildings. Proposals that are not for B Use Class development will be permitted at Manor Royal if it can be demonstrated that they are of a scale and function that enhances the established role and business function of Manor Royal and would not undermine the business district. All development at Manor Royal should contribute positively to the overall setting and environment of the Main Employment Area as a business district through high quality design and landscaping that is in accordance with the Manor Royal Design Guide Supplementary Planning Document.
- 4.11 ENV2 (Biodiversity) All developments will be expected to incorporate biodiversity features where appropriate and enhance existing features of nature conservation value around the development.
- 4.12 ENV6 (Sustainable Design and Construction) All development must consider how it can address sustainability through reducing energy consumption, using renewable and low carbon energy, improving existing buildings when adding extensions, minimising carbon emissions during development and ensuring embedded carbon is retained and considering District Heat Networks, water stress and temperature extremes. A Sustainability Statement should be submitted demonstrating how sustainability has been addressed through design and construction.
- 4.13 ENV7 (District Energy Networks) Major development within a priority area for District Heat Networks should demonstrate how they have addressed the hierarchy supporting creation of networks.
- 4.14 ENV9 (Tackling Water Stress) Non-residential development, where technically feasible and viable, should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits.
- 4.15 ENV11 (Development and Noise) Policy seeks to protect people's quality of life from unacceptable noise impacts and seeks mitigation where required.
- 4.16 ENV12 (Air Quality) Policy states that proposals that do not have a negative impact on air quality will normally be permitted.
- 4.17 IN1 (Infrastructure Provision) Development must be supported by necessary on and off site infrastructure to avoid harmful impact upon existing infrastructure.
- 4.18 IN3 (Development and Requirements for Sustainable Transport) Development should be focussed to achieve sustainable transport through use of public transport, walking and cycling. Development

should meet the access needs generated and not have unacceptable impact on congestion or highway safety. Proposals should be supported by a Transport Statement/Assessment.

- 4.19 IN4 (Car and Cycle Parking Standards) Proposals should provide the appropriate car and cycle parking required by supplementary guidance.

### Supplementary Planning Documents

#### Manor Royal SPD July 2013

- 4.20 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.
- 4.21 The document emphasises 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.
- 4.22 Fleming Way is identified as part of the primary road network within Manor Royal and has a 11.5 metre carriageway with 1-5 metre grass verges. The Design Guide states that:

*“The purpose of on-site frontage planting here would be to supplement the roadside verges where there may also be potential for further improvements, such as introducing additional large-scale trees. The minimum depth of on-site planting requirement here is for 4m of shrub planting across the entire primary route site frontage with fastigiate trees at 15m spacing. Buildings should be set back from the site frontage boundary by a minimum of 10m to allow space for trees to mature and to create sufficient space between the public footway and new development. The portion of the set back depth that is not required for planting could accommodate other uses, such as part of a parking area, taking account of general guidance on the location of on-plot parking in this SPD.”*

#### Urban Design SPD – October 2016

- 4.23 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.
- 4.24 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”.*



- 4.25 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.
- 4.26 Annex 1 contains the Borough's indicative minimum parking standards. For car sales, the requirements are for one space per 30 square metres of internal and external gross display area, with staff spaces clearly designated. For motor repair garages, one space per 45 square metres for staff and three spaces per service bay are sought. Disabled parking should be a minimum one space or 5% total provision and cycle parking one space per 500 sq m staff and 1 space per 1000 sq m visitors. Motorcycle parking be one space per 10 car parking spaces.

#### Planning and Climate Change SPD

- 4.27 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)

- 4.28 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:-**

#### Main planning issues

- 5.1 The main planning issues for consideration are:
- Acceptability of the proposed change of use
  - Design and visual impact
  - Landscaping
  - Impact upon neighbours
  - Transport and highways
  - Other issues

#### Proposed change of use

- 5.2 The application site lies within the Borough's main Manor Royal employment area. As the Forward Planning comments state, policy EC3 of the Local Plan emphasises the delivery of B-class employment uses in Manor Royal. It does allow flexibility for non B-class development where an application demonstrates that it is of a scale and function that enhances, and does not undermine, the established role and business function of Manor Royal. The Forward Planning team recognises that, despite the inclusion of a sizable sales area for vehicles, the proposal also includes substantial workshop facilities and related office accommodation and would therefore not undermine or be inconsistent with Manor Royal's business function.
- 5.3 The DCLG Employment Densities Guide gives a figure of 70-80 square metres (GEA) per full time equivalent job for B8 warehouses. This suggests previous employment levels of around 77-88 jobs under the current lawful use. The application form states that the proposed car showroom and workshop facilities would create 60 full time and 15 part time jobs. The figures for existing and proposed employment levels are therefore broadly comparable. It should also be noted that the site has remained vacant for around two years despite marketing.
- 5.4 On balance, therefore, the benefits of bringing the site back into beneficial economic use, creating new jobs and of refurbishing, modernising and extending the premises are considered acceptable in policy terms.

## Design and visual amenity

- 5.5 The proposed building would have a building height of 9.5 metres. This would sit comfortably alongside the adjoining buildings, which are 10.5 metres (Deluxe building) and 7.5 metres (Chemigraphic building). Nine to eleven metres is typical for the vicinity, with Tui Travel (16 metres) and Premier Inn (20 metres) the only taller buildings nearby. The building footprint would be smaller than the existing and, overall, the scale of the proposed building is considered appropriate within the streetscene.
- 5.6 The building would be located further into the site than the existing building and would be set back from both adjoining buildings. It would feature a largely glazed frontage, with glazing wrapping round to the front part of the side elevations. Signage panels have been designed into the top section of the front elevation, although the fascia signs would be the subject of a separate application for Advertisement Consent. The rear of the building would be clad in vertically profiled metallic silver panels. A condition is recommended to require further details and samples of the materials to be submitted. The Urban Design Officer considers that this is a good example of high quality, modern commercial architecture and would contribute positively to the appearance of the site and the streetscape. Aesthetically, the existing building contributes little to the overall streetscape and a high quality replacement is welcomed. This is in line with the Manor Royal Design SPD which calls for developments on Fleming Way to create a more visually interesting roadside frontage.

## Landscaping

- 5.7 The Manor Royal Design Guide sets out proposals to improve the character and environment of this key employment area. With specific regard to Fleming Way, it seeks a minimum depth of 4 metres of shrub planting onsite across the entire site frontage, punctuated by fastigate trees at 15 metre intervals. Buildings should be set back 10 metres from the site frontage to allow the trees to mature within sufficient space.
- 5.8 The objective of this is to improve the appearance of the public realm along Fleming Way through an enhanced natural appearance and boulevard planting. The site currently has a line of five hornbeam trees of approximately five to six metres in height along the site frontage. They are spaced approximately 10 metres apart and contribute positively to the streetscene. Between the hornbeams there are lower level shrubs. The site currently has a low brick front boundary wall.
- 5.9 The landscaping scheme originally submitted with the application proposed removal and replacement of the Hornbeam trees with a narrower, one metre wide landscaped strip containing nine Acers and other planting. Following concerns raised by officers with the applicant about the reduction in depth of the landscaped strip in relation to the adopted Design Guide, it has now been agreed to retain the existing Hornbeams. This will retain sizable trees that make a positive impact upon the streetscene and which also relate well to other trees in the vicinity. The existing landscaped strip of approximately 3.5 metres width would be retained, with lower level planting proposed between the retained Hornbeams. Despite the landscaping strip not being widened to meet the Design Guide requirements, the applicant proposes an additional ten *Pryus calleryana* trees in two lines projected out from the side elevations at either side of the front parking area. Two *Acer campestre* trees are proposed close to the centre of the front elevation. These additional trees will add height to the landscaping and help to visually break up the display area and car park at the front of the building. The protected trees to the rear of the site would be unaffected by the proposals.
- 5.10 As revised, the landscaping scheme is therefore considered acceptable, subject to conditions on tree protection and full implementation of the approved scheme.

## Impact upon neighbours

5.11 Immediate neighbours are all in employment use and are unlikely to suffer disturbance from the proposal. The nearest more sensitive use is the Premier Inn hotel on the opposite side of Fleming Way and slightly further west. The proposal includes vehicle repair workshops and clearly these could be noisy. However, activities would be located inside the building and to the rear of the site. Given the hotel's location across Fleming Way, it is not considered that significant disturbance for guests would result. There are no residential properties in the area and it is not considered that a significant impact upon amenity would result.

#### Transport and highways

- 5.12 No modifications are proposed to the existing two vehicular accesses and the Local Highway Authority is satisfied that these are acceptable and offer adequate visibility. The LHA also considers the existing and proposed uses to be similar in terms of trip generation and has not identified capacity, safety or congestion concerns within the surrounding area. Fleming Way is subject to a 30mph speed limit and there is no on-street parking available along this section of the road.
- 5.13 The proposed site plan shows 69 customer parking spaces, 15 staff parking spaces and 18 service parking spaces. Approximately 150 used car display spaces are shown. The proposed parking levels are considered to be acceptable by the Local Highway Authority. Visits to the site by foot, bike or bus are possible although, as a car showroom use, are likely to be fairly limited. The site can be accessed by pedestrian footpath or dedicated cycle path. A revised site plan has been submitted showing 18 cycle spaces, which is considered adequate in this case and addresses the concerns raised by Crawley Cycle Forum.
- 5.14 The Local Highway Authority concludes that the proposal would not have a severe impact upon the highway network and that there are no transport grounds to resist the proposal. Conditions are recommended to cover a Construction Management Plan and pre-occupation implementation of the car parking provision.

#### Other issues

- 5.15 The site is in close proximity to Gatwick Airport. The Airport's Safeguarding team has requested conditions for bird management and a construction management strategy to address potential aircraft safety issues. Accordingly, these conditions are recommended.
- 5.16 Although not strictly a planning issue, the applicant has amended the scheme to address the toilet accessibility issue raised by the Town Access Group.

#### **CONCLUSIONS:-**

- 6.1 The proposed development would bring a vacant employment back into commercial use and create new jobs. The new building and landscaping would enhance the visual appearance of the site. The proposal is acceptable in highways and transport terms and approval, subject to appropriate conditions, is recommended.

#### **RECOMMENDATION RE: CR/2016/0820/FUL**

Approve subject to the following 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 take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

REASON: In the interests of highway safety and the amenities of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

4. Development shall not commence until a airport related construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

Details of cranes and other tall construction equipment (including the details of obstacle lighting) – Such schemes shall comply with Advice Note 4 ‘Cranes and Other Construction Issues’, available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

The approved strategy, or any variation approved in writing by the Local Planning Authority shall be implemented for the duration of the construction period.

REASON: To ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment in accordance with policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.

5. No works or development of any description shall take place below ground level unless a mitigation scheme to deal with the contamination of the land and/or ground water has been submitted to and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all the following measures, unless the LPA dispenses with any such requirement specifically and in writing:

I. A desk-top study carried out by a competent person. The study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. Two full copies of the desk-top study and the non-technical summary shall be submitted to the LPA.

II. A site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology BS 10175:2011. The site investigation should fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications, including an assessment of risk to any potential receptors. A full report on the findings of the site investigation shall be submitted to the LPA see note above.

III. A written remediation statement, detailing the works necessary so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including any controlled waters, shall be submitted to the LPA and agreed in writing with the LPA prior to any remediation commencing on site. Two copies of the remediation report shall be submitted to the LPA.

IV. Approved remediation works shall be carried out in full on site, under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the remediation works contamination is encountered that had not previously been identified then the additional contamination shall be fully assessed and an

appropriate remediation scheme agreed with the LPA in accordance with the process laid out at points 1 – 3 above.

V. Upon completion of the remediation works, this condition shall not be discharged until further validation report has been submitted to, and approved by the LPA. The validation report shall include quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To safeguard future occupants of the site in accordance with ENV10 of the Crawley Borough Local Plan 2015-2030.

6. 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 roof of the proposed building 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.

7. 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 to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. 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 CH7 of the Crawley Borough Local Plan 2015 - 2030.

