

# Crawley Borough Council

## Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room B**, Town Hall, Crawley, on **Monday 30 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.

Telephone number: 01293 438283

Email: [roger.brownings@crawley.gov.uk](mailto:roger.brownings@crawley.gov.uk)

Published 20 January 2017

**Emergency procedure for meetings will be circulated to Members and visitors attending this meeting. Please familiarise yourself with these procedures and the location of fire exits.**

## 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 3 January 2017 (**Enclosure A**).

### 5. Planning Applications

To consider report PES/213 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 26 January 2017 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. 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 3 January 2017 at 7.30pm

### Present:

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

### Officers Present:

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

### Apologies for Absence:

Councillors R S Fiveash and B McCrow.

### 47. Lobbying Declarations

The following lobbying declarations were made by Members:-

Councillor Stone had been lobbied regarding application CR/2016/0795/FUL.  
Councillors Pickett and Tarrant had been lobbied regarding applications  
CR/2016/0838/FUL and CR/2016/0839/FUL.  
Councillor B J Burgess had been lobbied regarding application CR/2016/0857/FUL.

### 48. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor P C Smith	Minute 50	CR/2016/0501/FUL. Wingspan Field and Part of Donkey Field, Betts Way, Langley Green, Crawley.	Personal Interest as he was a Local Authority Director of the Manor Royal Business Improvement District and was the Cabinet

<b>Member</b>	<b>Minute Number</b>	<b>Subject</b>	<b>Type and Nature of Disclosure</b>
			Member for Planning and Economic Development.
Councillor P C Smith	Minute 50	CR/2016/0502/FUL. Donkey Field, Betts Way, Langley Green, Crawley.	Personal Interest as he was a Local Authority Director of the Manor Royal Business Improvement District and was the Cabinet Member for Planning and Economic Development.
Councillor P C Smith	Minute 50	CR/2016/0722/FUL Land at Faraday Road, Northgate, Crawley	Personal Interest as he was a Local Authority Director of the Manor Royal Business Improvement District and was the Cabinet Member for Planning and Economic Development.
Councillor P C Smith	Minute 50	CR/2016/0820/FUL Fleming House, Fleming Way, Northgate, Crawley	Personal Interest as he was a Local Authority Director of the Manor Royal Business Improvement District and was the Cabinet Member for Planning and Economic Development.
Ann-Maria Brown, Head of Legal and Democratic Services	Minute 50	CR/2016/0838/FUL. 5 Perryfield Road, Southgate, Crawley.	Personal Interest - knew one of the objectors who was addressing the Committee on this application. Ann-Maria Brown left the meeting before the presentation and took no part in the discussion on the item.
Ann-Maria Brown, Head of Legal and Democratic Services	Minute 50	CR/2016/0839/FUL. 13 Perryfield Road, Southgate, Crawley.	Personal Interest - knew one of the objectors who was addressing the Committee on this application. Ann-Maria Brown left the meeting before the presentation and took no part in the discussion on the item.

## 49. Minutes

The minutes of the meeting of the Committee held on [5 December 2016](#) were approved as a correct record and signed by the Chair.

## 50. Planning Applications List

The Committee considered report [PES/212](#) 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/212](#) of the Head of Economic and Environmental Services and in the Register of Planning Applications, the decisions be given as indicated:-

#### Item 001

#### **CR/2016/0501/FUL.**

Wingspan Field and Part of Donkey Field, Betts Way, Langley Green, Crawley.

Creation of a car park to provide up to 401 spaces for use in conjunction with Nova and Astral Towers.

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

The Group Manager (Development Management) provided a verbal summation of the application. In so doing the Committee was referred to the fact that this application was one of two submitted to this meeting 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 office Site. (The second application is considered as Item 002 in these minutes). The development of this site for the provision of parking had been proposed as the previously approved multi-storey car park was not considered financially viable, and this alternative proposal could bring forward the proposed high-quality Class A Nova office development for which there was an acknowledged need in this part of the Borough. The proposals as set out in detail within the report would seek to safeguard the availability of 1,022 parking spaces, being broadly in line with the approved Nova development. In order to ensure delivery of those spaces, the Applicant proposed to enter into a Section 106 Agreement with the Local Planning Authority to ensure, for example, that:

- Should permission be granted for this and the second application submitted to this meeting, only level parking would be constructed (to provide up to a maximum of 1022 spaces), and;
- Should permission only be granted for this application, level parking and a single deck car park would be constructed (to provide up to a maximum of 1022 spaces),
- That the parking would only be provided in connection with the delivery of the office development.

The aspirations of bringing forward the proposed high-quality office development through the provision of the proposed parking spaces needed to be balanced against all planning considerations (as set out above and in the report), particularly the fact that provision of the car park would lead to the loss of the potential future employment

site on the Wingspan Field. However, it was reported that the developer had offered a number of assurances in an attempt to address all issues raised by both applications submitted, and it was emphasised that these assurances would need to be realised if the development was to be acceptable and obligations secured via a S106 Agreement and the planning conditions.

The Agent, Mr Peter Rainier, addressed the Committee in support of the application.

The Committee then considered the application. In response to issues raised by the Committee, Officers acknowledged that the proposed use of the site for surface car parking was not an efficient use of land in the context of Local Plan Policy CH4 and that the extant proposal would accommodate the required parking more efficiently through a multi-storey car park. However, the applicant had supplied further evidence, which has been independently assessed, that demonstrated that the multi-storey car park as originally permitted was no longer considered to be viable, and this alongside the loss of potential new floorspace at Wingspan should this application be approved, had to be balanced against the potential delivery of around 11,000 sq m of Grade A office space.

**Permitted** subject to the completion of a Section 106 Legal Agreement and the conditions set out in report [PES/212](#).

**Item 002**

**CR/2016/0502/FUL.**

Donkey Field, Betts Way, Langley Green, Crawley.

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.

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

The Group Manager (Development Management) provided a verbal summation of the application. The Committee was advised that, as fully detailed in the report, this current application along with a further application for the Wingspan Field and part of the Donkey Field (CR/2016/0501/FUL – item 001 in the minute above refers), were intended to make up the shortfall in car parking facilities that would result if the multi storey car park as originally proposed for the consented development on the neighbouring Astral Towers and Nova office Site was not provided. This application site was partially within the Gatwick Airport Safeguarded Land as defined by the Crawley Local Plan 2015-2030. The development of this site for the provision of parking facilities had been proposed in light of further evidence demonstrating the non-viability of the originally permitted multi-storey car park, and in order to bring forward the proposed high-quality Class A Nova office development for which there was an acknowledged need in that part of the Borough. However, in taking this application forward consideration had to be given to all the other planning considerations as set out above and in the report, with particular reference made to safeguarding objection raised by Gatwick Airport Limited (GAL) in relation to the conflict with Policy GAT2 of the Crawley Borough Local Plan 2015-2030.

The Agent, Mr Peter Rainier, addressed the Committee on this application. In supporting the application Mr Rainier indicated that following the publication of the report, he and the Applicant had been in dialogue with GAL to seek to overcome GAL's safeguarding objection. Mr Rainier also indicated that GAL were willing to consider the representations made, and requested the Committee to defer its

consideration of this application until further discussions between the Applicant, GAL and Officers had concluded.

The Committee then considered the application. With particular reference made to the Agent's request to defer the application, Members sought the Officer's advice as to how this application should be moved forward. In response, the Group Manager emphasised that this was the first she had heard of the further dialogue between the Applicant and GAL, and offered the following options in terms of resolving the application:

- The Committee could make a decision at this meeting (in line with the Officer's recommendation) to refuse the application, bearing in mind that a decision to refuse would still enable the Applicant to lodge an appeal or resubmit a new application.
- As suggested by the agent, it would not be appropriate for a decision to be made to delegate to Officers with a view to permit the application, in the absence of any information and with the current objection from GAL as, based on the current information available, the application would have to be referred to the CAA.
- The Committee could defer the application to enable the Officers and Applicant to undertake further consideration around the Local Plan Policy GAT2, with the report then referred back to the Committee for its consideration.

The Committee considered the options provided.

**Refused** for the reason set out in report [PES/212](#)

**Item 006**

**CR/2016/0838/FUL.**

5 Perryfield Road, Southgate, Crawley.

Change of use to 7 no. self-contained temporary accommodation units for the homeless with communal kitchen (amended plans and documents received).

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

The Principal Planning Officer provided a verbal summation of the application. She confirmed that permission was 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 residents of the hostel would be homeless people on the Housing Register and seeking permanent housing. On average, it was expected that a resident would be in occupation for between 12-15 months in the hostel. The proposed hostel would be occupied by a maximum of sixteen residents in total. The proposal was intended to make a significant contribution towards meeting acute local housing needs.

Mrs Camille McCabe spoke in objection to the application. She emphasised that many of her concerns also applied to the similar application CR/2016/0839/FUL, to be considered later at this meeting regarding No. 13 Perryfield Road (Item 007 in the minutes below refers).

The Committee then considered the application. The Committee acknowledged the concerns raised in objection, including those raised by Mrs McCabe, notably those made on the grounds of: there was too much temporary accommodation in the vicinity

which affected the residential nature of the locality, loss of privacy, safety and anti-social behaviour and site management. Members' responses on the issues raised were as follows:

- Whilst it was acknowledged that the Council had a duty to help meet the acute housing needs in Crawley, many Members agreed that there was a disproportionate concentration of hostel accommodation in the area, impacting on its residential nature.
- Concerns regarding the potential for anti-social behaviour.
- Reference made to the proposed hostels as being Houses in Multiple Occupation (HMOs), and the view reiterated that such a concentration in particular in Perryfield Road contravened Policy H6 of the Local Plan and Southgate was specifically referred to in the policy.
- That the property would be better served by housing a large family from the Housing Waiting List, whilst others felt that the property was more suited to aspirational housing.

In response to issues raised, the Principal Planning Officer:

- Referred to the definition of a HMO as set out in Policy H6 of the Local Plan, and in so doing compared, for example, arrangements for the use of facilities in HMO's with that of the hostels proposed. It was explained that the key distinction between the hostel and HMO was the level of management and that hostels were more actively managed. In the case of HMOs, the occupiers would share facilities, whilst with the proposed hostels each would have en-suite facilities (shower, WC and basin), and a kitchenette area. There would be a communal kitchen and bathroom on the ground floor, for an element of choice. Development would have to meet its own operational needs including parking, but there was no required set percentage in terms of the number multi occupation properties per locality or area.
- Advised that 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. Management to be controlled via the S106 Agreement.
- Advised that eviction was an option should those requirements be breached. Thus the Applicant had addressed most issues raised by the objectors in terms of potential anti-social behaviour through the proposed site management plan.
- The current former use of the building was a drop in centre and it was considered that the character of Perryfield Road was a mix of uses and dwelling types.

The Committee considered carefully the application information and the issues and concerns raised, and was of the view that in line with Policy H6 of the Local Plan (Houses in Multiple Occupation), the application would lead to an excessive concentration of HMOs in the locality and Perryfield Road.

The Officer's recommendation to permit was overturned.

It was then moved to refuse planning permission for the following reasons:

- (i) that the application would contribute to excessive concentrations of HMOs.
- (ii) the cumulative impact this would have upon the character of the area cited in the application and on the amenity and privacy of neighbouring properties as a result of the noise emanating from outside of the property due to its intensity of occupation.

This was seconded, and a vote was taken.



**Refused** for the following reason:

The proposed change of use would intensify the use of No. 5 Perryfield Road and would create a concentration of hostel accommodation and houses in multiple occupation in the locality causing an adverse impact upon residential amenity, due to increased activity, movements to/from the property and general disturbance, and as such would be contrary to policies CH3 and H6 of the Crawley Borough Local Plan 2015-2030.

**Item 007**

**CR/2016/0839/FUL.**

13 Perryfield Road, Southgate, Crawley.

Change of use to 3 no. self-contained temporary accommodation units for the homeless with communal kitchen facilities (amended plans and documents received). Councillors K L Jaggard, M Pickett, M A Stone and J Tarrant declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application. It was reported that permission was sought for change of use of an existing residential dwelling (C3) to 3 No. self-contained temporary accommodation units for homeless families, with shared communal facilities to form a proposed hostel. There would be a single communal kitchen with utility room on the ground floor. The residents of the hostel would be homeless people on the Housing Register and seeking permanent housing. On average, it was expected that a resident would be in occupation in the hostel for between 12-15 months. The proposal was intended to make a significant contribution towards meeting acute local housing needs. These were along similar lines to those concerns raised earlier at this meeting regarding the proposed hostel application CR/2016/0838/FUL (Item 006 in the minute above refers). The Committee was advised of the following clerical correction to Condition 9 of the application (Page 87 of the report):-

In the first line, delete the words "The property shall be occupied by a maximum of eleven residents" and replace with "The hostel use hereby permitted shall be occupied by no more than eleven residents....."