8. All planting, seeding or turfing comprised in the approved details of landscaping 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 CH7 of the Crawley Borough Local Plan 2015 - 2030.

9. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 3 ‘Wildlife Hazards Around Aerodromes’, available at

<http://www.aoa.org.uk/policy-campaigns/operations-safety/>

The Bird Hazard Management Plan shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON: It is necessary to manage the roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport in accordance with policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.

10. No part of the development shall be first occupied until the car and cycle parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

REASON: To provide car and cycle parking spaces for the use in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

11. The car repair workshops and MOT bays to the rear of the site shall not be used other than for those purposes without the prior permission of the Local Planning Authority on an application in that behalf.

REASON: Due to the site's location within the Manor Royal Main Employment Area and to protect employment on this site in accordance with policy EC3 of the Crawley Borough Local Plan 2015-2030.

## INFORMATIVE

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](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. 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](http://www.crawley.gov.uk/cil), email [development.control@crawley.gov.uk](mailto: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.

## 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 the 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.



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

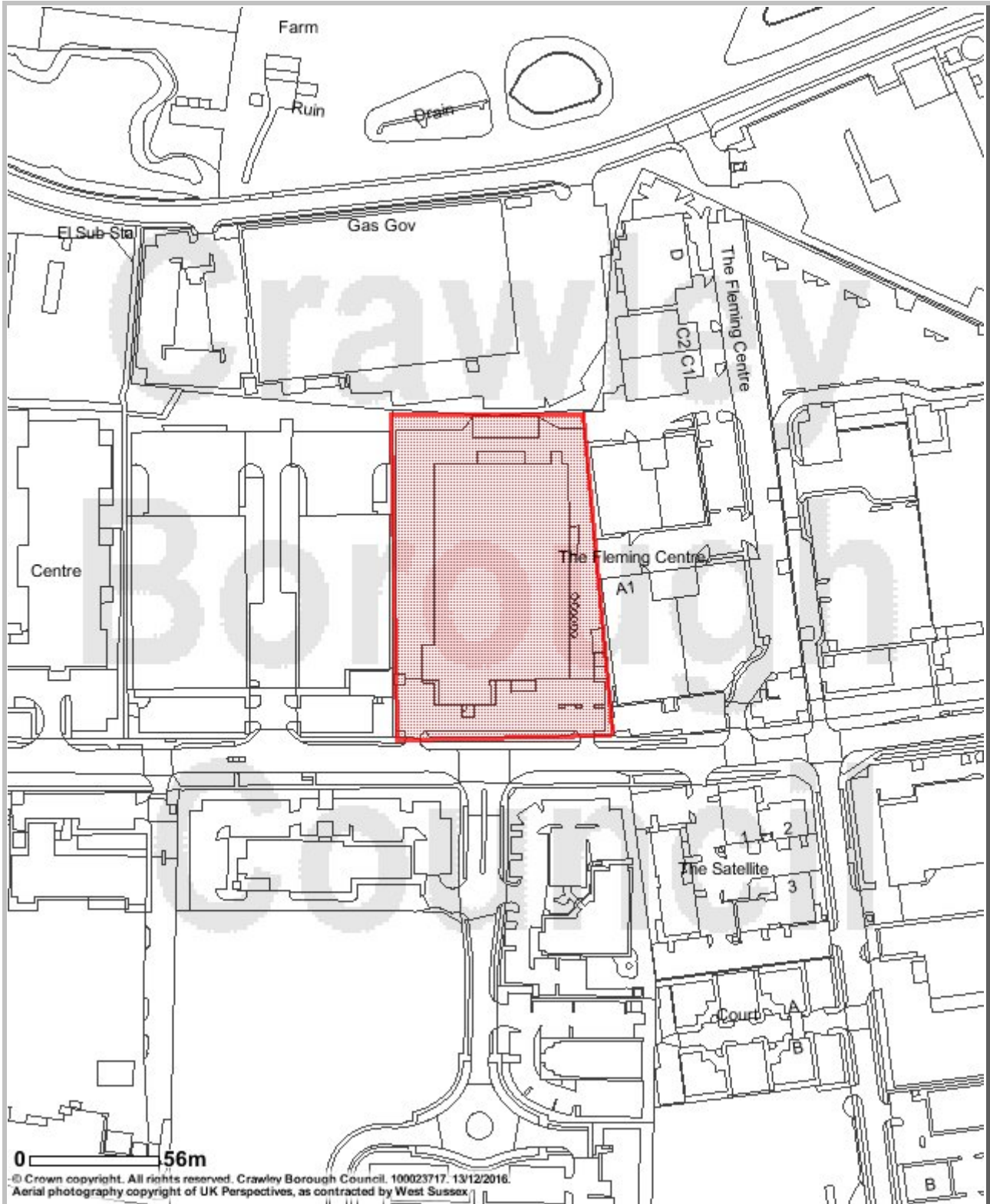
Tel: 01293 438000  
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**CR/2016/0820/FUL**

Date 11 October 2016

Approx. Scale 1:1,250

**FLEMING HOUSE, FLEMING WAY, NORTHGATE,  
CRAWLEY**



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**REFERENCE NO: CR/2016/0838/FUL**

**LOCATION:** [5 PERRYFIELD ROAD, SOUTHGATE, CRAWLEY](#)

**PROPOSAL:** CHANGE OF USE TO 7 NO. SELF-CONTAINED TEMPORARY ACCOMMODATION UNITS FOR THE HOMELESS WITH COMMUNAL KITCHEN (AMENDED PLANS AND DOCUMENTS RECEIVED)

**TARGET DECISION DATE:** 24 November 2016

**CASE OFFICER:** Mr P. Kulik

**APPLICANTS NAME:** Crawley Borough Council

**AGENTS NAME:** GWP Architects

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**PLANS & DRAWINGS CONSIDERED:**

16/156/skLoc Rev A Site Location Plan and Block Plan, 16/156/sk01 Rev B Existing Floor Plans, 16/156/sk02 Rev D Proposed Floor Plans, 16/156/sk03 Rev A Cycle Shed Floor Plan and Elevations

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |    |                               |                                    |
|----|-------------------------------|------------------------------------|
| 1. | CBC - Environmental Health    | No objection                       |
| 2. | CBC - Refuse & Recycling Team | No objection                       |
| 3. | WSCC – Highways               | No objection subject to conditions |

**NEIGHBOUR NOTIFICATIONS:-**

1A; Nos 65-69 Lyndhurst Close;  
Nos 3, 4, 6, 9, 9A Perryfield Road;  
Nos 1, 3, 5 Argyll Court

All those who have made representations (who may not have originally been notified as listed above) have been informed of the committee meeting date.

**RESPONSES RECEIVED:-**

Seven representations have been received from nearby occupiers raising objections to the proposal on the following grounds:

- There is too much temporary accommodation in the vicinity, affecting the residential nature of the locality
- Loss of privacy
- Safety and anti-social behaviour
- Site management
- Parking provision
- Highway safety

**REASON FOR REPORTING TO COMMITTEE:-**

Application submitted by Crawley Borough Council and number of comments received against officer recommendation.

## **THE APPLICATION SITE:-**

- 1.1 The application site forms a rectangular plot within the built-up area on the northern side of Perryfield Road in Southgate. There is a mixture of building styles along the road ranging from Victorian residential properties to modern blocks of flats.
- 1.2 No. 5 Perryfield Road is a two storey detached building that sits on the corner of Perryfield Road and Lyndhurst Close. The previous use of the property was by Oakleaf Housing as a drop-in centre for people with learning disabilities and occasional training facility. The property has been vacant since May 2016. The property is in a residential area, with houses immediately adjoining to the east and north.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 Permission is sought for change of use of the existing drop-in centre and training facility (C2) to form seven self-contained temporary accommodation units for the homeless, with a shared communal kitchen and other facilities, to form a hostel. The proposed physical changes would be mostly restricted to the internal layout. There would be tandem parking in the side driveway and a new cycle store would be provided in the rear garden.
- 2.2 The seven units in the hostel (three on the ground floor and four on the first floor) would each have en-suite facilities (shower, WC and basin), a kitchenette area, as well as being furnished with beds, wardrobes, drawers and chairs. Overall, there would be 2 x Family Rooms and 5 x Twin/ Double Rooms. There would be a communal kitchen and bathroom on the ground floor, as well as a buggy and cycle store located internally on the ground floor. An existing ground floor plant room to the rear is to be retained.
- 2.3 The residents of the hostel would be homeless people on the Housing Register and seeking permanent housing. On average, it is expected that a resident would be in occupation for between 12-15 months in the hostel. The proposed hostel would be occupied by maximum of sixteen residents in total.

## **PLANNING HISTORY:-**

- 3.1 The most recent relevant planning history is as following:
  - CR/1993/0138/FUL – Planning permission granted for erection of a workshop in the rear garden on 13 April 1993.
  - CR/1991/0331/FUL – Planning proposal for a single storey rear extension at a day centre for a multiple-purpose communal use for the mentally ill. Permission granted on 10 September 1991.
  - CR/1991/0321/RTP – Renewal of consent for a change of use from residential to a day centre for the mentally ill.
  - CR/1991/0321/COU – A change of use from a hostel to a day centre for use by the mentally ill (revised application). Planning permission granted on 10 September 1991.
  - CR/430/1986 – Renewal of a temporary permission for a hostel granted on 15 September 1986
  - CR/028/1981 – Renewal of a temporary permission for a hostel granted on 2 March 1981.
  - CR/499/1976 – Renewal of a temporary permission for a hostel granted on 11 January 1977
  - CR/057/1971 – A change of use from a domestic dwelling to a hostel for a maximum of 8 people granted on 29 March 1971.
- 3.2 A separate planning application for No. 13 Perryfield Road CR/2016/0839/FUL (change of use to 3 no. self-contained temporary accommodation units for the homeless with communal kitchen facilities) is currently being considered and is the subject of a separate report on this agenda.

## **PLANNING POLICY:-**

### **National Planning Policy Framework (2012)**

- 4.1 The NPPF states that the applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. More specifically:
- Paragraph 16 (Presumption in favour of sustainable development). The National Planning Policy Framework has a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
  - Paragraph 17 (Core planning principles). Always seek a good standard of amenity for all existing and future occupants of land and buildings and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
  - Paragraphs 50-51 (Delivering a wide choice of high quality homes) seek the delivery of a wide choice of housing to meet the needs of different groups in the community. Paragraph 51 seeks to bring vacant buildings back into residential use.

### **Crawley Borough Local Plan (2015-2030)**

- 4.2 The relevant policies include:

- Policy SD1 (Presumption in Favour of Sustainable Development) states development will be supported where it complements Crawley's character as a compact town within a countryside setting, developed on a neighbourhood principle and maximises the use of sustainable travel; provides a safe and secure environment for its residents and visitors; and accords with the policies and objectives set out in this Plan unless material considerations indicate otherwise.
- Policy CH1 (Neighbourhood Principle) states the neighbourhood principle will be protected and enhanced by maintaining the neighbourhood structure and development within the neighbourhoods should mainly be residential, in-keeping with the existing neighbourhood.
- Policy CH2 (Principles of Good Urban Design) seeks new development proposals will be required to respond to and reinforce locally distinctive patterns of development and landscape character.
- Policy CH3 (Normal Requirements of All New 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.
- Policy CH5 (Standards for All New Dwellings) (including conversions) states all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents through the application of the Lifetime Homes Standards. The minimum size for each dwelling should be based on the National internal and local external space standards.
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- Policy ENV1 (Green Infrastructure) seeks to protect and enhance green infrastructure across Crawley.
- Policy ENV6 (Sustainable Design and Construction) promotes carbon efficiency and efficiency in the use of energy and water.
- Policy ENV9 (Tackling Water Stress) states that, where feasible, development should meet the optional Building Regulations requirement for tighter water efficiency.
- Policy ENV11 (Development and Noise) states people's quality of life will be protected from unacceptable noise impacts by managing 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 (as existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing and future users.