Mrs Camille McCabe had already spoken in objection to the application as part of her representations made earlier under application CR/2016/0838/FUL. Miss Sue Henley and Mr Roger Coombes now conveyed their own objections to the application currently under consideration.

The Committee then considered the application. Members recognised the similarity of concerns raised in objection to this hostel application and that application considered earlier at this meeting, particularly those made on the grounds of: there was too much temporary accommodation in the vicinity which affected the residential nature of the locality, Loss of privacy, safety and anti-social behaviour and site management.

The Committee considered carefully the application information and the issues and concerns raised, and as with the earlier hostel application was of the view that in line with Policy H6 of the Local Plan (Houses in Multiple Occupation), the application would lead to an excessive concentration of HMOs in the locality and Perryfield Road.

The Officer's recommendation to permit was overturned.

It was then moved to refuse planning permission for the following reasons:

- (i) that the application would contribute to excessive concentrations of HMOs.

(ii) the cumulative impact this would have upon the character of the area cited in the application and on the amenity and privacy of neighbouring properties as a result of the noise emanating from outside of the property due to its intensity of occupation.

This was seconded, and a vote was taken.

**Refused** for the following reason:

The proposed change of use would intensify the use of No. 13 Perryfield Road and would create a concentration of hostel accommodation and houses in multiple occupation in the locality causing an adverse impact upon residential amenity, due to increased activity, movements to/from the property and general disturbance, and as such would be contrary to policies CH3 and H6 of the Crawley Borough Local Plan 2015-2030.

**Item 008**

**CR/2016/0857/FUL**

83 - 87 Three Bridges Road, Three Bridges, Crawley

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.

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

The Principal Planning Officer provided a verbal summation of the application. The application sought permission to demolish the existing three buildings and erect two replacement buildings. Following revisions to the scheme, fourteen car parking spaces were proposed in the rear garden along with a cycle shelter and refuse/recycling bin enclosure. The redevelopment would provide fourteen new affordable housing units, helping to address local needs. With regard to Condition 16 (tree protection), the Applicant was keen not to have a pre-commencement condition and the Committee was advised that the wording of that Condition could be amended to reflect this matter if a satisfactory tree protection plan was provided prior to the conclusion of the S106 Agreement.

Mrs Jill Frankham, Mr Martin Brown and Councillor R G Burgess, as a Ward Member for Three Bridges, addressed the Committee in objection to the application.

The Committee then considered the application. The Committee discussed in detail the concerns raised in objection, particularly those made on the grounds of:

- Why hostels were being demolished for flats if there was a need.
- The buildings were out of character with the size and design of houses in this part of Three Bridges Road, would be forward of the existing building line, unsympathetic bricks and three storey was out of character.
- Three Bridges Road had a leafy, pre-new town, low density character and the proposal would be overdevelopment. Increased prominence of site from new access..
- Increased traffic on a dangerous bend in the road. Increased risk of accidents. Development at 95 had been refused. No traffic calming measures proposed. .
- Query on refuse collection arrangements for the development.
- Loss of light to neighbouring windows at 89A. Overlooking and loss of privacy.
- Limited notice of development and consultation with neighbours.

Members acknowledged that the redevelopment would help to address local housing needs, and that they needed to look across the whole town to mitigate that need. However, many Members felt that the proposed buildings were very much out of scale and character with the rest of the area concerned. Various concerns were raised by Members regarding the potential risk to safety from increased traffic movement and from refuse vehicles entering the site, and felt that the proposed development would impact on neighbours, traffic and the area generally. Some Members referred to the refusal of the two applications for hostels considered earlier at this meeting, and felt that in view of those decisions the hostel space forming part of this application needed to be retained. Concerns were also raised regarding the proposed loss of trees.

In response to issues raised, the Principal Planning Officer advised that:

- Following consultations with the Urban Designer the design was considered acceptable and in keeping with the surrounding area.
- The proposed development would not be the furthest forward building along Three Bridges Road.
- The application site was not in a Conservation Area or in an Area of Special Local Character.
- Following consultation with the Local Highway Authority, improved visibility splays had been achieved to improve sightlines for passing traffic. There would be no need for refuse vehicles to park in Three Bridges Road as part of its collection service. Vehicles would turn into the site and come out again in forward gear. With one access point to the proposed site, the Highways Authority considered the proposals acceptable in safety terms.
- Subject to conditions, officers did not consider that significant adverse impact upon neighbours would result from the proposal.
- There were no objections on highways or parking grounds and the site was situated in a sustainable location.
- Ecological issues, tree protection and new landscaping could be secured by condition.
- The trees identified to be removed were considered of poor condition.
- In terms of the concerns regarding limited notice and consultation with neighbours, the event in question was arranged by the Applicant, whilst the Planning Authority had met its requirements in notifying / advertising the application concerned.

The Committee considered carefully the application information and the issues and concerns raised.

At the request of Councillor B J Burgess, and in accordance with Council Procedure Rule 18.5, the names of the Members voting for and against the motion (to permit) and abstentions were recorded as set out below:

**For the Proposal (to permit):**

Councillors I T Irvine, S J Joyce, M Pickett, C Portal Castro, A C Skudder and P C Smith (6).

**Against the Proposal (to permit):**

Councillors B J Burgess, D Crow, F Guidera, K L Jaggard, T Rana, M A Stone and J Tarrant (7).

**Abstentions:**

None.

The Officer's recommendation to permit was therefore overturned.

It was then moved to refuse planning permission for the following reason:

The proposed development, by reason of its size and scale, would be visually dominant in the Three Bridges Road streetscene, out of character with the surrounding area and as such would be contrary to policies CH1, CH2 and CH3 of the Crawley Borough Local Plan 2015-2030 and the Urban Design Supplementary Planning Document.

This was seconded, and a vote was taken.

**Refused** for the reason set out above.

**Item 003**

**CR/2016/0722/FUL.**

Land at Faraday Road, Northgate, Crawley.

Erection of three B8 24 hour operation warehouses, ancillary office, provision of associated car parking, landscaping and security enclosure (amended description).  
Councillors K L Jaggard and M A Stone declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application and advised the Committee that amended plans had been received detailing the landscape drawing and layout plans to reflect the changes in the landscaping. The Committee was also advised of the following clerical correction to Condition 18 of the application (Page 48 of the report):-

In the second line, delete the text "XXX" and replace with "GA00001 (revision 9)"

The Group Manager reported that although concerns of the Urban Design officer in terms of the development's frontage to Faraday Road had not been overcome, it was considered that the Applicant had now demonstrated that the landscaping proposals for the site, whilst not strictly according with the Manor Royal Guidance, would (i) create an attractive frontage to the street, (ii) integrate with the development to the north and south of the site and (iii) could result in a positive improvement to landscaping in the public realm in accordance with the aspirations of the Manor Royal SPD.

The Agent, Mr Mr Jonathan Bainbridge, addressed the Committee in support of the application.

The Committee then considered the application. In response to an issue raised by a Member regarding the visual impact of the high security fencing intended, the Committee was informed that further landscaping was proposed either side of the northern site access and along the northern boundary to soften the visual impact (around the front of the unit) of that proposed fencing. Members generally indicated their support for the application and welcomed the further investment being made into the Manor Royal area.

**Permitted**, subject to S106 Agreement to secure Manor Royal contribution set out in Paragraph 5.18 of the report [PES/212](#), and the conditions listed in the report, including the corrected condition 18 above.

**Item 005**

**CR/2016/0820/FUL**

Fleming House, Fleming Way, Northgate, Crawley

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).

Councillors K L Jaggard and M A Stone declared they had visited the site.

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

The Applicant, Mr Glen Obee, addressed the Committee in support of the application.

The Committee then considered the application. Members indicated their general support for the application, and welcomed the creation of new jobs arising therefrom. **Approved**, subject to the conditions listed in report [PES/212](#).

**Item 004**

**CR/2016/0795/FUL**

5 Dene Tye, Pound Hill, Crawley

Erection of a rear conservatory.

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

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

The Committee then considered the application.

**Permitted**, subject to the conditions listed in report [PES/212](#).

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

The Group Manager (Development Management) introduced report [PES/229](#) which sought to determine whether to confirm this Tree Preservation Order (TPO) with or without modification for continued protection or, not to confirm the TPO.

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

**Confirmed.**

**52. Closure of Meeting**

The meeting ended at 10.19 pm.

I T IRVINE  
Chair

# CRAWLEY BOROUGH COUNCIL

PLANNING COMMITTEE - 30 January 2017

REPORT NO: PES/213

# B

<u>ITEM</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>RECOMMENDATION</u>
<a href="#">001</a>	CR/2016/0298/FUL	FORMER GOFFS PARK NURSING HOME, 39 - 41 GOFFS PARK ROAD, SOUTHGATE, CRAWLEY	REFUSE
<a href="#">002</a>	CR/2016/0780/ARM	PHASE 3A, FORGE WOOD (NES), CRAWLEY	APPROVE
<a href="#">003</a>	CR/2016/0864/NCC	THE COOPERATIVE FOOD, BALCOMBE ROAD, POUND HILL, CRAWLEY	PERMIT
<a href="#">004</a>	CR/2016/0928/FUL	SMYTHS TOYS, UNIT 3, ACORN RETAIL PARK, BETTS WAY, LANGLEY GREEN, CRAWLEY	PERMIT
<a href="#">005</a>	CR/2016/0932/FUL	PAPERGRAPHICS LTD, DIVA INNOVATION CENTRE, CROMPTON WAY, NORTHGATE, CRAWLEY	PERMIT

**REFERENCE NO: CR/2016/0298/FUL**

**LOCATION:** FORMER GOFFS PARK NURSING HOME, 39 - 41 GOFFS PARK ROAD,  
SOUTHGATE, CRAWLEY  
**PROPOSAL:** CHANGE OF USE FROM NURSING HOME (C2) TO LARGE HOUSE IN MULTIPLE  
OCCUPATION (SUI GENERIS)

**TARGET DECISION DATE:** 14 December 2016

**CASE OFFICER:** Mr H. Walke

**APPLICANTS NAME:** Mr Lallchand  
**AGENTS NAME:** RDJW Architects Limited

**PLANS & DRAWINGS CONSIDERED:**

4884-001 Site Location Plan & Block Plan, 4884-002 Ground Floor Plan - Existing, 4884-001 Site Location Plan & Block Plan including car parking spaces, 4884-003 First Floor Plan - Existing, 4884-004 Second Floor Plan - Existing, 4884-005 Elevations - Proposed and Existing, 4884-006 Ground Floor Plan - Proposed, 4884-007 First Floor Plan - Proposed, 4884-008 Second Floor Plan - Proposed

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

1.	WSCC - Highways	Further information required
2.	GAL - Aerodrome Safeguarding	No objection
3.	National Air Traffic Services (NATS)	No safeguarding objection
4.	CBC - Drainage Officer	No objection, recommends use of SUDS
5.	West Sussex Fire Brigade	No response
6.	CBC - Housing Enabling & Development Manager	No response
7.	CBC - Planning Arboricultural Officer	No objection subject to conditions
8.	CBC - Housing Strategic Service (HMO's)	No objection
9.	CBC - Environmental Health	No objection
10.	CBC - Refuse & Recycling Team	No plans showing proposed bin store
11.	Southern Water	No objection subject to informative
12.	Ecology Officer - Mike Bird	No objection
13.	CBC Private Sector Housing	No objection

**NEIGHBOUR NOTIFICATIONS:-**

9, 11, 13, 15, 17, 19, 21 and 23 Cissbury Hill, Southgate,  
4 Hill Place, Southgate,  
37, 38 and 40 Goffs Park Road, Southgate,  
The Goffs Park Premier Inn Premier Inn 45 Goffs Park Road.

**RESPONSES RECEIVED:-**

Nine letters of objection have been received from local residents. Issues raised include:

- It is unclear whether this proposal is for demolition or for change of use of the existing building.
- Access and safety concerns, with the site being located on a dangerous bend in the road. The road will become busier, more congested and have increased use as a cut-through. Fifteen parking spaces for 47 occupants in 28 rooms seems inadequate and would lead to increased parking on the

road, especially if combined with the BUPA care home reopening and if permission is given for the proposed children's nursery nearby.

- The proposal could harm privacy for adjoining residents. The increased number of occupants may harm quiet character of the area. What type of people will occupy the property? Concerned it will be used by 47 ex-offenders and homeless unemployed people. How would the use operate? The YMCA HMO south of the railway has 24 hour management, but there is no mention of professional management for the current proposal. Concern that this scheme is profit driven, rather than having any consideration for residents.
- Proposal could detract from the Area of Special Local Character. Goffs Park Road is one of few Crawley roads which still contains attractive houses with character, but this is being diminished.
- The external fabric of the building is in need of refurbishment and grounds have been used for dumping refuse by the owner. Owner may be allowing it to fall into disrepair to justify new development.

### **REASON FOR REPORTING TO COMMITTEE:-**

The application is 'major' development.

### **THE APPLICATION SITE:-**

- 1.1 The application site (0.3 hectares) contains a large, two storey detached building with additional accommodation in the roof. It is currently vacant, but was previously used as a nursing home. The main building has traditional sliding sash windows and original detailing. This building is constructed of red brick with a tiled roof. It has two large front gables, which are rendered, and a large front porch. This main building has been the subject of large modern extensions to the side and rear. To the west side is a two storey brick built extension with pitched roof and there are other brick built extensions to the rear.
- 1.2 There is a very substantial Monterrey Pine tree at the centre of the site frontage, a Horse Chestnut close to the western boundary and a number of other trees along the two side boundaries. Four trees within the site are covered by a Tree Preservation Order, along with a number on the adjoining Premier Inn site to the west and one on the boundary with No. 37 to the east.
- 1.3 There is an existing gravel car park area to the front of the site and a large grassed garden area to the side and rear. There is a pond and outbuilding in the rear garden.
- 1.4 The surrounding area is generally residential and characterised by large, traditionally designed detached houses. However, the adjoining site to the west is in use as a Premier Inn hotel and a public house. The vacant Oakhurst Grange nursing home site lies to the north-west across Goffs Park Road.
- 1.5 The site lies within the Goffs Park Road Area of Special Local Character defined in the Local Plan.

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

- 2.1 The current application is for change of use of the building from a nursing home (use class C2) to a large House in Multiple Occupation (sui generis). The Design and Access Statement confirms that there would be a total of nine single occupancy and nineteen double occupancy rooms, giving a potential total of 47 people occupying the building.
- 2.2 The proposal would involve the provision of bedrooms and communal facilities over three floors, as follows:
  - Ground floor – Four single bedrooms, nine double bedrooms, two communal kitchens, one communal lounge and one communal dining room, together with WC and bathroom facilities.
  - First floor – Five single bedrooms, six double bedrooms, a communal kitchen/dining room and WC/bathroom facilities.
  - Second floor – Four double bedrooms and WC/bathrooms.



- 2.3 In response to a request from the case officer for further details about the proposed use, the agent has stated:

*In terms of the HMO proposal, it is the intention to let the rooms to young professionals working within the immediate area. This will service a long standing demand for this type of accommodation in the town. Prior to occupation, there will be a need to ensure that the building conforms to the necessary safety legislation and this will be done by the applicant. In order to protect the applicant's interests, the building itself will be let and managed by a local agent. This will ensure that there is a third party responsible for the smooth running of the property by selecting tenants and carrying out regular inspections. As an extra measure, there will also be a permanent manager on site to address any security or maintenance issues and act as a liaison with the neighbouring properties.*

- 2.4 No external physical changes to the building are proposed. The applicant has submitted a plan showing the front car park providing a total of fifteen spaces, including two disabled parking spaces. Bin and bike stores are shown to the east of the building in the existing garage building.

### **PLANNING HISTORY:-**

- 3.1 CR/2016/0622/FUL – Demolition of existing building and construction of thirty two new apartments. Withdrawn 21/09/16.
- 3.2 There have been a number of applications for extensions to the nursing home over the years, with the most recent approval (CR/1996/0443/FUL) for an extension to existing day room granted on 23/10/96.
- 3.3 A number of earlier proposals for residential redevelopment to form flats were refused in the early 1970's, but permission was granted for 17 houses on land to the rear of No. 35-39 Goffs Park Road at that time.

### **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 of 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 locally 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, deal with community safety and the potential impact of crime and anti-social behaviour and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- 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 CH14 (Areas of Special Local Character) states that development within such areas should respect and preserve the character of the area. Proposals should be of appropriate scale, design and massing and not result in adverse impact upon the surrounding area.
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs, whilst ensuring that unacceptable impacts upon neighbourhood character and residential amenity do not arise.
- 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 H6 (Houses in Multiple Occupation) states that proposals for HMOs will normally be permitted provided that the location, design and layout is appropriate for prospective occupiers, that the proposal, by virtue of its intensity of occupation and activity or due to its cumulative impact in the area, would have no adverse impact upon the character of the area and the amenity and privacy of neighbouring properties and that the development can meet its operational needs.
- Policy ENV1 (Green Infrastructure): advises that Crawley's multi-functional green infrastructure network will be conserved and enhanced through the following measures. I. development which protects and enhances Green Infrastructure, ii. Development proposals should take a positive approach to designing green infrastructure. Iii. Proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified.

- Policy ENV2 (Biodiversity) requires development proposals to incorporate biodiversity features and to enhance existing nature conservation value.
- 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 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 ENV11 (Development and Noise): seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between sources of noise and noise sensitive developments.
- 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 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.
- Green Infrastructure – Sets out the Council's approach to trees, open space and biodiversity. 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.
- Urban Design – Details the Council's guidance on design matters and contains the parking standards. With regard to Areas of Special Local Character, the SPD highlights the qualities of the Goffs Park Road area and states that development should avoid infill development, protect trees and hedges and retain building frontage lines.
- 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 main considerations in the determination of this application are:

- Principle of development
- Neighbouring residential amenity and character of the area
- Standard of accommodation and living environment
- Highways and parking
- Trees and ecology
- Sustainability
- Community Infrastructure Levy

### Principle of development

5.2 The Crawley Borough Local Plan does not specifically protect nursing home uses. The loss of the nursing home is unfortunate given the need to house the UK's aging population. However, the former home closed some time ago and, whilst it has modern extensions and a lift, the original building is also likely to present some accessibility difficulties for elderly and less mobile residents.

5.3 The proposed large House in Multiple Occupation use would be residential in character and appropriate, in principle, within a generally residential area such as this. The proposal would involve the loss of residential accommodation specifically meeting the needs of the elderly and those needing care, but this would be replaced by accommodation of a different type. The large HMO use could provide housing to help meet other local needs and, in principle, a shared residential use of this type is considered acceptable.

### Neighbouring residential amenity and character of the area

5.4 There are existing windows facing towards adjoining properties, including side windows overlooking the rear garden of No. 37 Goffs Park Road. However, these are existing and the property could be brought back into use as a nursing home without further planning permission. It is not considered that refusal could therefore be sustained on overlooking grounds from these rooms.

5.5 However, the proposed change of use would form a total of 28 single and double rooms to be occupied by up to 47 unrelated individuals. This represents a very significant intensification in use, in terms of how it could affect neighbours and the character of the surrounding area. The previous nursing home use may have accommodated around 28 residents. Many of these, by virtue of their care requirements, would have been unlikely to leave the premises on a daily or even regular basis, though there would have been related staff and visitor movements to/from the site.

5.6 The proposed use could involve the 47 residents travelling to/from the site independently for employment, shopping and leisure reasons every day. They would also be likely to have visitors and there would be some staff movements. This would represent a considerable increase in activity on the site. Residents would also be more likely to own a car than the previous care home residents, potentially increasing vehicle related noise and movements.

5.7 Whilst the effect of the intensification in use can be difficult to quantify, with a site area of 0.3 hectares, the proposal would give rise to a density of up to 156 people per hectare living on the site. The previous nursing home use probably involved single occupancy rooms, giving a density of 93 people per hectare. By way of comparison, and assuming occupancy of each house by a family of five people, Nos. 35-37 Goffs Park Road have a density of around 27 people per hectare. On the opposite side of Goffs Park Road and on the same occupancy assumption, Nos. 16-40 would give a density of 47 people per hectare. It is recognised that off Goffs Park Road there are smaller houses/plots, such as on Malvern Road, where densities may be higher than 47 people per hectare, although occupancy levels could be lower in these properties than those assumed above. It should also be noted that the houses around the site are generally occupied by related individuals living as a family, rather than by unrelated people living independently. Families are generally more likely to travel to/from the site together.

- 5.8 The agent has provided some further details on the proposed use. These suggest some management of the site, although the extent of this is unclear, and there is an intention to house young professionals. Clearly the costs of a 24 hour management presence, as referred to in consultation responses at the YMCA Foyer scheme, would be significant. The applicant has made no clear commitment to such management and this would be difficult to secure through the planning process.
- 5.9 Overall, officers consider that the proposal would be likely to lead to a significant increase in noise, vehicular and movements to/from the site and increased general disturbance to local residents. In the absence of a clear, detailed and active management strategy, the intensity and scale of the proposed HMO use is considered unacceptable and out of character with the residential area around Goffs Park Road. It would be likely to cause significant disturbance to neighbouring residents and is considered to be unacceptable and in conflict with policies CH3 and H6 of the Local Plan.

#### Standard of accommodation and living environment

- 5.10 The proposal would create single rooms with a minimum floor area of 6.3 square metres and double rooms with a minimum floor area of 9.3 square metres. The Council's Private Sector Housing team has commented that the room sizes are acceptable in conjunction with the communal lounges, kitchen and bathroom/WC provision. They confirm that fire safety would be dealt with through licensing. The building benefits from a large garden area and it is considered that this would provide adequate outdoor amenity space for residents. Overall, the standard of accommodation proposed is considered satisfactory for the HMO use.

#### Highways and parking

- 5.11 The Urban Design SPD seeks a minimum of 0.5 spaces per unit, which would give a requirement for 14.5 spaces. The applicant is proposing a total of fifteen car parking spaces, which meets the Council's minimum standards. A bicycle store is also proposed within the existing detached garage building to the east of the former nursing home. The site sits within a fairly sustainable location with walkable access to local services and facilities.
- 5.12 West Sussex County Council requested further information on the type of resident to be accommodated, together with visitor demand and any requirements for staff parking should be considered. The applicant's additional information has been forwarded to the County Council for further comment and an update will be provided at the Committee meeting.

#### Trees and ecology

- 5.13 There are a number of protected trees on and adjoining the application site. The planning application seeks permission for a change of use and no new buildings are proposed. However, the car park to the front of the site would be altered/extended to provide additional spaces. These would be located close to protected trees. The Council's Arboricultural Officer has not objected to the proposal and considers that, with suitable protection, the tree roots would not be harmed. A no-dig approach to extending the car park and the use of a suitable permeable surface, such as the existing gravel, could be secured by condition.
- 5.14 No objection has been raised by the Council's Ecologist.
- 5.15 It is considered that tree and ecological enhancements could be secured by condition if the proposed change of use were otherwise acceptable.

#### Sustainability

- 5.16 The applicant states that the proposal would make efficient use of the building and incorporate principles of sustainable design. Motion activated lighting is proposed within the building, along with low energy light bulbs, dual flush toilets, draft proofing and energy efficient gas condensing boilers.
- 5.17 The Design and Access Statement indicates that double glazing will be used to conserve heat energy and that solar panels would be used to provide renewable energy to heat and light communal areas. However, physical changes to the building do not form part of the current application, which is solely

for change of use. No weight can therefore be given to the potential benefits of double glazing and renewable energy installation. However, there are no sustainability grounds to object to the proposal and provision of some internal measures could be secured by condition if the proposal were otherwise acceptable.

#### Design and impact upon visual amenity

- 5.18 The change of use would not result in any visual changes to the building itself and, in that respect, would not have any detrimental impact on the visual character and appearance of the wider area.
- 5.19 The existing car parking area is informally laid out and surfaced in gravel. It is clearly visible from the street as, despite the substantial mature tree at the centre of the frontage, there is little existing vegetation along the front boundary. Formation of a hedge along the front boundary would be beneficial and in keeping with the Goffs Park Area of Special Local Character. Alongside tree protection, the use of a gravel or similarly informal surface for the extended car park and additional landscaping along the front boundary to screen cars could be secured by condition if the proposal were otherwise acceptable.

#### Community Infrastructure Levy

- 5.20 Potentially the proposed HMO use is CIL liable. However, there would be no net increase in floorspace from the proposal and it is not therefore considered that a CIL payment would be required.

### **CONCLUSIONS**

- 6.1 The proposed intensification in use of the site, by reason of its scale, the number of potential occupants and the likely level of movements to/from the site and general disturbance, is considered unacceptable and likely to cause significant harm to the amenity enjoyed by neighbouring properties and to the residential character of Goffs Park Road.