- Policy IN1 (Infrastructure Provision) seeks the necessary infrastructure to support development proposals and states that the Council will implement CIL.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires connection to high quality communications infrastructure.
- Policy IN3 (Development and Requirements for Sustainable Transport). 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. Developments should meet the access needs they generate and not cause an unacceptable impact in terms of increased traffic congestion or highway safety. Developments will be permitted unless the cumulative impact on the transport network is severe and cannot be satisfactorily mitigated.
- Policy IN4 (Car and Cycle Parking Standards) states 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 parking standards. These standards are contained within the Planning Obligations and s106 Agreements Supplementary Planning Document (SPD) or any subsequent similar document.

## **PLANNING CONSIDERATIONS:-**

5.1 The key issues in the consideration of this application are:

- Principle of the proposed change of use
- Details of the accommodation proposed
- The impact on the character of the building and surrounding area;
- The impact on the amenities of occupiers of neighbouring properties;
- Parking
- Community Infrastructure Levy

### Principle of the proposed change of use

- 5.2 The proposal would involve the loss of the existing drop-in centre and training facility.
- 5.3 Whilst the hostel would not form a residential (C3 - dwellinghouse) use in planning terms, it would provide housing for a community group with specific needs. Residential uses are appropriate in this area and it is not considered that there is an objection in policy terms to the hostel use in principle.
- 5.4 As the submitted Planning Statement shows, the Council's Homelessness Strategy states that the Council will look to increase its temporary accommodation portfolio in order to reduce costs. The Council is also seeking to improve the standard of hostel provision. Crawley Borough Council currently has around 232 homeless households in all forms of accommodation, of which around 66 are in nightly paid accommodation and around 11 are placed outside the Borough. The overall capacity for temporary accommodation in Crawley is 161 units, with a deficit of 71 units at present.
- 5.5 The proposal forms part of a wider strategy to improve hostel accommodation in Crawley, including Nos. 83-87 Three Bridges Road where currently there is a poorer standard of accommodation and more communal facilities. There is a current application to redevelop that site for flats (CR/2016/0857/FUL) and a report appears elsewhere on this agenda for that application.
- 5.6 The principle of the proposed use is consistent with NPPF objectives in delivering homes and would help to provide housing for those in urgent housing need.

### Details of the accommodation proposed

- 5.7 The proposed physical works mostly involve internal layout rearrangements to provide the 7no self-contained units. All units would have a shower room and a small kitchenette/ sink area. The proposals would provide a shared access to a communal kitchen with utility area and bathroom on the ground floor. The proposals reflect the existing layouts and features of the building and are based upon the applicants' knowledge of operating of existing hostels and temporary

accommodation needs. The Crawley Homes' survey demonstrated that there is a demand for private bathroom facilities and WIFI access within such hostels.

- 5.8 The proposed individual units would not meet the Local Plan internal space standards for individual flats. However, the proposal is intended to accommodate people in acute housing need and the proposed standard of accommodation is likely to be higher than that available elsewhere to address such short term housing needs. The units would be relatively self-contained, but with a communal kitchen and bathroom available should tenants choose to use them. The proposal is considered to represent an acceptable standard of temporary accommodation.

#### Impact on the character of the building and wider area

- 5.9 The change of use of the existing building would not result in any visual changes and would not therefore have any detrimental impact to the character and appearance of the building or the wider area.
- 5.10 The officer's site visit confirmed that the rear garden has been neglected and left overgrown. As the site would be occupied by an increased number of residents it is important to condition a soft and hard landscaping scheme which is in the interests of provision of outdoor space and the visual amenity of the surrounding area.

#### Impact on the amenities of neighbouring properties

- 5.11 Local residents have raised a number of objections to the proposed change of use, stating that another multi-occupancy temporary accommodation use could harm the residential nature of Perryfield Road. Objectors were also concerned about the potential risk of increased anti-social behaviour, such as drug dealing, that could arise from occupation of the building by transient individuals with no tie to the local community.
- 5.12 New residential units are likely to result in higher levels of activity at the site compared to its current use as an occasional training centre. In terms of potential loss of privacy, No.5 Perryfield Road is located approximately 20 metres away from the rear of No. 68 and 69 Lyndhurst Close located towards north. Also, an existing driveway towards east is to be retained and would maintain a reasonable distance between the proposed development and No. 3 Perryfield Road. No physical alterations are proposed or changes to existing windows that could affect the privacy enjoyed by adjoining properties.
- 5.13 To enable appropriate management of the hostel and to reduce any adverse impact upon adjoining residents, all occupiers would have to enter into a Licence Agreement with Crawley Borough Council and comply with various requirements, including measures to limit noise and other potential disturbance.
- 5.14 Thus the applicant has addressed most issues raised by the objectors in terms of potential anti-social behaviour through the proposed site management plan. This includes that the hostel would be actively managed by a dedicated Hostel Officer. The Hostel Officer would deal with any on-site issues along with other housing management professionals. The team is to be managed by a Tenancy Services Manager together with Area Housing Managers and a large team of generic Housing Officers. The site would be visited on several occasions per week. In addition, a Health and Safety inspection would be carried out weekly. The contract conditions for residents' restrict, for instance, no overnight visitors', no smoking, no playing of loud music, and no anti-social behaviour. Breaching any of those requirements may lead to the immediate eviction of the occupiers.
- 5.15 Overall, the proposed works would not increase the footprint of the existing building, potential impacts would be actively managed by housing staff and the change of use would raise no potential overlooking concerns. The proposed conversion to a hostel is considered to comply with the relevant Local Plan policies in terms of residential amenity, subject to a Section 106 agreement to secure the use as a hostel for homeless people.

## Parking

- 5.16 The proposed change of use to a hostel would provide 7no. small self-contained units, with related communal facilities, within the main building. Under the WSCC Parking Standards, it is recommended that 1 car parking space per 4 residents is provided for a hostel use. A total of 16 total residents would be housed in the proposed hostel, so the standards would seek four car parking spaces. These spaces are existing and, despite a tandem parking arrangement, the Local Highway Authority has raised no objection. In reality, residents would be unlikely to have cars and the spaces would probably be mainly used by visitors and staff.
- 5.17 The site sits within a fairly sustainable location with walkable access to the local services and facilities. Moreover, a covered bike shelter is to be provided to promote sustainable and cost efficient ways of transport. Therefore, the proposed access and parking provision would be acceptable in principle in terms of highways safety and parking provision.

## Community Infrastructure Levy

- 5.18 Potentially the development is CIL liable. However, there would be no net increase in floorspace from the proposal and it would form affordable housing units, which benefit from an exemption. In this case, it is no considered that a CIL payment would be required and an Informative is to be attached to the decision notice.

## **CONCLUSIONS:-**

- 6.1 The proposal would make a significant contribution towards meeting acute local housing needs. It is not considered likely to have a significantly harmful impact upon neighbouring amenity or the character of the surrounding area. An appropriate level of parking provision would be available. The proposal would therefore accord with the relevant development plan policies.

## **RECOMMENDATION RE: CR/2016/0838/FUL**

PERMIT - Subject to the satisfactory completion of a Section 106 Agreement to secure the appropriate ongoing management of the hostel to meet local homeless needs and subject to the following 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. The hostel use hereby permitted shall not commence until provision for car parking has been made within the site in accordance with the submitted details and such provision shall thereafter be used only for the parking of residents, visitors and staff vehicles.  
REASON: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. The hostel use hereby permitted shall not be occupied until provision for cycle storage has been made within the site in accordance with approved drawings no. 16/156/skLoc rev.C and 16/156/sk03a . The cycle parking facilities shall then be maintained and shall not be used for any other purpose other than the parking of cycles.

REASON: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with Policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and SPD 'Parking Standards'.

5. No trees or bushes growing on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until two years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.  
REASON: To ensure the retention of vegetation important to the visual amenity of the development in accordance with Policy CH6 of the Crawley Borough Local Plan 2015-2030.
6. The hostel use hereby permitted shall not be brought into use until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, hard and soft, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.  
REASON: In the interests of amenity and of the environment of the development in accordance with policy CH6 of the Crawley Borough Local Plan 2015-2030.
7. All planting, seeding or turfing comprised in the approved details of landscaping 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 CH6 of the Crawley Borough Local Plan 2015-2030.
8. The hostel use hereby permitted shall be occupied by no more than sixteen residents at any time as indicated within the approved supporting documentation and floor plans unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of amenity in accordance with policies CH3 of the Crawley Borough Council Plan 2015-2030.

## INFORMATIVES

- 1 The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 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](http://www.crawley.gov.uk/cil), email [development.control@crawley.gov.uk](mailto: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.

## 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:
  - Liaising with the applicant and 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.





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

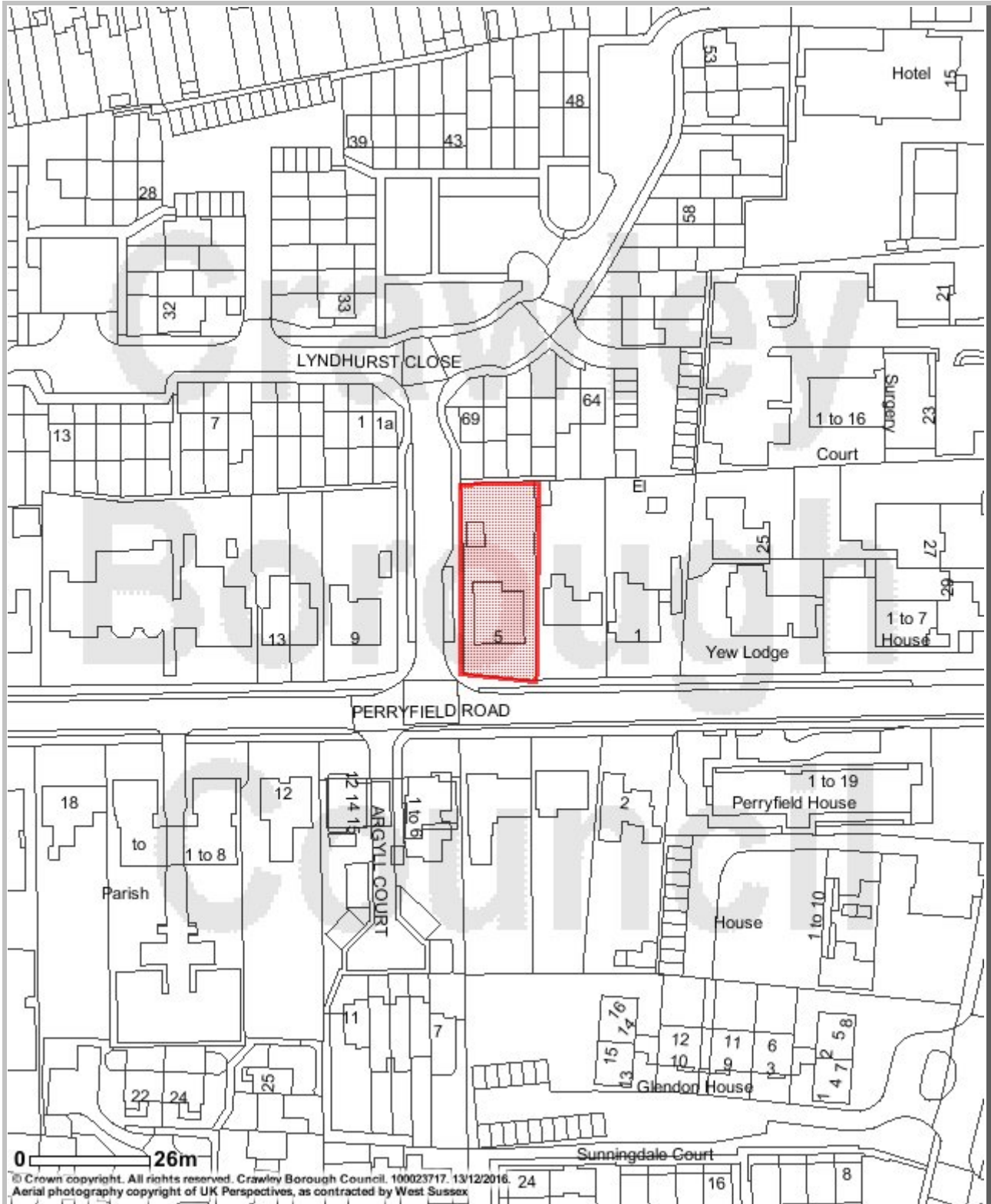
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0838/FUL**