### **RECOMMENDATION RE: CR/2016/0298/FUL**

**REFUSE** planning permission for the following reason:

1. The proposed change of use would significantly intensify the use of Nos. 39-41 Goffs Park Road causing a harmful impact upon residential amenity for adjoining properties and the general character of the surrounding area, due to increased activity, movements to/from the property and general disturbance, and as such would be contrary to policies CH3 and H6 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:
  - Liaising with the applicant 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.
  - Providing advice on the refusal of the application to solutions that would provide a satisfactory way forward in any subsequently submitted 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

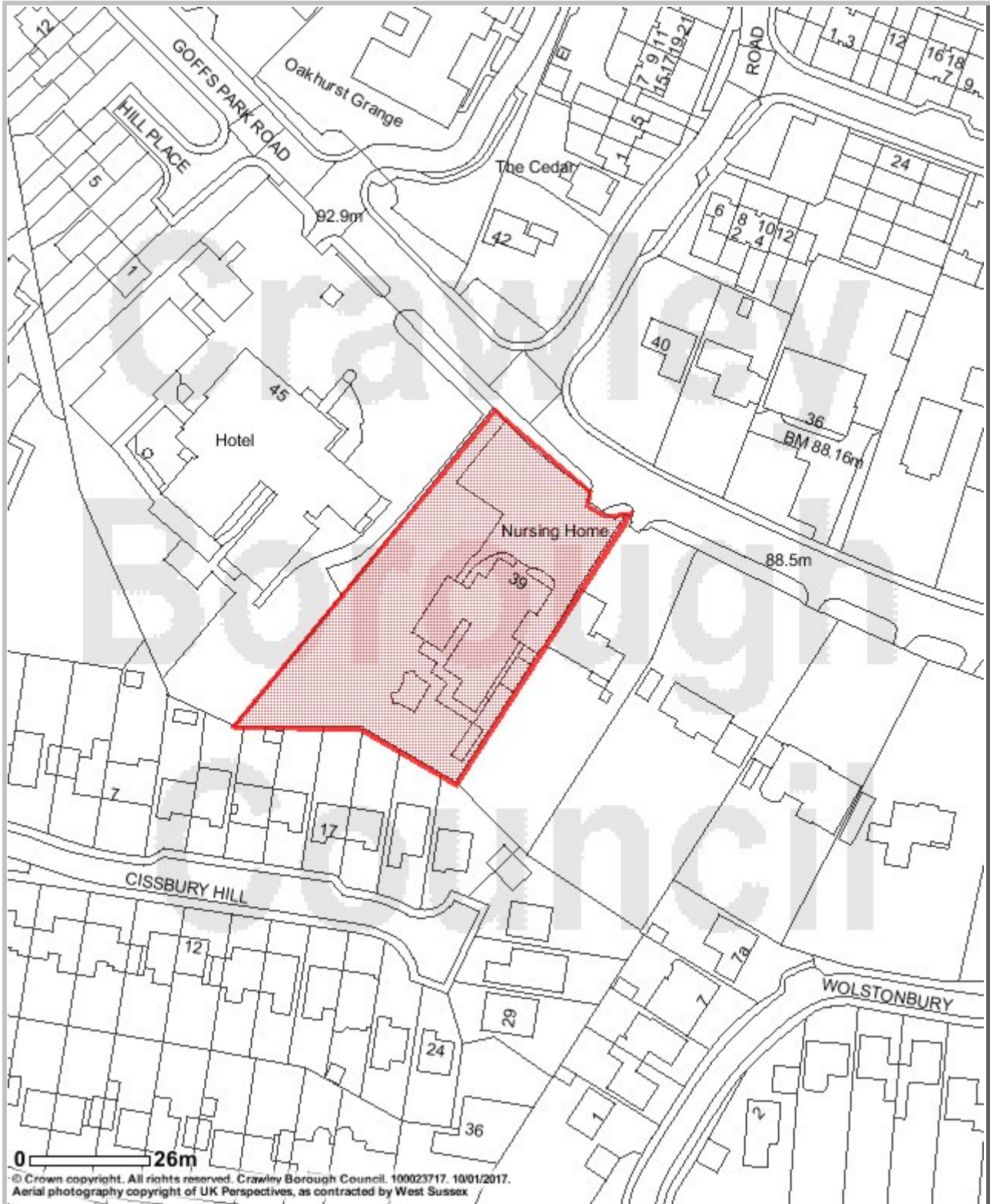
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0298/FUL**

Date 3 October 2016

Approx. Scale 1:1,250

**FORMER GOFFS PARK NURSING HOME, 39 - 41  
GOFFS PARK ROAD, SOUTHGATE, CRAWLEY**



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Crawley Borough Council. 100023717. 3 October 2016

**REFERENCE NO: CR/2016/0780/ARM**

**LOCATION:** PHASE 3A, FORGE WOOD (NES), CRAWLEY  
**PROPOSAL:** APPROVAL OF RESERVED MATTERS FOR PHASE 3A FOR 225 DWELLINGS AND ASSOCIATED WORKS PURSUANT TO OUTLINE PLANNING PERMISSION CR/2015/0552/NCC FOR A MIXED USE NEIGHBOURHOOD (REVISED DESCRIPTION, AMENDED DRAWINGS AND DOCUMENTS RECEIVED)

**TARGET DECISION DATE:** 6 February 2017

**CASE OFFICER:** Mr R. Leal

**APPLICANTS NAME:** Persimmon Homes & Taylor Wimpey

**AGENTS NAME:** Pegasus Planning Group Limited

**PLANS & DRAWINGS CONSIDERED:**

T.0347 16 Site Location Plan, T.0347 14 Garages Sheet 1 of 2, T.0347 14 Garages Sheet 2 of 2, T.0347 15 Bin & Cycle Stores, T.0347 17 4 Brick Corbelling, T.0347 17 5 Canopies, T.0347 17 6 Window Styles, T.0335 17 7 Creasing Tile Feature, T.0347 17 8 Brick Coursing, T.0347 17 9 Stone Coursing, T.0347 17 10 Window Headers, T.0347 17 11 Window Cills, T.0347 17 12 Chimneys, T.0347 17 13 Window Styles, T.0347 17 14 Juliette Balcony, T.0347 17 21 Enclosure Details, T.0347 04-3 Rev D Type B/PT 36 Elevations & Floor Plans (Main Street), T.0347 04-4 Rev D Type B/PT 36 Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-5 Rev D Type A/PT36 Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-8 Rev B PT41 Elevations & Floor Plans (Main Street), T.0347 04-9 Rev B PT42 Elevations & Floor Plans (Main Street), T.0347 04-10 Rev B PA48 Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-11 Rev B PA49 Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-13 Rev B PA49 Elevations & Floor Plans (Main Street), T.0347 04-14 Rev B PB52 Elevations (Main Street), T.0347 04-15 Rev B PB52 Floor Plans (Main Street), T.0347 04-19 Rev B PT36 Elevations & Floor Plans (Main Street), T.0347 04-20 Rev B PB33G Elevations & Floor Plans V2 (Main Street), T.0347 04-23 Rev B Type B/PB33G Elevation(Main Street), T.0347 04-24 Rev B Type B/PB33G Floor Plans(Main Street), T.0347 04-25 Rev B Type A/Type B Elevations & Floor Plans (Main Street), T.0347 04-26 Rev B PT36 Elevations & Floor Plans (Neighbourhood Housing), P804/20 Cellular Storage Tank Detail, T.0347 04-1 Rev C Type A Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-2 Rev C Type B Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-8 Rev C PT41 Elevations & Floor Plans (Main Street), T.0347 04-12 Rev Rev C PT41 Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-16 Rev WP2420B Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-17 Rev C AA31(s) Elevations & Floor Plans V1 (Neighbourhood Housing), T.0347 04-18 Rev B PB41G Elevations & Floor Plans (Neighbourhood Housing), T.0347 04-21 Rev C AA31(s) Elevations & Floor Plans V2 (Neighbourhood Housing), T.0347 10-1 Rev C Apartment A Elevations, T.0347 10-2 Rev C Apartment A Floor Plans, T.0347 10-4 Rev C Apartment C Elevations & Floor Plans, T.0347 11 Rev C Garden Sizes Plan, T.0347 12 Rev B Building Heights Plan, T.0347 13 Rev A Phase 3a Street Scenes LR, T.0335 17 2 Rev A Tile Hanging , T.0347 17 18 Rev C Affordable Housing Plan, T.0347 17 19 Rev B Refuse Strategy Plan, T.0347 17 20 Rev B Character Areas Plan, T.0347 17 25 Rev B Materials Plan, P804/100 Rev D Phase 3A Swept Path of Refuse Vehicles, P804/101 Rev D Phase 3A Swept Path of Medium Sized Cars, P804/102 Rev E Phase 3A Lighting Plan, P804/103 Rev A Phase 3A Construction Details, P804/104 Rev E Phase 3A Levels Plan, T255 20 Rev H Drainage Plan - Phase 3, 667-233 Rev E Soft Landscaping Proposals Sheet 1 of 4, 667-234 Rev D Soft Landscaping Proposals Sheet 2 of 4, 667-235 Rev F Soft Landscaping Proposals Sheet 3 of 4, 667-236 Rev D Soft Landscaping Proposals Sheet 4 of 4, 667-237 Rev F Hard Landscaping Proposals Sheet 1 of 4, 7827/Phase 3A/02



Rev D 1/2 Tree Protection Plan Sheet 1 of 2, 7827/Phase 3A/02 Rev D 2/2 Tree Protection Plan Sheet 2 of 2, T0347 17 15 Bay Window Details, 667-238 Rev F Hard Landscaping Proposals Sheet 2 of 4, 667-239 Rev I Hard Landscaping Proposals Sheet 3 of 4, 667-240 Rev F Hard Landscaping Proposals Sheet 4 of 4, T.0347 03 Rev Q Site Layout Plan, T.0347 10-5 Rev C Apartment D Elevations, T.0347 10-6 Rev C Apartment D Floor Plans, T.0347 10-3 Rev E Apartment B Elevations & Floor Plans, T.0347 33 Site Location Plan Wider Context

## **CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |   |  |
|---|--|
| 1. GAL - Planning Department                      | <p>It is noted that all of the proposed dwellings in Phase 3A are Located outside the area of the site that is predicted to be exposed to noise levels that the Secretary of State deemed to be unacceptable (as per Condition 33) - i.e. outside the areas where levels of noise predicted from a potential second runway at Gatwick Airport would exceed 66dBA<sub>Leq</sub>. GAL therefore has no objections to the siting or layout of the proposed dwellings.</p> <p>In respect of Condition 34, it is noted that the applicants have submitted a Noise Assessment Report but that this is stated as being for information only at this stage, and that the applicants propose to submit it for formal approval under Condition 34 once the residential layouts are settled. Given that this noise assessment does not form part of the application we will reserve making comments on this until it is formally submitted to discharge conditions 33 and 34.</p> |
| 2. GAL - Aerodrome Safeguarding                   | No objection subject to a condition relating to landscaping.   |
| 3. Environment Agency                             | Has assessed this application as having a low environmental risk. However, the applicant should ensure they check with Thames Water, and yourselves, as to whether the receiving sewers/watercourse have sufficient capacity, as the proposal should not result in an increase in flood risk at the site, or elsewhere. Informatives have also been requested.   |
| 4. WSCC Highways                                  | No objection to revised scheme.  |
| 5. National Air Traffic Services (NATS)           | No objection   |
| 6. Thames Water                                   | Comments regarding waste water and surface water. Requested a drainage condition, but this has already been addressed in the outline planning permissions and drainage strategy and this application.  |
| 7. Sussex Building Control Partnership            | No comments received.  |
| 8. Police   | No objection raised and revisions welcomed including improved surveillance. Further comments regarding communal entry control to be addressed during detailed design and implementation.   |
| 9. Highways England                               | No comments received.  |
| 10. CBC - Drainage Officer                        | No objection raised, see report.   |
| 11. CBC - Property Division                       | No objection   |
| 12. West Sussex Fire Brigade                      | No comments received.  |
| 13. CBC - Housing Enabling & Development Manager  | No objection (see report),   |
| 14. CBC - Planning Arboricultural Officer         | No objection   |
| 15. UK Power Networks                             | No objection.  |
| 16. CBC - Environment Team                        | No comments received.  |
| 17. CBC - Environmental Health (Noise)            | Comments made in respect of road and aircraft noise which can be dealt with under the relevant condition on the outline planning permission.   |
| 18. CBC - Refuse & Recycling Team                 | Comments in respect of communal collection (see report).   |
| 19. Southern Water                                | No comment.  |
| 20. CBC - FP - Energy Efficiency & Sustainability | No objection on the understanding that   |

- application will be made separately to discharge condition 23 of the outline consent in relation to this phase.
- Various comments which have led to revision of the scheme
21. CBC - FP - Urban Design (see report).
  22. Ecology Officer - Mike Bird No comments received.
  23. WSCC - Surface Water Drainage (SWD) No comments received
  24. NHS Crawley Clinical Commissioning Group No comments received.
  25. NHS South East Coast Ambulance Service No comments received.
  26. Independent Water Networks Ltd No comments received.
  27. Crawley Cycle Forum The emergency access link in the north west corner and the paths either side of units 100-111 are shown as connecting to the path along the northern boundary, which is marked as a cycle route on the master plan. They should be constructed, designated and signed for cycle and pedestrian use. It would be good practice for an emergency access to be protected from being obstructed and consideration should be given to providing some protection for the other two paths against the entry points being obstructed by parked vehicles. The master plan shows the cycle route near the pumping station as running across the green space south of it. However, the site layout shows it as running adjacent to the road. Routing the path via the green space would make it safer and more pleasant, as well as reducing the distance to be travelled –  
Note: Amended plans received showing revised cycle route.

### **NEIGHBOUR NOTIFICATIONS:-**

The application has been advertised in the press and by way of site notices.

### **RESPONSES RECEIVED:-**

None received.

### **REASON FOR REPORTING TO COMMITTEE:-**

The application relates to major development regarding the Forge Wood neighbourhood in which CBC has a land interest.

### **BACKGROUND:-**

- 1.1 Outline planning permission (CR/1998/0039/OUT) was granted by the Secretary of State in February 2011 for the North East Sector neighbourhood, now known as Forge Wood. This established the principle of a mixed use neighbourhood to include up to 1900 dwellings, 5,000m<sup>2</sup> of employment floor space, 2,500m<sup>2</sup> of net retail space, a local/community centre, primary school, recreational open space, landscaping, the relocation of a 132KV power line adjacent to the M23 and other associated works.
- 1.2 A further application for the subsequent variation of conditions, CR/2015/0552/NCC, was permitted by Committee in November 2016. This has resulted in the issue of a new outline planning permission for Forge Wood and the key changes were a re-evaluation of the overall Master Plan, arising from changes in circumstances, in particular, the technical constraints that apply to the site (including a remodelled floodplain and drainage mitigation measures) and a reconsideration of certain elements of the layout and the disposition of land uses proposed for Forge Wood. The changes provide for a more satisfactory form of development, reflecting up to date circumstances and technical guidance and responding to changed local aspirations for this new neighbourhood.

- 1.3 The principle of the new neighbourhood, the quantum of development, as well as the access arrangements and principal road junctions have therefore been established.
- 1.4 The infrastructure application for Phase 3 and part of Phase 4 (CR/2016/0781/ARM) was considered at the December 2016 meeting of this Committee. It was resolved to approve this application subject to resolution of drainage issues in respect of the M23 raised by the Highways Agency and discussions are ongoing in this regard.

#### **THE APPLICATION SITE:-**

- 2.1 The Phase 3A site is 6.24 hectares in area and is located on the eastern side of Forge Wood between Balcombe Road and the M23. The application site is to the north west of the spine road which will serve Phases 3 and 4. Phase 3B is the subject of a separate application (CR/2016/0962/ARM) and is comprised of the more eastern part of the Phase 3 site towards the M23.
- 2.2 The topography of the site and surrounding area is broadly flat. The site is not heavily wooded in the manner of other parts of Forge Wood. There are some field hedgerows with mature trees on site boundaries and the site does enjoy some screening from existing trees. To the south and south east, there are also wooded areas.
- 2.3 The western portion of the site is separated from the Balcombe Road by Heathy Farm Public House (a grade II Listed Building), Wiltshire's Farm Shop and the residential properties Northside and Southside.
- 2.4 A public footpath crosses the site east to west and goes over the M23 and forms the northern boundary of this sub phase.

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

- 3.1 This application seeks reserved matters approval for the siting, design, external appearance and associated landscaping of a residential development of 225 dwellings, including houses and flats. The application is supported by a Design and Access Statement, a Sustainable Surface Water Strategy, an Ecological Assessment and a Landscape Management Plan. The outline planning permission for this development requires the development to be in substantial accordance with the approved Masterplan and the approved Design Statement. The details of this reserved matters application have been developed in accordance with the new Masterplan and Design Statement and this application has been assessed accordingly during the process.
- 3.2 The scheme as amended has been the subject of revisions to endeavour to address a range of issues including design, street scene impact, layout, hard and soft landscaping, highway matters, circulation within the site for vehicles and pedestrian linkages.
- 3.3 The proposal is for a mix of affordable and open market housing. The affordable housing is to be a mix of market rent and discounted market sale. The housing mix is to be:

##### Open Market Housing

48 x 2 bed flats/houses  
71 x 3 bed houses  
12 x 4 bed houses  
4 x 5 bed houses  
Total = 135

##### Affordable Rent

9 x 1 bed flats  
31 x 2 bed flats/houses  
20 x 3 bed houses  
3 x 4 bed houses  
Total = 63

Discounted Market Sale (Intermediate Affordable Housing)

3 x 1 bed flats

14 x 2 bed flats/houses

10 x 3 bed houses

Total = 27

- 3.4 Of the 225 dwellings proposed, 90 are affordable and therefore the level of affordable housing provision is 40%.
- 3.5 This phase also includes a foul water pumping station set within a compound located on the north side of the spine road junction with Balcombe Road. This has a reinforced grass access way and is located within a landscaped setting. The details of the pumping station have been already considered under the infrastructure application CR/2016/0781/ARM, but the wider landscaping details are to be considered under this present reserved matters application

**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 It emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development and that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Listed within the core principles in this document is the requirement that the planning system should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings* (paragraph 17)”. Paragraphs 56 to 66 expand upon this principle stating amongst other things that development plans should have robust and comprehensive policies which set out the quality of development expected for an area.
- 4.3 Relevant paragraphs 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 6: delivering a wide choice of high quality homes – this seeks to significantly boost the supply of 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
  - 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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise.

- 4.5 The plan was adopted on 16<sup>th</sup> December 2015.
- 4.6 Housing policy H2 identifies Forge Wood as a key deliverable housing site for up to 1,900 dwellings within the period to 2020. Policy H3 requires all housing development to provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. Affordable and low cost housing should be provided as part of the housing mix and policy H4 specifies the requirement for affordable housing. In this case the affordable housing requirements for Forge Wood are already addressed through conditions 1, 62 and 63 on the outline permission / NCC application.
- 4.7 Overarching policy SD1 sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population and policy CH1 supports development in line with the neighbourhood principle (of which this sub-phase of Forge Wood complies with).
- 4.8 Policy CH2 sets out the principles for good urban design and states:

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

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

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

- 4.9 Policy CH3 sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context, be of high quality in terms of landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. In addition, proposals must provide a good standard of amenity for future residents in compliance with internal space standards and not cause unreasonable harm to the amenity of the surrounding area by way of overlooking, dominance or overshadowing, traffic generation and general activity. The policy requires the retention of existing individual or groups of trees that contribute positively to the area and seeks to ensure sufficient space for trees to reach maturity particularly when located in private gardens to ensure dwellings receive adequate daylight. Development should also meet its operational needs in respect of parking, access, refuse storage etc. The policy also requires the development to incorporate 'Secure by Design principles' to reduce crime, consider community safety measures and demonstrate design quality through 'Building for life' criteria.

- 4.10 Policy CH4 requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 4.11 Policy CH5 sets out the internal space standards for all new dwellings in line with the Nationally Described Space Standards and also requires development to include appropriate provision of external space.
- 4.12 Policy CH6 seeks to ensure landscape proposals for residential development contribute to the character and appearance of the town and seeks to ensure 1 new tree for each dwelling and where trees are lost, seeks mitigation in line with the published replacement standards.
- 4.13 Policy CH7 identifies the central parkland area directly to the east of the application site as structural landscaping and an important feature that should be protected and enhanced, this link has been considered and identified as integral landscape feature in the overall master planning of Forge Wood. In respect of access, policy CH11 requires proposals that detract on the character of a right of way or other type of recreational route to be adequately mitigated.
- 4.14 Policy CH12 seeks to protect heritage assets. This site has been identified as an archaeologically sensitive area and condition 19 on the outline /NCC application has covered these requirements.
- 4.15 Policy ENV2 requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 4.16 Policy ENV6 sets out the requirement for all development to maximise carbon efficiency with all new dwellings being required to have strengthened on-site energy performance standards while policy ENV9 seeks to ensure development is planned and designed to minimise the impact on water resources and promote water efficiency.
- 4.17 Policy ENV8 seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere (the suitability of this site was considered as part of the outline application, through the overall masterplan layout and via planning conditions).
- 4.18 Policy IN1 seeks to satisfactory infrastructure provision on and off site and where necessary mitigation (this site was considered as part of the outline application, through the overall masterplan layout and via planning conditions).
- 4.19 Policy IN2 requires residential development to be designed and connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retrofitted.
- 4.20 Policy IN4 requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.

#### Supplementary Planning Guidance and Documents

- 4.21 The following documents are also relevant in the consideration of this application:
- Urban Design Supplementary Planning Document, Adopted October 2016
  - Green Infrastructure Supplementary Planning Document, Adopted October 2016
  - Planning and Climate Change Supplementary Planning Document, Adopted October 2016

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

- 5.1 The principle of the new neighbourhood, the quantum of development and the main access arrangements have been established with the grant of the original outline planning permission

(CR/1998/0039/OUT) and the subsequent variation of conditions application CR/2015/0552/NCC which resulted in the issue of a new outline planning permission for Forge Wood.

5.2 This application is for the approval of Reserved Matters, that is, for detailed design and layout only and the LPA cannot refuse it on grounds which go to the principle of the development but can only consider detail relevant to that particular application.

5.3 The key issues to consider in determining this application are:

- Is the proposal in substantial accordance with the approved Masterplan and Design Statement?
- Design approach and links with existing and subsequent phases of the development.
- Affordable housing: quantum, design and mix
- Adequacy of the dwellings for future occupiers including parking and servicing requirements
- Noise impacts and sustainable design considerations
- Impacts on ecology, trees and landscaping
- Surface Water Drainage
- Foul Drainage
- CIL

Is the proposal in substantial accordance with the approved Masterplan and Design Statement?

5.4 The Masterplan and Design Statement for Forge Wood sets out the general structure of the overall development and identifies character areas. This application site is comprised of areas designated as Main Street, Neighbourhood Housing and also adjoins Landscape Buffer areas. The general road layout corresponds with that shown on the Masterplan and the details of this sub phase have been developed from the details shown in the Phase 3 / 4 infrastructure application.

5.5 The masterplan shows the general arrangement of this part of the site, with a main spine road which runs north/south and residential development either side. This main road leads from the site access off Balcombe Road in the south and connects to Phase 4 to the north of the site. Cul de sacs lead off the spine road and serve the dwellings in the areas of neighbourhood housing. The proposal is considered to be in accordance with the Masterplan. The density would be in general accordance with condition 1 of the outline permission Cr/2015/0552/NCC.

5.6 The approved Design Statement objectives are:

#### Main Street

- Create a low speed highway network where the carriageway is subservient to the urban form.
- Provide a highly permeable development to encourage pedestrian and cycle movement.
- Create a sequence of clearly designed spaces to aid orientation and local identity.
- Building heights to be predominantly 2 to 2.5 storeys with occasional 3 storey development to punctuate or enclose key spaces or to terminate vistas.
- On curtilage parking to be discrete, set back behind main building line or in courtyards.
- On street parking to be in groups of no more than 3 spaces.
- Varying road width with a minimum of 5.5 metres with a footpath on either side although not necessarily contiguous with the carriageway.

#### Neighbourhood Housing

- Create a low speed highway network where the carriageway is subservient to the urban form.
- Provide highly permeable development to encourage pedestrian and cycle movement.
- Provide mainly 2 to 2.5 storey housing with occasional 3 storey houses.
- Create a series of lower key, clearly designed spaces to aid orientation and local identity.
- Provide high quality landscape to green the residential environment
- Provide a coordinated approach to front gardens/privacy strips.

#### Landscape Buffer

- To provide a visual and acoustic barrier to the motorway. (Phase 3A does not adjoin the motorway).
- To provide rear screening by introducing a proportion of evergreen planting.
- Utilise a palette of native planting
- Provide a wildlife resource.