Date 12 December 2016

Approx. Scale 1:1,250

**5 PERRYFIELD ROAD, SOUTHGATE, CRAWLEY**



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**REFERENCE NO: CR/2016/0839/FUL**

**LOCATION:** [13 PERRYFIELD ROAD, SOUTHGATE, CRAWLEY](#)  
**PROPOSAL:** CHANGE OF USE TO 3 NO. SELF-CONTAINED TEMPORARY ACCOMMODATION UNITS FOR THE HOMELESS WITH COMMUNAL KITCHEN FACILITIES (AMENDED PLANS AND DOCUMENTS RECEIVED)

**TARGET DECISION DATE:** 30 November 2016

**CASE OFFICER:** Mr P. Kulik

**APPLICANTS NAME:** Crawley Borough Council

**AGENTS NAME:** GWP Architects

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**PLANS & DRAWINGS CONSIDERED:**

16/159/skLoc Rev C Site Location Plan and Block Plan, 16/159/sk01 Rev A Existing Floor Plans, 16/159/sk02 Rev C Proposed Floor Plans

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |    |                               |                                     |
|----|-------------------------------|-------------------------------------|
| 1. | CBC - Environmental Health    | No objection                        |
| 2. | CBC - Refuse & Recycling Team | No objection                        |
| 3. | WSCC – Highways               | No objection, subject to conditions |

**NEIGHBOUR NOTIFICATIONS:-**

(Carmen House) and 15-21 (Greensleeves House);  
Nos 9, 9A, 11, 11A, 13 - Perryfield Road;  
Nos 12, 14 15 – Argyll Court;  
Nos 2, 3, 4, 5, 6 – Lyndhurst Close.

All those who have made representations (who might not have originally been notified as listed above) have been informed of the committee meeting date.

**RESPONSES RECEIVED:-**

Twelve representations have been received from nearby occupiers raising objections to the proposal on the following grounds:

- Too much temporary accommodation in close vicinity, affecting residential nature of the locality
- The proposal is not in keeping with the adjoining properties
- Loss of trees and hedge in the garden
- Loss of privacy
- Safety and anti-social behaviour
- Parking provision
- Highway safety

**REASON FOR REPORTING TO COMMITTEE:-**

Application submitted by Crawley Borough Council and number of comments received against the recommendation.

## **THE APPLICATION SITE:-**

- 1.1. The application site forms a rectangular plot within the built-up area on the northern side of Perryfield Road in Southgate. There is a mixture of building styles along the road ranging from Victorian residential houses to modern blocks of flats.
- 1.2. The application property is a two storey 3-bedroom semi-detached dwelling with a substantial hedgerow at the front. No. 13 Perryfield Road had been rented for a long period of time to a single family and is currently vacant. The attached property to the east is occupied by two residential flats; no.11A on the ground floor and no.11 on the first floor. There is a nursing home to the west. The rear garden is bounded by a 1m high panel fence to the rear of the property, and the application property has a 1.5m side gap to the shared boundary with No. 15. No.13 has a single storey flat roofed rear extension. Access is taken from Perryfield Road to the south.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 This application seeks full planning permission for the change of use of an existing residential dwelling (C3) to 3 No. self-contained temporary accommodation for homeless families, with shared communal facilities to form a proposed hostel. The proposed physical changes would be mostly restricted to the internal layout. The existing overgrown hedge fronting the property is proposed to be removed to provide two car parking spaces.
- 2.2 The proposal will create 3 fairly self-contained units, comprising 1no on the ground floor and 2no on the first floor. Each proposed unit would have en-suite facilities (shower, WC and basin), a kitchenette area and would be furnished with beds, wardrobes, drawers and chairs. Additionally, there would be a single communal kitchen with utility room on the ground floor. An existing store within the single storey rear extension would be converted into a bike store.
- 2.3 The residents of the hostel would be homeless people on the Housing Register and seeking permanent housing. On average, it is expected that a resident would be in occupation for between 12-15 months in the hostel. The proposed hostel would be occupied by maximum of eleven residents in total.

## **PLANNING HISTORY:-**

- 3.1 There is no recent relevant planning history for this property.
- 3.2 A separate planning application for No. 5 Perryfield Road CR/2016/0838/FUL (change of use to 7 no. self-contained temporary accommodation units for the homeless with communal kitchen) is currently being considered and is the subject of a separate report on this agenda.

## **PLANNING POLICY:-**

### **National Planning Policy Framework (2012)**

- 4.1 The NPPF states that the applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. More specifically:
  - Paragraph 14 (Presumption in favour of sustainable development). The National Planning Policy Framework has a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
  - Paragraph 17 (Core planning principles). Always seek a good standard of amenity for all existing and future occupants of land and buildings and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- Paragraphs 50-51 (Delivering a wide choice of high quality homes) seek the delivery of a wide choice of housing to meet the needs of different groups in the community. Paragraph 51 seeks to bring vacant buildings back into residential use.

### Crawley Borough Local Plan (2015-2030)

#### 4.2 The relevant policies include:

- Policy SD1 (Presumption in Favour of Sustainable Development) states development will be supported where it complements Crawley's character as a compact town within a countryside setting, developed on a neighbourhood principle and maximises the use of sustainable travel; provides a safe and secure environment for its residents and visitors; and accords with the policies and objectives set out in this Plan unless material considerations indicate otherwise.
- Policy CH1 (Neighbourhood Principle) states the neighbourhood principle will be protected and enhanced by maintaining the neighbourhood structure and development within the neighbourhoods should mainly be residential, in-keeping with the existing neighbourhood.
- Policy CH2 (Principles of Good Urban Design) seeks new development proposals which respond to and reinforce locally distinctive patterns of development and landscape character.
- Policy CH3 (Normal Requirements of All New 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.
- Policy CH5 (Standards for All New Dwellings) (including conversions) states all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents through the application of the Lifetime Homes Standards. The minimum size for each dwelling should be based on the National internal and local external space standards.
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- Policy ENV1 (Green Infrastructure) seeks to protect and enhance green infrastructure across Crawley.
- Policy ENV6 (Sustainable Design and Construction) promotes carbon efficiency and efficiency in the use of energy and water.
- Policy ENV9 (Tackling Water Stress) states that, where feasible, development should meet the optional Building Regulations requirement for tighter water efficiency.
- Policy ENV11 (Development and Noise) states people's quality of life will be protected from unacceptable noise impacts by managing 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 (as existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing and future users.
- Policy IN1 (Infrastructure Provision) seeks the necessary infrastructure to support development proposals and states that the Council will implement CIL.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires connection to high quality communications infrastructure.
- Policy IN3 (Development and Requirements for Sustainable Transport). 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. Developments should meet the access needs they generate and not cause an unacceptable impact in terms of increased traffic congestion or highway safety. Developments will be permitted unless the cumulative impact on the transport network is severe and cannot be satisfactorily mitigated.
- Policy IN4 (Car and Cycle Parking Standards) states 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 parking standards. These standards are

contained within the Planning Obligations and s106 Agreements Supplementary Planning Document (SPD) or any subsequent similar document.

## **PLANNING CONSIDERATIONS:-**

5.1 The key issues in the consideration of this application are:

- Principle of the proposed change of use
- Details of the accommodation proposed
- The impact on the character of the dwelling and surrounding area;
- The impact on the amenities of occupiers of neighbouring properties;
- Parking
- Community Infrastructure Levy

### Principle of the proposed change of use

- 5.2 The proposal would involve the loss of the existing three bedroomed house. However, whilst the hostel would not form a residential (C3) dwellinghouse use in planning terms, it would continue to form housing for a community group with specific needs. It is not considered in these circumstances that there is an objection in policy terms to the loss of the existing house.
- 5.3 As the submitted Planning Statement shows, the Council's Homelessness Strategy states that the Council will look to increase its temporary accommodation portfolio in order to reduce costs. The Council is also seeking to improve the standard of hostel provision. Crawley Borough Council currently has around 232 homeless households in all forms of accommodation, of which around 66 are in nightly paid accommodation and around 11 are placed outside the Borough. The overall capacity for temporary accommodation in Crawley is 161 units, with a deficit of 71 units at present.
- 5.4 The proposal forms part of a wider strategy to improve hostel accommodation in Crawley, including Nos. 83-87 Three Bridges Road where currently there is a poorer standard of accommodation and more communal facilities. There is a current application to redevelop that site for flats (CR/2016/0857/FUL) and a report appears elsewhere on this agenda for that application.
- 5.5 As such, the principle of the proposed use is consistent with NPPF objectives in delivering homes and would help to provide housing for those in urgent housing need.

### Details of the accommodation proposed

- 5.6 The proposed physical works mostly involve internal layout rearrangements to provide the 3no self-contained units. All units would have a shower room and a small kitchenette/ sink area. The proposals would provide a shared access to a communal kitchen with utility area and bathroom on the ground floor. The proposals reflect the existing layouts and features of the building and are based upon the applicants' knowledge from the operation of existing hostels and temporary accommodation needs. The Crawley Homes' survey demonstrated that there is a demand for private bathroom facilities and WIFI access within such hostels.
- 5.7 The proposed individual units would not meet the Local Plan internal space standards for individual flats. However, the proposal is intended to accommodate people in acute housing need and the proposed standard of accommodation is likely to be higher than that available elsewhere to address such short term housing needs. The units would be relatively self-contained, but with a communal kitchen and bathroom available should tenants choose to use them. The proposal is considered to represent an acceptable standard of temporary accommodation.

### Impact on the character of the dwelling and wider area

- 5.8 The change of use of the existing dwellinghouse would not result in any visual changes to the building and would not therefore have any detrimental impact to the character and appearance of the building or the wider area.

- 5.9 This proposal involves the removal of the existing front hedgerow. The officer's site visit confirmed that the rear garden has been neglected and left overgrown. As the site would be occupied by an increased number of residents it is important to condition a soft and hard landscaping scheme which is in the interests of the amenity and of the environment of the development.
- 5.10 The applicant has commented in the submitted Planning Statement that the property is located between a nursing home which has been extensively extended to the rear and into the roof area, and no. 11/11A to the side has been extended to the rear and converted into flats. Therefore the proposed temporary accommodation is considered to be acceptable in terms of its siting and relationship with neighbouring properties and uses. Also, the proposed front parking area is not seen to be out of keeping as other properties along the road have car-occupied frontages.

#### Impact on the amenities of neighbouring properties

- 5.11 Local residents have raised a number of objections to the proposed change of use by stating that another multi-occupancy temporary accommodation within close vicinity could destroy the residential nature of Perryfield Road. Also, people are concerned about the potential risk of increased antisocial behaviour that may be caused by someone who is moving in from outside the local community.
- 5.12 As mentioned above, given the context of the site (nursing home to the west and converted flats to the east), the proposed change of use would be an appropriate type of residential accommodation. Also, as there would be no external alterations or extensions, the existing situation in terms of light and privacy would be maintained for adjoining properties.
- 5.13 As confirmed by the Environmental Health Officer, the increase in occupancy from a family home may result in the risk of noise nuisance affecting the residents of number 11. To address this, a site management plan is proposed and all new occupiers would have to enter into a Licence Agreement with Crawley Borough Council and comply with various requirements, including measures to limit noise and other potential disturbance.
- 5.14 The applicant has addressed most issues addressed by the objectors in terms of antisocial behaviour through the proposed site management plan. The details include that the proposed temporary accommodation is to be managed by the Council's Housing Management Team, Crawley Homes, on daily basis. A Hostel Officer would deal with the site issues with other housing management professionals. The team is to be managed by a Tenancy Services Manager together with Area Housing Managers and a large team of generic Housing Officers. The site would be visited on numerous occasion during a week and for the occupants' safety, there would be fire alarms installed in all units. In addition to that, a Health and Safety inspection would be carried out weekly. The contract conditions for residents' restrict, for instance, no overnight visitors' policy, no smoking, no playing of loud music, or no anti-social behaviour. Breaching any of those requirements may lead to the immediate eviction of the occupiers.
- 5.15 The proposal for change of the current residential use to 3no. self-contained hostel units is not considered to result in an increased impact on the amenities of occupiers of neighbouring properties. Overall, the proposed works would not increase the footprint of the existing building, potential impacts would be actively managed by housing staff and the change of use would raise no potential overlooking concerns. The proposed conversion to a hostel is considered to comply with the relevant Local Plan policies in terms of residential amenity, subject to a Section 106 agreement to secure the use as a hostel for homeless people.