5.7 The proposal comprises a mix of 2 and 3 storey development and the overall layout and materials palette is generally consistent with the approved Design Statement and suitable for the form of development proposed. The proposal also meets the character area criteria and the design objectives stated above.

#### Design approach and links with existing and subsequent phases of the development

- 5.8 The proposed layout of 2 storey houses and 3 storey flats within the character areas continues the overall design approach established in earlier phases of Forge Wood. The house types and designs are generally similar to those that were approved previously, but with some variations to address the character area within which they are located and incorporates refinements to the scheme which have emerged as the scheme has been built out. The proposed detailing and palette of materials are also broadly in line with the approved Design Statement. Materials can also be further considered and agreed in more detail through the discharge of condition 38 on the outline planning permission.
- 5.9 The revisions to the scheme have included surface materials; fenestration to dwellings and flats to improve design and to provide improved surveillance; provision of greater pedestrian permeability and connectivity between the apartments adjoining the northern landscape buffer; the introduction of a direct pedestrian access to the public house adjoining the site from within this sub phase by a footpath; variation of materials within an affordable housing cluster to mitigate what was a uniform and unacceptable appearance. Whilst the proposal has been revised in many respects to meet officers' concerns in respect of design and layout issues, it has not been possible to secure all of the revisions that might have been made, although it has been agreed that a number of more minor issues can be addressed by conditions. These include detailed materials and finishes and detailed boundary treatments in some areas of the site.
- 5.10 A particular issue regarding the overall visual quality of the development for previous sub phases has been boiler vents and flues on the front elevations of the affordable units and gas flues on flats. This situation has the potential to result in an unsatisfactory visual impact and in addition to contribute to a reduction in the established tenure blind approach to development. It is considered that this matter can however be dealt with by a condition relating to boiler location and external vents and flues for the houses. In addition, there have been concerns previously with Phase 1 relating to the siting and finishing of the external gas pipes on the blocks of flats and again this can be addressed by a condition.
- 5.11 Overall the layout is considered to integrate well with the key linkages identified in the Masterplan, including the cycle route along the main street, which now connects to the crossing on Balcombe Road, south of Heathy Farm PH; and runs up to Phase 4 in the north. There are now legible and overlooked footpath links from the north of this phase to the public footpath which runs east /west and will connect to the proposed open space/sports fields set further north.
- 5.12 The layout is considered to allow for comprehensive development and should not prejudice the development potential of parcel 3B to the east or Phase 4 to the north. Similarly, the relationship with the land parcel (outside of the Forge Wood site) formed by Wiltshire's Farm shop, and the future potential development would not be prejudiced by this layout.

#### Affordable housing: quantum, design and mix

5.13 The outline planning permission requires 40% affordable housing provision in each phase or sub-phase of the Forge Wood development. The applicants have demonstrated that the overall amount will be met



in Phase 3 as a whole and for the sub phases. For Sub-Phase 3A, 225 dwellings are proposed, of which 90 are affordable and therefore the level of affordable housing provision is 40%. The tenure split of affordable rent and discount market sale meets the 70:30 criteria. Thus the affordable housing proposed meets the requirements set out in policy H4 and also condition 62 of the outline planning permission CR/2015/0552/NCC.

- 5.14 The affordable housing is located mainly in the north east and centre of the site. However the design of the affordable dwellings is very similar to the market housing and therefore a good degree tenure blindness will be achieved. The revision of the scheme to include fuller pedestrian and vehicular circulation within the site further ensures that affordable housing is more likely to be tenure blind and not an obviously different element of the development. The Housing Development Manager considers the location, tenure and mix of the affordable housing to be acceptable and policy compliant.
- 5.15 The proposal is therefore considered to be acceptable in terms of quantum, design and mix of the affordable units.

#### Adequacy of the dwellings for future occupiers including parking and servicing requirements

- 5.16 Internal dwelling sizes for all dwellings are in accordance with the National Space Standards and Policy CH5.
- 5.17 In respect of garden sizes, these are not specifically set out in policy CH5, as this requirement was deleted by the Local Plan Inspector. In his report he considered that

*'paragraph 59 of the NPPF cautions against design policies that include unnecessary prescription or detail, seeking instead policies which concentrate on guiding matters such as the overall scale, density and layout of new development in relation to neighbouring buildings and the local area. This follows a move away from inflexible space standards to a design-led approach which facilitates imaginative solutions when meeting design objectives.'*

*'Not only are the external spaces standards of policy CH5 unnecessarily prescriptive, they are also unduly onerous... In an urban borough where there is insufficient land to meet about half the housing need, there is a real risk that the Council's space standards militate against innovate housing layouts which could increase densities whilst still delivering high quality residential environments.'*

- 5.18 Accordingly, the policy does not set out such standards. The policy does however state that *'residential developments should be designed to include amenity space standards adequate to meet basic privacy, amenity and usability requirements; suitable for the level of occupancy.'*
- 5.19 Further advice and guidance is contained within the Urban Design SPD, which sets out the above requirements and also states that *'external space standards are of particular importance to affordable housing. Since affordable housing tends to be fully occupied after construction, garden sizes for affordable housing should be met given the likely level of full occupancy'*.
- 5.20 With regard to the flats in this sub phase, the flat blocks are set in landscaped grounds, particularly the blocks in the north of the site, alongside/facing the tree belt which includes the public right of way and which creates a 'parkland character' type area, similar to the arrangement for the flats in Phases 1 and 2, set either side of the central parkland area. This is considered to be an attractive, spacious and appropriate layout for these units.
- 5.21 Turning to the 159 houses in this sub phase, it is acknowledged that not all of the units would accord with the Councils Outdoor Space Standards. 79 of the houses (50% approx.) meet the outdoor space standards, with 23 being within 10% of the standards (15% of the houses) and 57 being within 25% of the standards (35% of the houses).

5.22 This issue has been raised with the applicants who have responded as follows:

*'The provision of internal and external space standards has been the subject of much review at national level by the Government and ... that the NPPF provides guidance on good design with the focus on quality rather than prescriptive requirements'.*

*The applicants point out that 'Policy CH5 does not provide specific standards but requires developments to provide adequate amenity space.' The applicants note that 'the SPD has changed the requirements... to an occupancy ratio. This has a significant effect on a large development such as Forge Wood'.*

*They are of the view that 'this external space requirement requires a specific area of garden to be provided. As it is now calculated on the occupancy, this has a negative effect on a scheme such as Forge Wood which contains a wide range of house types, sizes and mix.*

*The applicants consider that rigid space standards 'potentially have a significant effect on the overall delivery of housing at Forge Wood... In the case of Forge Wood there are also other constraints which have already reduced down the net developable area for the 1900 dwellings. A strict application of external space standards would have the potential to further reduce the overall density, mix and/or number of dwellings that Forge Wood will be able to deliver'.*

- 5.23 Officers acknowledge that the garden sizes for houses are not fully in accordance with the outdoor space standards, but would comment that this is not an application where all the garden sizes are generally below standards. Moreover, separation distances are satisfactory and in many cases, separation distances exceed the minimum of 21m back to back. Thus the limited reduction in some garden sizes does not result in dwelling relationships which are unsatisfactory. In addition, given the location of the site and surrounding open space and nearby woodland and the fact that the development will also benefit significantly from additional nearby open space it is considered that the development will have an appropriate level of amenity space overall.
- 5.24 Therefore, in terms of amenity areas, officers are of the view that the scheme ought to be considered to be acceptable, taking into account the policy position, that garden sizes are set out as guidance not policy, and the lesser weight that this affords. Also it is necessary to assess the application as a whole and have regard to the delivery of the neighbourhood as a package, including the provision of 1900 dwellings, including affordable housing and the significant areas of open space and landscaping.
- 5.25 Parking spaces within the development are generally in accord with standards and as revised are readily accessible. Refuse and cycle storage is also provided for the units in line with standards.
- 5.26 Information has been provided to demonstrate that cars and service vehicles can manoeuvre satisfactorily around the site.
- 5.27 With regard to refuse and recycling arrangements, in the main, individual houses have refuse storage facilities within curtilages and would have the usual kerbside collection point. Flats would have communal collection from bin stores attached to the buildings.
- 5.28 CBC Refuse & Recycling Team has objected to the refuse and recycling strategy as not all units would be served in this manner. However, there is only 1 instance where there would be communal collection for individual houses. This would be within the close serving plots 132 to 136 and would be set close to the junction with the main street where manoeuvring for refuse disposal vehicles is satisfactorily provided for.
- 5.29 The objection cites management issues with residents leaving bins out and missed collections. The applicants point out that this is covered by the civil management of the overall estate. This issue affects 5 out of 225 dwellings and the small communal collection point in only 1 instance on the development can be satisfactorily serviced by collection vehicles. The matter of communal collection from 1 location

for 5 dwellings has been physically addressed as far as is reasonably within the layout and that in addition there are alternative management options. It is not considered that it would be reasonable to object to the proposed development on this basis, particularly as any collection issues can be addressed by liaison with the management company.

- 5.30 Overall the provision for refuse vehicles and collections is considered to be acceptable, including carry distances.

#### Noise impacts and sustainable design considerations

- 5.31 Due to the site's proximity to Gatwick, the impact of aircraft noise from both a single and two runway airport on the development was a key consideration at the Planning Inquiries and a number of conditions were imposed by the Inspector to safeguard the amenities of future occupiers. In addition, mitigation is required in relation to road noise. The outline planning permission under condition 34 requires a scheme to demonstrate the dwellings have sufficient protection against noise.
- 5.32 Consultee responses have indicated that the development proposed will result in a generally acceptable noise environment in aircraft and traffic respects. The noise assessment for the development indicates that there will generally not be an unacceptable impact from aircraft or traffic noise, although a ventilation strategy is proposed, as with windows open the noise criteria for living rooms and bedrooms would exceed thresholds. A system of ventilation will therefore be required for the dwellings and can be secured via a submission under condition 34.
- 5.33 The outline planning permission requires an assessment of the buildings to meet sustainable design and construction measures offsetting 10% of predicted carbon emissions (energy) through a combination of sustainable design and construction or on-site renewable energy. A sustainable construction or 'fabric first' approach would have no impact on the exterior of the buildings as designed however, the introduction of renewables (most likely PV panels) would have a visual impact on the design of the dwellings and it is proposed that in such circumstances details of any PV panels to be installed is controlled via a condition to safeguard the visual quality of the development.

#### Impacts on ecology, trees and landscaping

- 5.34 An ecological report was provided with the application and has been updated during the application process following revisions to the proposed development. The application is also accompanied by an arboriculture impact assessment and a landscape management plan/strategy.
- 5.35 Generally the land is species poor. The ecological assessment accompanying the application does not consider there to be any significant adverse effects on any statutory or non-statutory sites interest and the application site and wider site has been surveyed for bats, badgers, birds, dormice, reptiles and great crested newts. Habitats are of some limited ecological value for faunal species but the ecological value of the habitats is limited on account of the fact that they are species poor. Habitat works will be undertaken to remove suitable vegetation and ensure reptiles are not present. Enhancements and mitigation within the site will ensure all wildlife is protected and that the site provides benefits post development.
- 5.36 Natural England's standing advice for reptiles has been considered in relation to grass snakes, the loss of this habitat was accepted with the grant of outline permission. The proposed mitigation will ensure that species are not harmed and translocation measures can be implemented.
- 5.37 The Council's ecological advisor raises no objection. Outline planning conditions relating to a CEMP and a Biodiversity Management Plan adequately cover ecology matters on a site wide basis rather than in regard to a particular area of an individual reserved matters application.
- 5.38 Other previously approved reserved matters applications have stipulated that the development is to proceed in accordance with the submitted Ecological Report and it is recommended that a condition to this effect is imposed.

- 5.39 The proposal does not result in significant tree loss and is accompanied by landscaping proposals which are considered to mitigate the loss, enhance landscape and mitigate the impact of the development generally.
- 5.40 It is accepted that as a greenfield site and through the outline approval of the masterplan layout that there will generally be a loss of countryside and trees. Within phase 3A, the loss of trees will not be significant and woodland is preserved for the most part. The arboricultural officer has raised no objection to the layout on the basis that the trees to be retained are protected in accordance with the submitted tree protection measures.
- 5.41 In this case it is not considered that the policy requirements of CH6 are appropriate in respect to the expected level of tree replacement given the nature and scale of the development overall. As part of the layout the applicants are proposing to mitigate tree loss through the landscaping within the open space, along streets and in at the site entrance.
- 5.42 With regard to the pumping station at the spine road access point to Balcombe Road, the pumping station landscaping details include semi-mature, extra heavy standard and standard trees and in addition native hedge planting. The details indicate a good level of screening which will satisfactorily mitigate the visual impact and in addition that the pumping station is set well away from the highway so that visual impact of this facility in this prominent location will be further mitigated. The planting proposed provides for a suitable quality of landscaped entrance to the development in what will be a prominent location at the gateway to the site. The landscaping layout also incorporates the route of the cycle way which will link to the crossing point on Balcombe Road.