#### Parking

- 5.16 The proposed change of use to temporary accommodation for homeless families would provide 3no. units within the main building. The proposals include the construction of a ramped access to the main door on the frontage. The proposal would provide two parking bays within the front garden. Under

WSCC Parking Standards November 2003, it is recommended that 1 car parking space per 4 residents is provided for a hostel use. Eleven residents would be catered for within the proposed development, although it is unlikely that many would own a car and the spaces would be mainly used by visitors and staff.

- 5.17 The Local Highway Authority notes that there are parking restrictions in the area and the implications of potential on street parking should be considered. Nevertheless, the site is close to the local facilities and services. WSCC Highways consider this site to be a sustainable location and anticipate that residents would utilise the public transport links within the area. Secure covered bicycle storage is to be provided, which can be secured by condition. Overall, the level of off-street parking proposed in conjunction with the sustainable location is considered acceptable in parking and highway safety terms.

#### Community Infrastructure Levy

- 5.18 Potentially the development is CIL liable. However, there would be no net increase in floorspace from the proposal and it would form affordable housing units, which benefit from an exemption. In this case, it is not considered that a CIL payment would be required and an Informative is to be attached to the decision notice.

#### **CONCLUSIONS:-**

- 6.1 The proposal would make a significant contribution towards meeting acute local housing needs. It is not considered likely to have a significantly harmful impact upon neighbouring amenity or the character of the surrounding area. An appropriate level of parking provision would be available. The proposal would therefore accord with the relevant development plan policies.

#### **RECOMMENDATION RE: CR/2016/0839/FUL**

PERMIT - Subject the satisfactory completion of a S106 Agreement to secure the appropriate ongoing management of the hostel to meet local homeless needs and subject to the following 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 commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing ref. 16/159/skLoc revC.  
REASON: In the interests of road safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. The hostel use hereby permitted shall not commence until provision for car parking has been made within the site in accordance with the submitted details and such provision shall thereafter be used only for the parking of residents, visitors and staff vehicles.  
REASON: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The hostel use hereby permitted shall not be occupied until provision for cycle storage has been made within the site in accordance with approved drawings no. 16/159/skLoc revC and 16/159/sk02c. The cycle parking facilities shall then be maintained and shall not be used for any other purpose other than the parking of cycles.

REASON: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with Policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030.

6. No trees or bushes growing on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until two years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

REASON: To ensure the retention of vegetation important to the visual amenity of the development in accordance with Policy CH6 of the Crawley Borough Local Plan 2015-2030.

7. The hostel use hereby permitted shall not be brought into use until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, hard and soft, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON: In the interests of amenity and of the environment of the development in accordance with policy CH7 of the Crawley Borough Local Plan 2015 - 2030.

8. All planting, seeding or turfing comprised in the approved details of landscaping 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 CH7 of the Crawley Borough Local Plan 2015 - 2030.

9. The property shall be occupied by a maximum of eleven residents at any time as indicated within the approved supportive documentation and floor plans unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of amenity in accordance with policies CH3 of the Crawley Borough Council Plan 2015-2030.

## INFORMATIVES

1. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
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](http://www.crawley.gov.uk/cil), email [development.control@crawley.gov.uk](mailto: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:
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  - 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.



## 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:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- 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.



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**CR/2016/0839/FUL**

Date 12 December 2016

Approx. Scale 1:1,250

**13 PERRYFIELD ROAD, SOUTHGATE, CRAWLEY**



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**REFERENCE NO: CR/2016/0857/FUL**

**LOCATION:** [83 - 87 THREE BRIDGES ROAD, THREE BRIDGES, CRAWLEY](#)  
**PROPOSAL:** DEMOLITION OF EXISTING LOCAL AUTHORITY HOSTEL ACCOMMODATION AND  
ERECTION OF 10 X ONE BEDROOM (2 PERSON) AND 4 X TWO BEDROOM (4  
PERSON) AFFORDABLE FLATS WITH ASSOCIATED PARKING AND LANDSCAPING

**TARGET DECISION DATE:** 16 January 2017

**CASE OFFICER:** Mr H. Walke

**APPLICANTS NAME:** Crawley Borough Council

**AGENTS NAME:** Pellings LLP

**PLANS & DRAWINGS CONSIDERED:**

725 012 P00 Site Location Plan, 725 012 E 01 Rev B Existing Site Plan, 725 012 E 03 Rev A Existing Elevations, 725 012 P03 Rev G Proposed Ground Floor Plan, 725 012 P04 Rev G Proposed First Floor Plan, 725 012 P05 Rev H Proposed Second Floor Plan, 725 012 P06 Rev G Proposed Roof Plan, 725 012 P10 Rev A Proposed Street Elevations Sheet 1 of 2, 725 012 P11 Rev B Proposed Street Elevations Sheet 2 of 2, 725 012 P12 Rev E Proposed South Elevation No 83-85 & No 87, 725 012 P17 Rev F Proposed West Elevation No 87, 4688 004 T SK 001 Rev P1 Swept Path Analysis Refuse Vehicle, 4688 004 T SK 002 Rev P1 Swept Path Analysis 4.6t Light Van, 4688 004 T SK 003 Rev P1 Swept Path Analysis Large Car, 4688 004 T SK 004 Rev P1 Swept Path Analysis Medium Car, 4688 004 C 001 Rev P2 Detail Design Crossover, 1668-EX200 Rev P1 External Lighting Layout - Site Plan, 725.012 P01 C Revised Block Plan, 725.012 P02J Revised Site Plan, 2440-16-B-3D Revised Hard Landscape Plan, 2440-16-B-2C Revised Landscape Planting Plan, 725 012 P16 Rev F Proposed East Elevation, 725 012 P15 Rev G Proposed North Elevation, 725 012 P14 Rev F Proposed East Elevation, 725 012 P13 Rev G Proposed West Elevation

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |   |                                     |
|---|-------------------------------------|
| 1. GAL - Aerodrome Safeguarding                   | No objection subject to informative |
| 2. Environment Agency                             | No objection subject to conditions  |
| 3. WSCC - Highways                                | No objection subject to conditions  |
| 4. Thames Water                                   | No objection but advice provided    |
| 5. Sussex Police                                  | No objection and advice provided    |
| 7. CBC - Drainage Officer                         | No objection                        |
| 8. CBC - Property Division                        | No objection                        |
| 9. CBC - Housing Enabling & Development Manager   | No objection                        |
| 10. CBC - Planning Arboricultural Officer         | No objection subject to conditions  |
| 11. CBC - Environment Team                        | Advice given                        |
| 12. CBC - Contaminated Land                       | No response                         |
| 13. CBC - Environmental Health                    | No objection subject to conditions  |
| 14. Cycle Forum                                   | No response                         |
| 15. CBC - Refuse & Recycling Team                 | No objection and advice provided    |
| 16. Southern Water                                | No response                         |
| 17. CBC - FP - Energy Efficiency & Sustainability | No objection subject to conditions  |
| 18. CBC - FP - Urban Design                       | No objection but advice provided    |
| 19. CBC - FP - Open Space                         | No objection                        |
| 20. Ecology Officer - Mike Bird                   | No objection subject to condition   |

21.	CBC - FP - Housing	No response
22.	National Air Traffic Services (NATS/NERL)	No objection
23.	WSCC – Flood Risk Management	No objection subject to conditions

**NEIGHBOUR NOTIFICATIONS:-**

89 and 89A Three Bridges Road, Three Bridges; 109 Hazelwick Road, Three Bridges; 130, 132 and 134 Three Bridges Road, Three Bridges;

**RESPONSES RECEIVED:-**

Six objection letters have been received from neighbouring properties raising concerns about the scheme. Issues raised include:

- Flats and the three storey building are out of character with the size and design of houses in this part of Three Bridges Road. Hipped roof is out of keeping and detailing is bland. Would be forward of the existing building line and set an unfortunate precedent.
- Three Bridges Road has a leafy, pre-new town, low density character and is an attractive walking and cycling route. Removal of front boundary vegetation will increase prominence and visibility
- Increased traffic on a dangerous bend in the road. Traffic survey inadequate and did not assess weekday peak hours. Increased risk of accidents, particularly due to increased pedestrian movements. No traffic calming measures proposed. Parking area too close to neighbours and would cause noise and disturbance. Difficulties for refuse vehicles entering site.
- Loss of light to neighbouring windows at 89A. Overlooking and loss of privacy. Front patios would cause noise and disturbance. Refuse store would cause smells and noise disturbance to neighbours. Noise and disturbance from demolition and building works and Saturday morning construction work.
- Loss of wildlife habitat
- No. 134 Three Bridges Road not shown on plans and not taken into account in access arrangements
- Neighbours not notified about application.

**REASON FOR REPORTING TO COMMITTEE:-**

The application is major development and the applicant is Crawley Borough Council.

**THE APPLICATION SITE:-**

- 1.1 The application site contains three detached buildings, originally built as single dwelling houses but currently used by the Council as hostel accommodation providing twelve bedspaces. All the buildings are two storey and constructed of brick with render, pebbledash and tile hanging used on the elevations. No. 83 has a parking area to the front and Nos. 85-87 share two accesses with a combined parking area. To the rear is a large garden area which combines the former gardens of the three houses. There are a number of mature trees within and around the gardens and substantial trees/hedge along the front boundary. To the rear of the site is a plot of Council owned land leased out separately as amenity land.
- 1.2 Three Bridges Road is a relatively busy road lined by trees and front boundary hedges. The surrounding area is residential, generally comprising two storey, sizable detached houses. No. 89A, immediately to the east, is a bungalow. There is a small cul-de-sac, Bramley Close, slightly to the east of the application site. Nos. 89-91 Three Bridges Road are locally listed pair of semi-detached cottages to the east of the site.

**THE PROPOSED DEVELOPMENT:-**

- 2.1 The application seeks permission to demolish the existing three buildings and erect two replacement buildings. The new buildings would contain a total of fourteen flats (1 x one bed wheelchair accessible flat, 9 x one bed flats and 4 x two bed flats). Following revisions to the scheme, fourteen car parking spaces are proposed in the rear garden along with a cycle shelter and refuse/recycling bin enclosure. Ten existing trees are proposed to be removed with one new tree proposed in the front garden.

**PLANNING HISTORY:-**

3.1 The previous planning history on the site relates to approval of the current hostel use:

CR/193/1989 – Conversion of 85 Three Bridges Road to homeless hostel and provision of car parking facilities. Granted 5 May 1989.

CR/678/1988 – Change of use from residential to hostel for homeless. Granted 12 December 1988.

## **PLANNING POLICY:-**

### 4.1 National Planning Policy Framework (NPPF):

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.

The core planning principles of the NPPF (paragraph 17) states 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.

Part 6 applies specifically to delivering homes and seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development and are to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Part 7 emphasises the importance of good design to achieve high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes. Design codes can be used to achieve high quality outcomes, and decisions should promote and reinforce local distinctiveness without imposing forms, styles or particular tastes on development. Paragraph 56 states that 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.

### 4.2 Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 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.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern land uses and arrangement of open spaces and landscape features.
- Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond to 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.
- Policy CH3 (Normal Requirements of All New 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.

- Policy CH5 (Standards for All New Dwellings) states that all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents. New dwellings should, as a minimum, meet the nationally described space standards in accordance with Building Regulations Part M Category 2 – accessible and adaptable dwellings.
- Policy CH6 (Tree Planting and Replacement Standards) requires landscape proposals for residential development to contribute to the character and appearance of the town by including at least one new tree for each new dwelling. In addition, any trees lost as a result of the development must be replaced or mitigated. Where possible the trees are expected to be provided on site although, where this is not feasible, commuted sums will be sought in lieu.
- Policy CH16 (Locally Listed Buildings) seeks to protect locally listed buildings, including their character and setting.
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- Policy H4 (Affordable and Low Cost Housing) states that 40% affordable housing will be required from all residential developments. In addition to the provision of 40% affordable housing, approximately 10% low cost housing will be sought on developments proposing 15 dwellings or more, offering up to 10% discount to first-time buyers.
- Policy ENV1 (Green Infrastructure) seeks to conserve and enhance Crawley's multi-functional green infrastructure network including private gardens.
- Policy ENV2 (Biodiversity) requires proposals to encourage biodiversity and enhance features of nature conservation value within and around development.
- Policy ENV5 requires development to make provision for open space and recreational facilities.
- Policy ENV6 (Sustainable Design and Construction) requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes and also specifically to achieve BREEAM excellent for water and energy credits where viable.
- Policy ENV7: (District Energy Networks) requires that any major development proposal should demonstrate whether it can connect to an existing DEN network where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be 'network ready' to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- Policy ENV8: (Development and Flood Risk) advises that development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere.
- Policy ENV9 (Tackling Water Stress) requires all new dwellings to achieve the new 'optional' water efficiency standard introduced into part G of the Building Regulations in 2015, subject to viability and technical feasibility.
- Policy ENV10 (Pollution Management and Land Contamination) seeks to prevent unacceptable risks from environmental pollution and land contamination.

- Policy ENV11 (Development and Noise): Advises that residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. To achieve this, this policy should be read in conjunction with the Local Plan Noise Annex.
- Policy IN1: (Infrastructure Provision) 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.
- Policy IN2 requires all residential, employment and commercial development to be designed to be connected to high quality communications infrastructure.
- Policy IN3 (Development and Requirements for Sustainable Transport): 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.
- Policy IN4: (Car and Cycle Parking Standards) 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.

#### 4.3 Supplementary Planning Guidance and Documents

The Council's following Supplementary Planning Documents and Guidance Notes are also relevant to this application. The Supplementary Planning Documents were all adopted in October 2016:

- Planning and Climate Change – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport.
- Urban Design – With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document also sets out the car and cycle parking standards for the Borough.
- Green Infrastructure – Sets out the Council's approach to trees, open space and biodiversity. The Local Plan identifies Northgate Avenue as a key Structural Landscaping link into the town centre from the north-east and the SPD gives guidance on supporting and enhancing Structural Landscaping. It also includes the justification and calculations for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling.
- Developer Contributions Guidance Note (Adopted July 2016) Following the introduction of the Community Infrastructure Levy, this guidance note sets out the Council's approach to securing contributions towards infrastructure provision.

#### **PLANNING CONSIDERATIONS:-**

- 5.1 The existing uses of the site and the surrounding area are residential. The site lies in a sustainable location, midway between Crawley town centre and Three Bridges, which are both within walking distance. Surrounding uses are residential. The proposal represents an intensification of residential use in a sustainable location within the built up area and, in principle, is acceptable in planning policy terms.
- 5.2 The main issues for consideration are:
- Housing provision
  - Design and visual appearance

- Residential amenity
- Transport and parking
- Trees and ecology
- Sustainability
- Other material considerations, including flooding and drainage issues.

### Affordable Housing

- 5.3 The site originally contained three detached houses. These properties have long since been converted into hostel use, providing 12 individual rooms with shared bathroom and kitchen facilities. The applicant has provided a statement demonstrating that the redevelopment forms part of a Borough-wide strategy to improve temporary accommodation for those in urgent housing need. Ten units of new hostel accommodation are already under construction at No. 10 Goffs Park Road. There are two other current planning applications for new hostel accommodation, comprising self-contained units, at Nos. 5 and 13 Perryfield Road (refs CR/2016/0838/FUL and CR/2016/0839/FUL) which are considered as separate reports on this agenda. Planning officers are therefore satisfied that the current proposal forms part of co-ordinated strategy to make improved provision within the Borough for those facing urgent housing need.
- 5.4 The application proposes fourteen affordable flats over two blocks on the site. In line with Council planning policy, 40% affordable housing can be secured by Section 106 agreement, although the current proposal is a 100% affordable scheme. The flats would comprise a mix of one and two bedroom units. They would comply with the national space standards as required by policy CH5 of the Local Plan. The one bedroom flats have a minimum size of 50.0 square metres and the two bedroom flats a minimum of 74.4 square metres. The scheme would have a communal rear garden area and the six ground floor flats would each have a private patio area. In housing terms, the proposed intensification in use of the site would deliver new permanent residential accommodation and help to meet the Borough's needs.

### Design and visual appearance

- 5.5 Two buildings are proposed on the site. The larger one would be located to the western side, approximately on the footprint of Nos. 83-85. It would comprise a two storey element adjoining No. 81, rising to three storeys at the centre of the application site. The second building would be two storeys and located adjacent to the eastern boundary with No. 89A. The building's designs are clearly residential in character and appropriate in terms of design and scale to their surroundings.
- 5.6 The elevations would be predominantly red and yellow facing traditional brickwork, with the recessed central element of the wider block being formed of grey facing brick and some timber effect cladding. The main roof would be grey tiled, with small sections of low pitched metal roofs on the western block. Windows would be triple glazed white PVCu. The proposed materials are considered in keeping with the general character of Three Bridges Road. Details of communal television and radio aerials at the centre of the roof of the larger building have been provided. These will ensure that such facilities are available to all without causing adverse visual impact through proliferation of different aerial systems.
- 5.7 There are a pair of locally listed cottages (Nos. 89-91) to the east of the site. Due to their location on the bend, they, and particularly their front gables, are visually prominent in the streetscene. The existing buildings at Nos. 83-87 are set back approximately five metres from Nos. 89-91. The proposed flats would be set forward of the existing three dwellings on the site. The central, three storey part of the proposed flats would project furthest forward, but would still be approximately three metres back from the front wall of Nos 89-91. This could have some limited impact upon the setting of the locally listed buildings. From the street though, their main visual contribution is from the two front gables. The proposal would have no significant impact upon views of the gables, even if slightly more of the side wall of No. 89 would potentially be obscured. The impact upon views of and the setting of the locally listed buildings is considered very limited and acceptable, particularly given the existing tree screening between the buildings.
- 5.8 Overall, the proposal is considered an appropriate design solution for the site which takes account of its surroundings including the locally listed buildings.



## Residential Amenity

- 5.9 The applicant has submitted a Daylight and Sunlight Study with the application. The scheme's front elevation would face south. The Daylight and Sunlight Study confirms that the scheme, in terms of impact on daylight and sunlight enjoyed by neighbouring houses at Nos. 81 and 89A, has no significant adverse impact upon windows and habitable rooms. The study also demonstrates that there would be no significant overshadowing of adjoining gardens, as any overshadowing from the scheme would affect its own rear garden and car parking area.
- 5.10 The proposed buildings would have a considerably larger footprint than the existing buildings. With regard to No. 89A, the adjoining building would match its front and rear building lines, similar to the existing structure on the site. At the rear, the proposed building would step down to a single storey. No. 89A does have some side windows. The side elevation of the proposed development would contain ground and first floor kitchen windows. To avoid potential overlooking, it is considered appropriate that the first floor windows are obscure glazed. A similar relationship with No. 81 would be created to the west of the site. Again obscure glazing to the proposed kitchen windows is proposed.
- 5.11 The proposed scheme would introduce car parking, and related vehicle noise, to the rear of the site. The refuse store would also be to the rear and refuse vehicles would enter the site to collect refuse and recycling. The rear gardens on the north side of this part of Three Bridges Road are not generally used for parking and contain many mature trees. The introduction of car parking to this area is unfortunate and will increase noise levels and other disturbance in the area. The parking area has been revised to pull it further from the boundary with No. 81, with a landscaping/garden area of 9.5 metres between the nearest parking space and the boundary. On street parking is not available on Three Bridges Road and a balance needs to be made between meeting parking needs and protecting residential amenity.
- 5.12 Houses to the front on the opposite side of Three Bridges Road are 35 metres away. To the rear, due to the long rear garden, the nearest houses are around 50 metres away. No overlooking or adverse impact on amenity would result to these adjoining houses.
- 5.13 Overall, the application site would be used more intensively than adjoining plots, which generally accommodate single dwellings. However, the proposed use is residential and the proposed buildings have been designed to minimise impact upon neighbouring houses. Whilst the proposed relationships to adjoining properties are considered acceptable, conditions requiring obscure glazing and restricting new windows to the side elevations are recommended.

## **Transport and parking**

- 5.14 The revised scheme would provide fourteen car parking spaces accessed by a single central vehicular access from Three Bridges Road. The other two existing vehicular accesses onto the site would be closed. Following comment by the Local Highway Authority, improved visibility splays have been achieved. The scheme would achieve sightlines required even for passing vehicles travelling at 37 mph within this 30 mph road. In safety terms, the Local Highway Authority considers the visibility splays to be acceptable.
- 5.15 The rear parking area has been amended to address its impact upon the proposed communal garden area and also to address concerns raised about disturbance to neighbouring properties. The scheme would provide one car parking space per flat, along with covered cycle parking. The site is also located a short walk from Crawley town centre and Three Bridges. The proposed scheme would provide an appropriate level of off street car parking, whilst being in a sustainable location which would support travel by alternative sustainable means such as cycling and walking. The applicant is proposing a low level timber fence to enclose the car parking area and prevent unauthorised access by vehicles to the grassed areas, which will ensure safety for children and other users of the garden and prevent damage to the landscaping.

## **Trees and ecology**

- 5.16 The site contains a number of existing trees, many of which are mature and contribute very positively to the appearance of the site and the streetscene. The tree survey identifies a number of important trees on the site, including a category A Common Oak. It recommends the felling of five trees that are in poor condition.
- 5.17 The landscaping scheme proposes three replacement trees. These are a silver birch in the front garden and two acers along the side boundary with No. 89A. The landscaping scheme is considered acceptable, subject to measures to protect the existing trees during construction and to secure the implementation of the new planting including three replacement trees. There is limited space within the site for new tree planting so, in accordance with policy CH6 of the Local Plan and the Green Infrastructure SPD, a contribution of £15,400 to plant new trees off-site can be secured through a Section 106 agreement.
- 5.18 The applicant has submitted an Ecological Assessment with the application. It addresses a range of nature conservation issues, including trees, birds and dormice. Limited to negligible impact is identified for all except bats, which are a protected species.
- 5.19 A Bat Survey and Mitigation Strategy has consequently also been submitted with the application. Bat surveys revealed pipistrelle bats using No. 85. A Natural England licence would be required for the proposed works. The Strategy also recognises that lighting needs to take account of the bats and maintain dark areas around the vegetation. It also sets out requirements for the demolition process. The Council's Ecologist has commented on the application and raises no objection subject to implementation of the Bat Mitigation Strategy. Lighting proposed for the rear car park should also be implemented in accordance with the submitted details to ensure that lighting levels do not disturb the bats

### **Sustainability**

- 5.20 Although major development in planning terms, the proposal is considered not of a sufficient scale to support a district heat network. The proposed Energy Strategy generates efficiencies of 21.53% on 2013 Building Regulations, which represents an acceptable alternative as allowed by policy ENV7.
- 5.21 The Sustainability Statement indicates that the development will comply with the policy requirement to meet the 'optional' tighter Building Regulations part G requirement of limiting water consumption to 110 litres per person per day. This can be secured by condition. The Sustainability Statement also suggests the scheme will achieve the equivalent of Code for Sustainable Homes Level 4. Whilst the incorporation of renewable energy sources within the scheme would be beneficial to its overall sustainability, the applicant has demonstrated the acceptability of a fabric first approach and water efficiency measures in line with Local Plan policy CH6.