#### Surface Water Drainage

- 5.43 There is a need to ensure that there is an effective drainage strategy for the construction of this phase of the development and to serve the development as a whole. This is controlled through condition 16 on the outline planning permission which requires the submission of a site wide drainage strategy which includes details of the ongoing management and maintenance. Revised outline application condition 8 also requires a detailed surface water strategy for each phase or sub-phase.
- 5.44 The Forge Wood site, as a whole, is split into a number of smaller sub catchments. Each will deal with its own surface water drainage before discharging into the downstream sub-catchment and ultimately into the Gatwick Stream. Within each sub catchment, flows will be attenuated through the provision of an off-line grassed detention basins, on-line tank sewers and off-line cellular storage.
- 5.45 The Phase 3 drainage strategy as a whole incorporates swales and cellular storage, and there is cellular storage within Phase 3A itself, in order to attenuate the surface water to greenfield runoff rates which discharge to the wider Phase 3 and the downstream sewer systems.
- 5.46 The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.
- 5.47 The principles of the site wide drainage strategy have been agreed. The outstanding strategy matter regarding drainage is the future long term maintenance and management of the drainage features and this is the subject of ongoing discussions in respect of the site wide drainage strategy. The approach is that the drainage would be the responsibility of a private management company and finalised details of the arrangements and financial safeguards are to be agreed as part of the discharge of condition 16.
- 5.48 The Councils Drainage Engineer has advised that application follows the format of previous submissions for other phases and is pleased to see the inclusion of a 40% increase for climate change reflecting relatively recent changes to legislative requirements. He considers that the overall drainage strategy for the whole site is generally acceptable in principle, but is concerned that the proposal of bringing forward elements of the site in phases without the completion of a comprehensive site wide plans & hydraulic modelling goes against the principle of good SuDs design & could limit future

opportunities within other parts (phases) of the site. Should this occur he considers retrospective drainage works may be required to maximise the full development potential of other parts of the site. Condition 16 as revised under CR/2015/0552/NCC allows for such amendments. Notwithstanding this observation he is of the view that the current proposals for this part of the site are acceptable provided works are completed in a manner and sequence that ensures that the rate of any surface water that is released does not exacerbate or increase known downstream flooding. Further details of the proposed future maintenance regime and responsibilities will need to be approved as part of the discharge of condition 16 of the revised outline planning permission.

5.49 A potential issue does arise with a number of storm cells that appear to be located within areas of hardstanding at the end of roads. These appear to be intended for use as residential car parking areas or turning areas and they are unlikely to be adopted by WSCC Highways, yet they are bound to be used by heavy (refuse) traffic. The specific general concern relates to the potential increase in localised maintenance levies charged to residents to ensure future maintenance if they are trafficked. However, this is a specific drainage management issue and has been drawn to the attention of the applicants.

5.50 Overall, drainage at the site is considered to be acceptable.

#### Foul Drainage

5.51 Thames Water has consistently commented that the existing waste water infrastructure is unable to accommodate the needs of the development and have recommended that a 'Grampian Style' condition be imposed requiring an on and off-site drainage strategy for the proposed works. It is not appropriate to impose a condition relating to strategic infrastructure to a reserved matter application as such issues should have been conditioned at outline stage. The appeal Inspector did not impose a specific condition in respect of foul water drainage. The applicants are in any event required to make satisfactory provision for waste water and will have to reach agreement with Thames Water. This can be achieved outside of this reserved matters application.

5.52 The applicants have previously confirmed that they already have a foul drainage strategy and agreement with Thames Water which covers the whole development including Phase 3A.

#### CIL

5.53 The Forge Wood development is CIL liable, but as set out in the Committee report for CR/2015/0552/NCC (meeting date 8th November 2016), liability is only triggered and be chargeable where additional floorspace is approved over and above that envisaged with the original outline planning permission. To address this point condition 4 on the revised outline permission sets a maximum floorspace figure for the Forge Wood development as a whole. A CIL informative for the decision notice for this sub phase would therefore be required setting out the procedure.

#### CONCLUSIONS:-

- 6.1 This application for Phase 3A at Forge Wood is considered to have addressed the design parameters and relevant conditions imposed on the outline planning permission CR/2015/0552/NCC and is considered to be in substantial accordance with the Masterplan and Design Statement.
- 6.2 The design and layout is considered to follow the approach established with the 'reserved matters' in previous phases and the various character areas. A generally cohesive development pattern and distinctive character to Forge Wood will be delivered. The design details and dwelling styles are generally considered appropriate.
- 6.3 The proposed Phase 3A scheme is considered to comply generally with the adopted standards and to have adequate gardens, albeit not entirely in accordance with the SPD. There is some merit to the case put forward by the applicants that rigid adherence to the SPD would result in a reduction in dwelling numbers and the level of affordable housing delivery. Overall, what is proposed would be a

residential environment of good quality. In addition, the layout in terms of its design, landscaping and indicative palette of materials provides an attractive and legible layout and safeguards the privacy and amenity of future occupants.

- 6.4 The layout scheme as a whole is also considered to appropriately address the environmental safeguards set out in the outline conditions in terms of ecology, noise and drainage subject in some cases to further work to discharge the relevant conditions. The application has been considered in relation to the wider requirements on the outline permission.

**RECOMMENDATION RE: CR/2016/0780/ARM**

The recommendation is to APPROVE this reserved matters application subject to the following conditions and informatives:

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.  
REASON: For the avoidance of doubt and in the interests of proper planning.
2. Provision shall be made for high speed broadband to serve all dwellings with the development in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the relevant dwelling being first occupied.  
REASON: To ensure delivery of high quality communications in accordance with Policy IN2 of the Crawley Borough Local Plan 2015-2030.
3. Provision shall be made for combined aerial facilities to serve all flat development in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall be provided prior to the occupation of any flat in each particular block.  
REASON: In the interests of the visual amenities in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. Before the properties approved in this phase are first occupied, details of the design and location of lighting to be provided in the parking areas shall be submitted to and approved in writing by the Local Planning Authority, and the lighting thereafter implemented in accordance with the agreed details.  
REASON: To safeguard the appearance of the development and the amenities of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 -2030.
5. The secure cycle store(s) and refuse stores shown on the approved drawings shall be constructed and operational prior to the first occupation of the dwellings which they are intended to serve.  
REASON: To safeguard the appearance of the development and the amenities of the area and to ensure the operational requirements of the development in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 -2030.
6. No solar panels or renewables which may be required pursuant to the discharge of a condition on the outline planning permission shall be installed unless and until full details of their design and location are submitted to and agreed by the Local Planning Authority in writing. The works shall thereafter be implemented in accordance with the agreed details.  
REASON: To control the design of the development in detail and to ensure a satisfactory visual appearance in the interests of visual amenity in accordance with 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 trees/bushes/hedges to be retained on the site have been protected in accordance with the approved drawing(s) and submitted details. Within the areas thereby fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning

Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots with a diameter of 25mm or more shall be left un-severed.  
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy CH3 and CH6 of the Crawley Borough Local Plan 2015-2030.

- 8 The construction of the development shall be undertaken in accordance with the safeguards detailed within the submitted Ecological Assessment dated September 2016 provided by Ecology Solutions.  
REASON: To ensure that the ecology of the site is protected and enhanced in accordance with policy ENV2 of the Crawley Borough Local Plan 2015-2030 and Para 118 of the NPPF 2012.
- 9 All landscaping works shall be carried out in accordance with the approved drawings and details. No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity and because the scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Gatwick Airport through the attraction of birds in accordance with Policy CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping within Phase 3A shall be carried out in accordance with a phased scheme, including timing of planting, seeding and turfing, to be first submitted to and approved in writing by the local planning authority and any trees or plants or turfing which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 11 Details of the design and location of external flues and gas pipes to be provided to serve the dwellings (including flats/apartments) shall be submitted to and approved in writing by the Local Planning Authority, and the external flues and gas pipes shall thereafter be implemented in accordance with the agreed details before first occupation.  
REASON: To control the design of the development in detail and to ensure a satisfactory visual appearance in the interests of visual amenity in accordance with CH3 of the Crawley Borough Local Plan 2015 – 2030.

## INFORMATIVES

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from [www.aoa.org.uk/policy-campaigns/operations-safety/](http://www.aoa.org.uk/policy-campaigns/operations-safety/))
2. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL and associated forms visit [www.crawley.gov.uk/cil](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.

3. The applicant is advised that the management and maintenance of the drainage proposals for this site and Forge Wood as a whole must be the subject of an application to discharge condition 16 of the outline planning permission.
4. The applicant may be required to apply for other consents directly from the Environment Agency. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult the EA website to establish whether a consent will be required – <https://www.gov.uk/environmental-permit-check-if-you-need-one>

#### 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 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

Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0780/ARM**

Date 9 January 2017

Approx. Scale 1:1,250

**PHASE 3A, FORGE WOOD (NES), CRAWLEY**



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Crawley Borough Council. 100023717. 9 January 2017

**REFERENCE NO: CR/2016/0864/NCC**

**LOCATION:** THE COOPERATIVE FOOD, BALCOMBE ROAD, POUND HILL, CRAWLEY  
**PROPOSAL:** RETROSPECTIVE VARIATION OF CONDITION 7 (HOURS OF DELIVERY OF FUEL OR GOODS PURSUANT TO CR/2006/0592/FUL) TO ALLOW THE DELIVERY OF NEWSPAPERS AND MAGAZINES ONLY BEFORE 8.00

**TARGET DECISION DATE:** 9 December 2016

**CASE OFFICER:** Miss D. Angelopoulou

**APPLICANTS NAME:** Co-operative Group Food Limited

**AGENTS NAME:**

---

**PLANS & DRAWINGS CONSIDERED:**

Location plan is not required for this type of application.

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |    |                            |   |
|----|----------------------------|---|
| 1. | CBC - Property Division    | No objection                                  |
| 2. | CBC - Environmental Health | No objection subject to an amended condition. |

**NEIGHBOUR NOTIFICATIONS:-**

Flat 1-24 The Pines, Turners Hill Road, Pound Hill; Southwell Lodge Southwell, Balcombe Road, Pound Hill; Cooperative group ltd, Texaco garage, The cooperative food, Balcombe Road, Pound hill; 10 Ashurst Drive, Pound Hill; 4, 19 to 24 and 26 to 27 Mayfield, Pound Hill; 21 Felbridge Avenue, Pound Hill; Cllr Bob Lanzer, c/o Crawley Borough Council; Cllr Howard Bloom, c/o Crawley Borough Council; Cllr Beryl McCrow, c/o Crawley Borough Council.

**RESPONSES RECEIVED:-**

Nine representations have been received raising objections that extended delivery hours would cause additional noise and would encourage youths to hang around the area encouraging late night drinking and creating increased pollution. All the objections raised stated that the subject application site has been continually in breach of Conditions 7 and 10 of the original permission CR/2006/0592/FUL with no respect to the local residents. Some objections received state that the Council should not approve earlier delivery hours than the current operating hours i.e. 7.00 am and several examples were received stating the hours of the delivery of the newspapers between 5.20 am and 6.00 am could cause a noise disturbance depending on weather conditions and van operation.

**REASON FOR REPORTING TO COMMITTEE:-**

The number of objections received to a recommendation to permit.

**THE APPLICATION SITE:-**

- 1.1 The application site is located on the eastern side of the Balcombe Road just south of the mini roundabout junction with Turners Hill Road. It comprises a Texaco petrol filling station and associated Co-op convenience store. To the north of the site is a four storey residential development with

associated car park to the east. There are further residential dwellings to the south, west and east of the site. There is a car sales premises being located directly opposite the site across Balcombe Road to the west. Access to the site is from Balcombe Road.

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

- 2.1 Retrospective permission is sought for a variation to Condition 7 of planning permission under reference: CR/2006/0592/FUL (hours of delivery fuel or goods) to allow the delivery of newspapers and magazines before 8.00. The applicant seeks permission to allow the delivery of newspapers and magazines before the filling station opens at 0700 and before the current restriction preventing deliveries before 0800. This would be undertaken daily by a single transit sized panel van. The applicant has confirmed verbally that the newspapers/magazines need to arrive before the opening of the shop, as is usual business practice, and that this therefore needs to be early in the morning. The application is therefore submitted that there should not be a restriction on the hours for this type of delivery.