### **Drainage**

- 5.22 The applicant has submitted a detailed Flood Risk Assessment. The Borough's Drainage Engineer considers it to be a high quality submission and recommends that a condition requiring implementation of its proposed measures to address surface water drainage.

### **CONCLUSIONS:-**

- 6.1 The scheme would involve the loss of existing hostel accommodation. However, higher quality, self-contained hostel accommodation is proposed on other sites to address this. The redevelopment would provide fourteen new affordable housing units, helping to address local needs. The design is considered acceptable and in keeping with the surrounding area. Subject to conditions, officers do not consider that significant adverse impact upon neighbours would result from the proposal. There are no objections on highways or parking grounds and the site lies in a sustainable location. Ecological issues, tree protection and new landscaping can be secured by condition.

### **RECOMMENDATION RE: CR/2016/0857/FUL**

PERMIT - Subject to the conclusion of a Section 106 agreement to secure a financial contribution of £15,400 for replacement and additional tree planting; and to secure the provision of 40% affordable housing on the site, and subject to the following 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. The development shall be carried out in strict accordance with the recommendations set out in the Middlemarch Environmental Bat Surveys and Mitigation Strategy.  
REASON: To ensure the satisfactory protection of statutorily protected bat species using the site in accordance with Policy ENV2 of the Crawley Borough Local Plan 2015-2030.
4. The residential units shall not be occupied until the measures, including the proposed Nuaire MRXBOX95B-LP1 (System 4 MVHR) or equivalent, set out in the RBA Acoustic Report dated 2 June 2016 and the Brinson Staniland Partnership Mechanical Systems Performance Specification dated November 2016 to protect the dwellings against the external noise climate have been fully installed and made available for use. The measures shall be maintained as such thereafter.  
REASON: To ensure a satisfactory residential environment for future occupiers in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. All works associated with the implementation of the development hereby approved shall be carried out in strict accordance with the Construction Environmental Management Plan dated 14 September 2016. No development shall be commenced until such time as all temporary contractor's buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development have been set up in accordance with the details provided in the Construction Environmental Management Plan. Such provision once approved and implemented shall be retained throughout the period of construction.  
REASON: To protect the amenity enjoyed by adjoining residents and to avoid undue congestion of the site and consequent obstruction to access and in the interests of road safety in accordance with policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
6. The management of flooding and surface water drainage associated with the development shall be carried out in strict accordance with the measures set out in the Robert West Flood Risk Assessment document dated September 2016.  
REASON: To prevent the increased risk of flooding and to improve water quality in accordance with policies ENV8 and ENV10 of the Crawley Borough Local Plan 2015-2030.
7. The residential units shall not be occupied until details have been submitted to the Local Planning Authority to demonstrate that each unit shall achieve a water efficiency standard by consuming not more than 110 litres per person per day maximum water consumption.  
REASON: In the interests of sustainable design and efficient use of water resources in accordance with policy ENV9 of the Crawley Borough Local Plan 2015-2030.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

REASON: To protect the underlying groundwater from the risk of pollution in accordance with the requirements of the National Planning Policy Framework and policy ENV10 of the Crawley Borough Local Plan 2015-2030.

9. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.  
REASON: To protect the underlying groundwater from the risk of pollution in accordance with the requirements of the National Planning Policy Framework and policy ENV10 of the Crawley Borough Local Plan 2015-2030.
10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
REASON: To protect the underlying groundwater from the risk of pollution in accordance with the requirements of the National Planning Policy Framework and policy ENV10 of the Crawley Borough Local Plan 2015-2030.
11. The two first floor kitchen windows on the west elevation of the development facing towards No. 81 Three Bridges Road and the two first floor kitchen windows on the east elevation of the development facing No. 89A Three Bridges Road shall at all times be glazed with obscured glass and apart from any top-hung vent, be fixed to be permanently non-opening.  
REASON: To protect the amenities and privacy of the adjoining property, in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
12. No windows (other than those shown on the plans hereby approved) shall be constructed in the west elevation of the development facing No. 81 Three Bridges Road or in the east elevation of the development facing No. 89A Three Bridges Road hereby permitted 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.
13. Combined television, DAB and FM aerial facilities to serve all flats within the development hereby approved in accordance with details shown on drawing 1668-E302 Rev T1 shall be implemented and made available for use prior to occupation of any of the flats and shall be maintained as such thereafter unless otherwise 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.
14. The flats hereby approved shall not be occupied until measures to implement superfast broadband for all dwellings within the development have been completed and made available for use.  
REASON: To help reduce social exclusion and to allow good access to services in accordance with policies CH3 and IN2 of the Crawley Borough Local Plan 2015-2030.
15. All planting, seeding or turfing comprised in the approved details of landscaping 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 CH7 of the Crawley Borough Local Plan 2015 - 2030.
16. 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 to be

approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. 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 CH7 of the Crawley Borough Local Plan 2015 - 2030.

17. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.  
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policies CH3 of the Crawley Borough Local Plan 2015-2030.
18. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.  
REASON: In the interests of road safety in accordance with policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
19. No part of the development shall be first occupied until such time as the existing vehicular accesses onto Three Bridges Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety in accordance with policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
20. No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.  
REASON: In the interests of road safety in accordance with policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
21. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres to the east and 2.4 metres by 59 metres to the west have been provided at the proposed site vehicular access onto Three Bridges Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.  
REASON: In the interests of road safety in accordance with policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
22. No part of the development shall be first occupied until the car and cycle parking and vehicle turning space has been constructed in accordance with the approved drawings. These spaces shall thereafter be retained at all times for their designated purpose.  
REASON: To provide car and cycle parking spaces and related manoeuvring space for the use, to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with policies CH3, IN3 and IN4 of the Crawley Borough Local Plan 2015-2030.
23. No development shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed. This facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.  
REASON: In the interests of road safety in accordance with policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.

24. Prior to occupation of any of the flats hereby approved, a 450 mm high timber fence shall be erected to prevent unauthorised vehicular access to amenity space areas in accordance with full details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure that the amenity space areas are available and safe for all, including children, to use in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

## INFORMATIVES

1. The applicant is advised that a development licence must be obtained from Natural England prior to any works being undertaken that would affect existing bats using the site.
2. The water efficiency standard required under condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015) at Appendix A paragraph A1.
3. 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](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
4. The application is advised to be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. The Environment Agency recommends that, where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. The Agency will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.
5. With regard to water supply, this comes within the area covered by the Southern Water PLC. For your information the address to write to is - Southern House, Yeoman Road, Worthing, West Sussex BN13 3NX Tel - (0845) 2780845.
6. To ensure that surface water discharge from the site is not detrimental to the existing sewerage system, where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water can be contacted on 0800 009 3921.
7. The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover).
8. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
9. Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the

hours the noisy works are permitted. The permitted hours for noisy construction work in the Borough of Crawley are as follows:

0800 to 1800 Monday to Friday; and

0800 to 1300 on Saturday,

with no noisy construction works taking place on Sundays, Bank Holidays, Public Holidays, Christmas Day, Boxing Day or New Years' Day.

The developer shall employ at all times the best practical means to minimise noise disturbance to nearby residents. All construction work practises shall comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.

Any exemptions to the above hours must be agreed with the Council's Environmental Health Team in advance.

10. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
11. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
12. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
13. The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

#### 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 the applicant and 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.



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

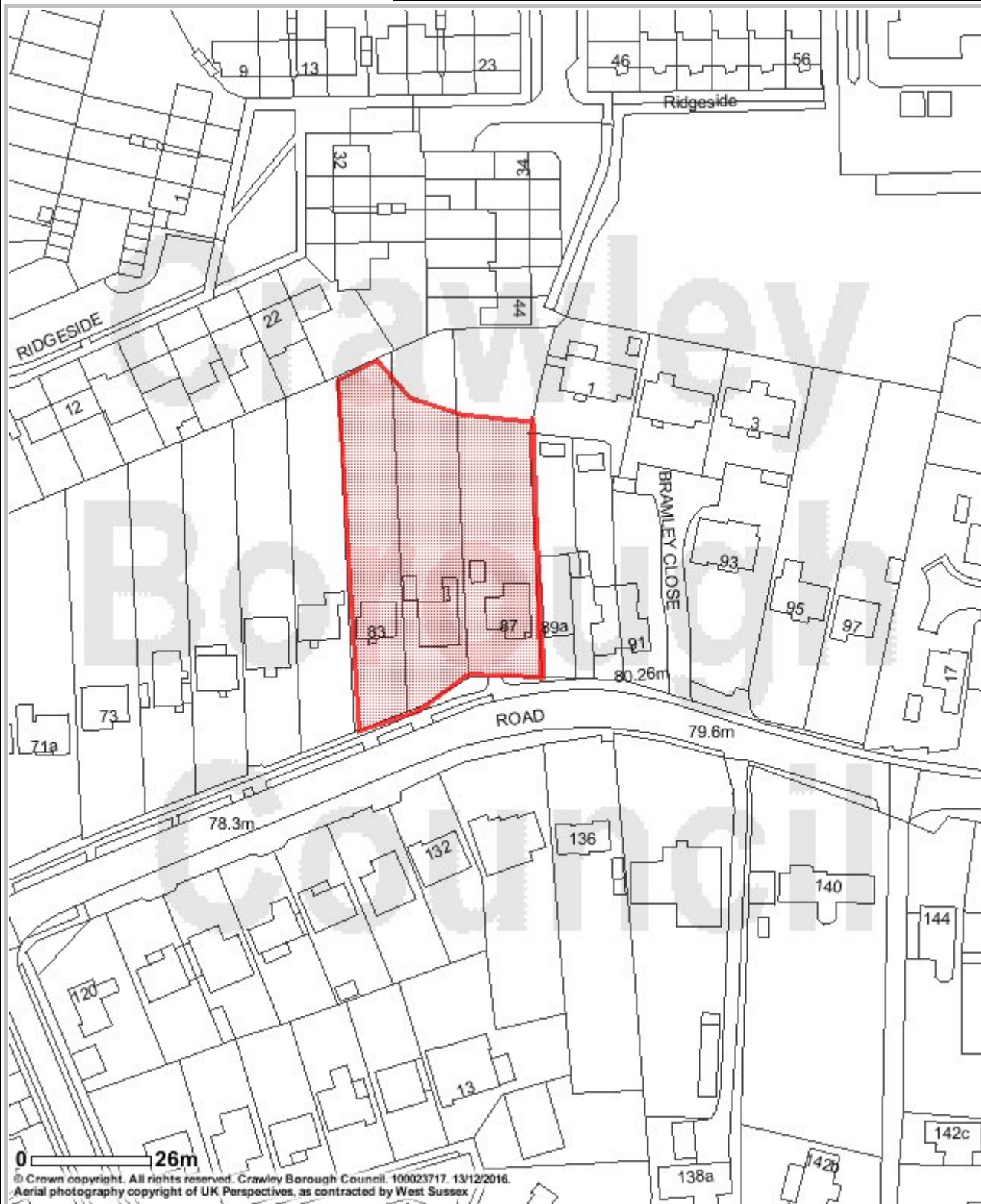
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0857/FUL**

Date 13 December 2016

Approx. Scale 1:1,250

**83 - 87 THREE BRIDGES ROAD, THREE BRIDGES,  
CRAWLEY**



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### The Crawley Borough Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016

Report of the Head of Economic and Environmental Services – PES / 229

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#### 1. Purpose

- 1.1 This report presents the single objection raised to the making of the 'Crawley Borough Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016'. 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 Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016' 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 trees in their surroundings, they are considered worthy of protection for the reasons outlined in this report.

#### 4. Background

- 4.1 The trees which are subject of this Order are 21 groups of trees and 16 individually identified trees located around the boundary of units 1-17 Whittle Way in Northgate. A copy of the TPO plan showing the location of the trees is attached to this report.
- 4.2 This Order has been made to consolidate two separate Orders, Whittle Way/James Watt Way No. 1 P16.6.48 and Gatwick Road, Whittle Way & James Watt Way No. 2, into one Order. The above mentioned orders were made but the records are unclear as to whether they were properly served. Given the importance of these trees to the green amenity of the area, particularly as screen trees for the industrial building, it was considered expedient to protect them through the making of a new Order.
- 4.3 The trees are a mixture of species, both broadleaved and coniferous, of varying age, size and condition and the majority are mature specimens in good condition. The schedule of trees which are covered by the Order is attached to this report.
- 4.5 The provisional Tree Preservation Order was made on 5<sup>th</sup> July 2016 and remains provisionally in force for a period of six months (until 5<sup>th</sup> January 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 protected trees was submitted by Advanced Arb Limited on behalf of the Gatwick Distribution Centre on 20<sup>th</sup> June 2016 ref. CR/2016/0595/TPO. These works consisted of general maintenance works such as containment pruning as well as the removal of several dead/dangerous trees. The works were considered in line with good arboricultural practice and consent has been granted.

## 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 has been made. The following addresses were notified:

Aegon UK Ltd  
Units 1-5, Whittle Way  
Units 6-8, Whittle Way  
Units 9-10, Whittle Way  
Unit 11, Whittle Way  
Unit 12, Whittle Way  
Unit 13, Whittle Way  
Unit 14, Whittle Way  
Units 15-17, Whittle Way

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the Order. The notification period for objections ended on 9<sup>th</sup> August 2016.

- 5.3 A single objection has been received from the director of LCG Limited, Unit 12 relating to the making of the Tree Preservation Order:

The following objection reasons have been submitted for consideration:

### *Amenity of the Trees*

- *"They [the trees] do not have good landscaping or amenity value in the surrounding area. The buildings opposite (and surrounding most of Crawley's business estates) look in keeping with the "trade area" of Manor Royal and removal of the trees on this side of the road will be consistent and the appropriate action and this should be expedited";*
- *"[The trees] are not visually important to the area quite the opposite";*

### *Wildlife*

- *"The only environmental value we can see is for the rats (who are very large) that occupy the bushes underneath the trees. The birds that do use the trees only increase problems to the roof of buildings along the way";*

### *Neighbour Amenity and Safety Issues*

- *"The long-term potential (as your letter states) merely means "long-term problems" for our buildings, tree roots, over hanging branches, damage to windows, sunlight deficiency to staff working in buildings etc".;*

### *Other*

- *"Is a cost the council does not need in maintaining them";*

## 6. Amenity Value/Assessment and Consideration of the Representations

### *Amenity of the Trees*

- 6.1 It is considered that the trees are vital to the public realm for the softening effect they have on the Whittle Way industrial area. Those trees along the western boundary adjoin Gatwick Road which is a primary route into the Manor Royal Estate where (as set out in the Manor Royal SPD) landscaping and planting is expected as part of any redevelopment proposals. The rest of the site is within an area where the SPD seeks additional planting to soften the visual impact of the industrial buildings.

The units immediately opposite the subject site (on the south bound side of Gatwick Road) do indeed lack tree cover, however this is by no means typical of Gatwick Road which is very much lined by trees of a variety of size, species and planting densities, softening the 'hard edge' of the

industrial units and enhancing the visual amenity of the road. Far from the subject trees being out of place, they are in fact very much in keeping with the character of the road and the design and public realm aspirations of the Manor Royal SPD which actively encourages additional landscaping in the industrial area.

#### *Wildlife*

- 6.2 The trees are not being recommended for protection specifically due to their positive impact on wildlife in the area, although it is accepted that large, mature trees as well as groups of trees can harbour protected species.
- 6.3 The trees that are the subject of this TPO, including those along Gatwick Road have recently been subject to pruning works under TPO application ref: CR/2016/0595/TPO. These works consisted of general maintenance works such as thinning, reductions and pruning for clearance from buildings as well as the removal low quality and dying/dangerous trees in line with good arboricultural practice. These works should be adequate to address the issues caused by birds. The rat issue can be addressed by the removal of the low level undergrowth (much of which is not covered by the TPO). Removal of the trees would not address this issue with rats as they do not live in trees.

#### *Neighbour Amenity and Safety Issues*

- 6.4 The perceived issues raised by the objector can be easily mitigated by regular maintenance pruning in order to maintain adequate clearance from buildings and crown separations etc. With proper maintenance there is no reason why these trees cannot be retained in a manner which causes little conflict with the day to day operation of the industrial units.
- 6.5 The presence of a TPO does not prevent necessary works to be carried out to the trees in order to, for example, mitigate damage being caused to properties or to increase light levels etc. should these works be deemed justified by the Local Planning Department.

#### *Other*

- 6.6 The serving of a TPO does not absolve the land owner from his or her obligation to maintain the trees on their land, the making of an Order does not pass the cost of maintenance to the Local Planning Authority.

## **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 protection of the trees 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 Units 1-17 Whittle Way, Northgate Tree Preservation Order No. 15/2016

Photo of trees adjacent to Unit 12, Whittle Way, Northgate.





Photo of trees (G8) adjacent Units 6-10



Contact Officer: Russell Spurrell (Tree Officer, Planning Department)  
Direct Line: 01293 438033  
Email: [russell.spurrell@crawley.gov.uk](mailto:russell.spurrell@crawley.gov.uk)

**SCHEDULE**  
**SPECIFICATION OF TREES**

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

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
T1	Common Ash	Grid Ref: TQ-28493-39631
T2	Rowan	Grid Ref: TQ-28511-39628
T3	Corsican Pine	Grid Ref: TQ-28510-39599
T4	Corsican Pine	Grid Ref: TQ-28510-39579
T5	Norway Maple	Grid Ref: TQ-28514-39574
T6	Corsican Pine	Grid Ref: TQ-28510-39542
T7	Goat Willow	Grid Ref: TQ-28509-39534
T8	Downy Birch	Grid Ref: TQ-28493-39521
T9	Corsican Pine	Grid Ref: TQ-28499-39521
T10	Common Ash	Grid Ref: TQ-28505-39521
T11	English Oak	Grid Ref: TQ-28495-39515
T12	Corsican Pine	Grid Ref: TQ-28487-39511
T13	Common Ash	Grid Ref: TQ-28498-39509
T14	Common Ash	Grid Ref: TQ-28501-39492
T15	Corsican Pine	Grid Ref: TQ-28498-39448
T16	Common Ash	Grid Ref: TQ-28497-39434

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

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
G1	Norway Maple (6)	Grid Ref: TQ-28450-39631
G2	English Oak (4)	Grid Ref: TQ-28478-39634
G3	Norway Maple (3)	Grid Ref: TQ-28502-39630
G4	Corsican Pine (7)	Grid Ref: TQ-28513-39618
G5	Rowan (2)	Grid Ref: TQ-28508-39611
G6	Norway Maple (2), Silver Maple	Grid Ref: TQ-28516-39607
G7	Silver Birch (3)	Grid Ref: TQ-28513-39589
G8	Norway Maple (3)	Grid Ref: TQ-28511-39556
G9	Norway Maple (3)	Grid Ref: TQ-28486-39522
G10	Norway Maple (3)	Grid Ref: TQ-28505-39515
G11	Corsican Pine (2)	Grid Ref: TQ-28492-39506
G12	English Oak (2)	Grid Ref: TQ-28497-39495
G13	Field Maple, Norway Maple (5)	Grid Ref: TQ-28499-39471

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

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
G14	Norway Maple (3), Silver Maple, Rowan	Grid Ref: TQ-28479-39432
G15	Norway Maple (2), Rowan (3)	Grid Ref: TQ-28447-39438
G16	Norway Maple (4), Common Ash	Grid Ref: TQ-28418-39445
G17	Rowan, Swedish Whitebeam	Grid Ref: TQ-28392-39455
G18	Norway Maple (7), Swedish Whitebeam	Grid Ref: TQ-28388-39483
G19	Norway Maple (8), Silver Birch (2), Goat Willow	Grid Ref: TQ-28388-39543
G20	Norway Maple (3), Silver Maple	Grid Ref: TQ-28387-39594
G21	Norway Maple (11), Common Ash	Grid Ref: TQ-28407-39622

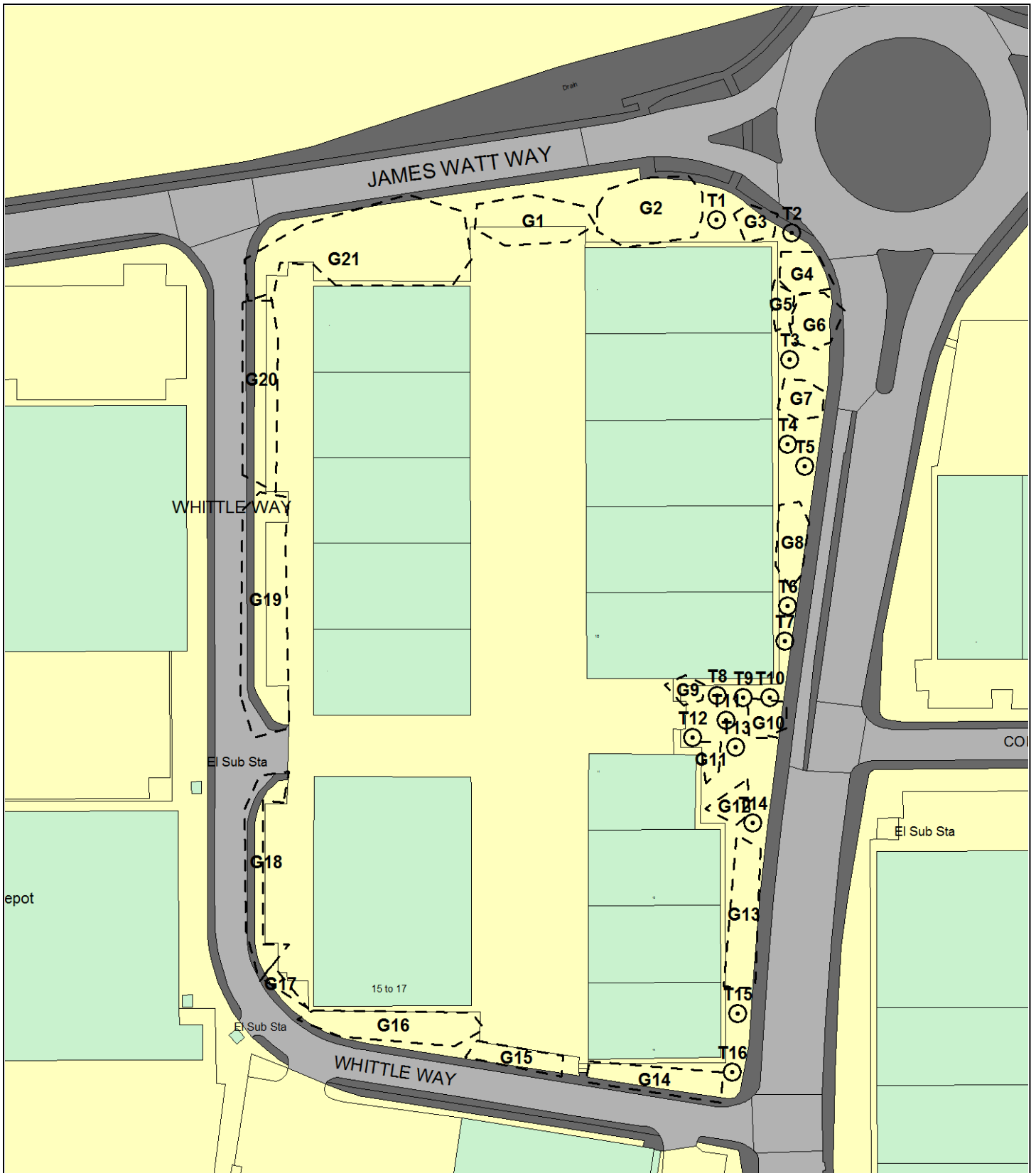
**Woodlands**  
**(within a continuous black line on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		

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

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		





**Tree Preservation Order No 15/2016  
Units 1-17, Whittle Way, Northgate**

**Clem Smith  
Head of Economic and Environmental Services**

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

Scale 1:1250

Date 15/12/2016

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