### **PLANNING & ENFORCEMENT HISTORY:-**

- 3.1 There is a long planning history on this site. Permission was granted under reference CR/2006/0592/FUL for the demolition of the existing forecourt shop, jet washes and pumps and erection of a new forecourt with new shop, pumps, jet wash and associated car parking. Conditions were imposed to protect residential amenity of the surrounding environment and the hours of delivery of fuel and goods were restricted. The relevant Conditions are:
- Condition 6: The jet wash shall only be operated between the hours of 08.00 - 21.00 on Mondays to Fridays and 08.30 - 20.30 on Saturdays, Sundays and Bank Holidays.
  - Condition 7: There shall be no delivery of fuel or goods before 8.00 or after 18.00.
  - Condition 10: The filling station shall not be in operation before 07.00 nor after 22.00.
- 3.2 In 2008 permission was sought under reference CR/2008/0062/NCC to vary condition 10 of CR/2006/0592/FUL to extend the opening hours to 24 hour trading. This application was refused for as it would result in an increase in noise and disturbance to the detriment of the amenities of nearby residents.
- 3.3 In 2016 planning permission was refused under reference CR/2016/0042/NCC for variation of condition 10 (hours of operation of petrol station) pursuant to CR/2006/0592/FUL to extend the opening hours (07.00 - 22.00) to 07.00 - 23.00, 7 days a week (1 additional hour) for the following reason:-  
The proposed variation in Condition 10 of planning permission CR/2006/0592/FUL would result in an increase in noise and disturbance to the detriment of the amenities of nearby residents which would be contrary to Policies CH3 and ENV11 of the Crawley Local Plan 2015-2030.
- 3.4 That refused application CR/2016/0042/NCC was allowed at appeal and the Condition 10 was varied as following:  
The filling station and its associated retail use shall not operate other than between 0700 hrs and 2300 hrs.  
The Inspector acknowledged that: *'The record of past alleged breaches, many of which relate to a previous operator, is not, in itself, a reason for the appeal to fail'. 'A petrol filling station and associated shop will always result in some level of activity and general noise. Complete peace and tranquillity for residents nearby is unlikely during operating hours, given the nature of the use. Many of the noises and sounds highlighted by local residents are not unusual or unexpected at such sites. It is my view that, provided the premises are properly managed, and the various existing conditions complied with, there is reason why local residents would experience unacceptable noise levels or disturbance, or suffer from interrupted sleep were an hour's extension to be agreed to 2300 hrs.'*
- 3.5 There is the following recent relevant enforcement history for the site:

In 2015 a breach of condition notice was issued to prevent the Co-op filling station from operating outside of its permitted hours. This has been complied with.

In 2007 a breach of condition notice was issued to stop the previous operator from undertaking deliveries outside the permitted hours. This condition was complied with until 2016, when an apparent breach relating to the delivery of newspapers and magazines before 0800 was identified. The current application is to regularise the identified delivery of newspapers/magazines outside the permitted hours.

## **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, it states that planning decisions should aim to (Paragraph 123):
- avoid noise from giving rise to significant impacts on health and quality of life as a result of the development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
  - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

### **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 CH3: Normal Requirements of All New Development states among others that all proposals for development will be required to provide and retain a good standard of amenity for all nearby and future occupants of land and buildings.
  - Policy ENV11: Development and noise. People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources.

## **PLANNING CONSIDERATIONS:-**

- 5.1 The main consideration in determining this application relates to the effect that allowing newspapers and magazines delivery has on residential amenity.
- 5.2 The approved delivery hours of fuel or goods are between 8.00-18.00, with the opening hours of the shop and filling station being 07.00-22.00. The proposed variation of condition relates to allowing the delivery of newspapers and magazines before 8.00 by a single transit type van or similar.
- 5.3 The Environmental Health Division had no objection to this variation of condition and provided the following wording is imposed in a revised condition 7:  
*'There shall be no delivery of fuel or goods before 0800 or after 1800 except for the delivery of newspapers and magazines which shall be made by a single transit type van or similar without reversing alarms before 0800.'*
- 5.4 Notwithstanding the representations received from nearby occupiers it is considered necessary to consider the context that the impact that one light commercial delivery of paper goods would have on noise and disturbance. The filling station is open from 0700 and therefore any deliveries between 0700-0800 when there are already likely to be movements associated with customers and staff, and

this will include the customers of light commercial vehicles are unlikely to have any material impact on neighbour's amenities. In addition the site whilst neighbouring some residential properties is on a busy road and close to a very busy roundabout junction at Worth Corner that has significant vehicle movements. In this context of existing background activity and noise in the area, it is considered that the arrival of one transit type van delivering newspapers and magazines even when the filling station is not open would have little more impact than a resident in the area opening and closing car doors and driving off. It is not therefore considered that the proposal to allow one delivery a day by a light commercial vehicle that does not use reversing alarms prior to 0800 would have a demonstrable impact on neighbour's residential amenities.

- 5.5 It is therefore considered that the variation would not result in any significant increase of noise or activity on the site and the proposal would therefore be in accordance with the Local Plan Policies and the relevant paragraphs of the NPPF.

### **CONCLUSIONS:-**

- 6.1 For the reasons outlined above the retrospective variation of condition to reflect the extension of delivery times only for newspaper and magazines is considered acceptable. The retrospective variation is therefore considered to accord with the relevant paragraphs of the NPPF (2012) and the relevant Policies of the Crawley Borough Local Plan (2015-2030).

### **RECOMMENDATION RE: CR/2016/0864/NCC**

It is recommended to permit the variation of Condition 7 and to re-impose the other conditions that are relevant to the ongoing operation of the site.

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

1. The jet wash shall only be operated between the hours of 08.00 - 21.00 on Mondays to Fridays and 08.30 - 20.30 on Saturdays, Sundays and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
2. There shall be no delivery of fuel or goods before 0800 or after 1800 except for the delivery of newspapers and magazines which shall be made by a single transit type van or similar, without reversing alarms, before 0800.  
REASON: In the interests of residential amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
3. No public address system shall be installed without the express permission of the Local planning Authority.  
REASON: In the interests of residential amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. No telephone bell or buzzer shall be installed outside the building.  
REASON: In the interests of residential amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The filling station and its associated retail use shall not operate other than between 0700 hrs and 2300 hrs.  
REASON: In the interests of residential amenity in accordance with Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

1. NPPF Statement

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

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



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

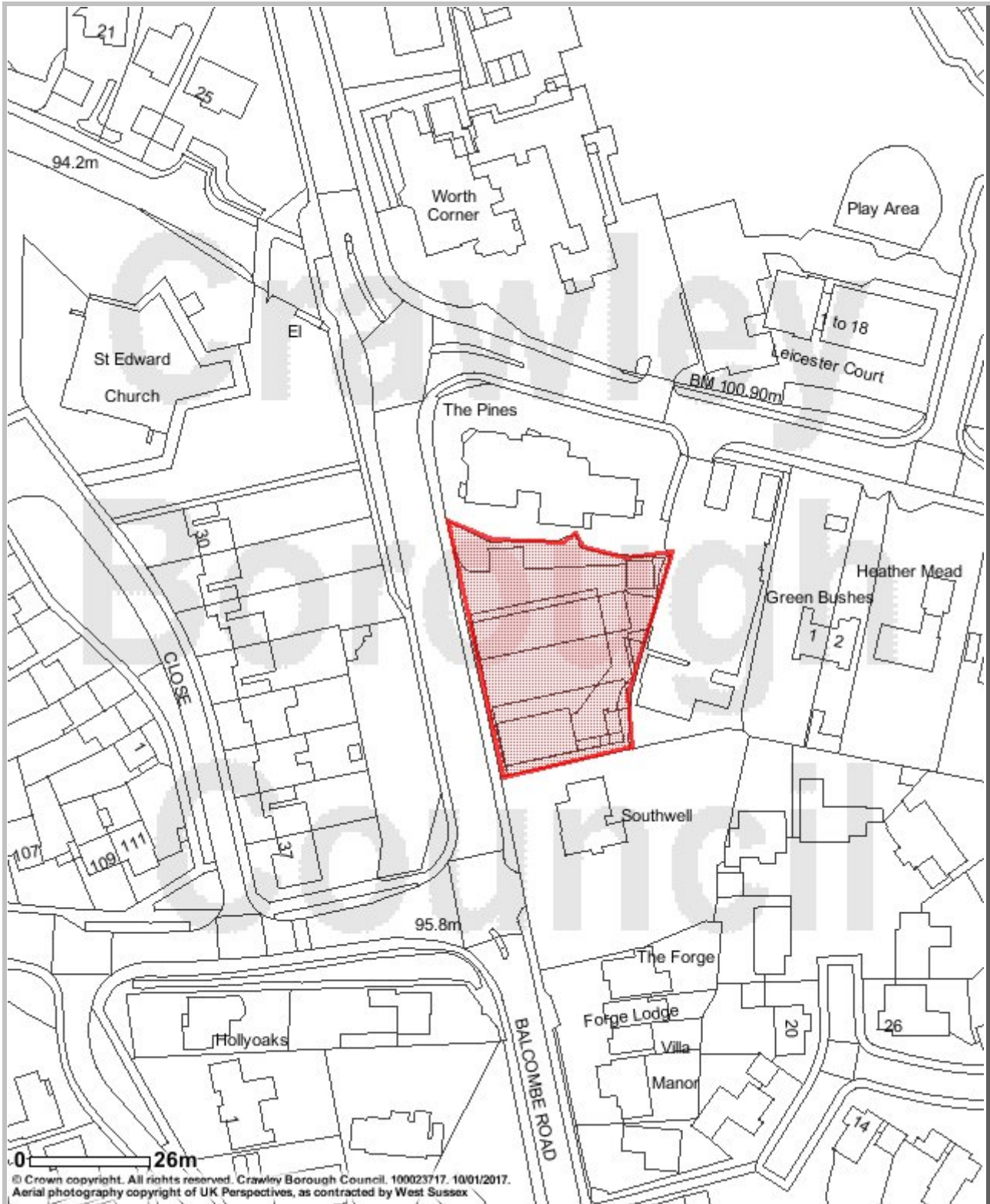
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0864/NCC**

Date 23 December 2016

Approx. Scale 1:1,250

**THE COOPERATIVE FOOD, BALCOMBE ROAD,  
POUND HILL, CRAWLEY**



© Crown copyright. All rights reserved. Crawley Borough Council. 100023717. 10/01/2017.  
Aerial photography copyright of UK Perspectives, as contracted by West Sussex

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Crawley Borough Council. 100023717. 23 December 2016

**REFERENCE NO: CR/2016/0928/FUL**

**LOCATION:** SMYTHS TOYS, UNIT 3, ACORN RETAIL PARK, BETTS WAY, LANGLEY GREEN, CRAWLEY

**PROPOSAL:** EXTENSION TO MEZZANINE FLOOR WITHIN UNIT 3 OF APPROVED RETAIL DEVELOPMENT (REF: CR/2014/0824/FUL)

**TARGET DECISION DATE:** 23 February 2017

**CASE OFFICER:** Mr D. Power

**APPLICANTS NAME:** Smyths Toys UK Ltd

**AGENTS NAME:** Firstplan

---

**PLANS & DRAWINGS CONSIDERED:**

1226-SK34 REV A Site Location Plan, 13-184-P010 Proposed floor plan layouts and section A:A

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

1. WSCC – Highways No objection
2. CBC - Environmental Health No comments received

**NEIGHBOUR NOTIFICATIONS:-**

A site notice was displayed on the 24 November 2016.

**RESPONSES RECEIVED:-**

No comments have been received

**REASON FOR REPORTING TO COMMITTEE:-**

The application is major development

**THE APPLICATION SITE:-**

- 1.1 The application site forms part of Acorn Retail Park, comprising three retail units which have now been constructed and are occupied located to the west of London Road accessed off Betts Way. This application relates to unit 3 which occupies the western end retail of the three units, and is currently occupied by Smyths Toys who have been trading since completion of the development in 2016.

**THE PROPOSED DEVELOPMENT:-**

- 2.1 This application seeks full planning permission to further extend the mezzanine floor within the existing building of unit 3. The previous planning permission (CR/2014/0824/FUL) granted a retail floor area for this unit of 1,136 sq m and a small storage area to the rear at the ground floor and a mezzanine storage area of 465 sq m at the first floor. The permission also imposed a condition restricting the mezzanine areas to be used only for ancillary storage and not for retail sales area.



- 2.2 This current application proposes to retain the layout on the ground floor and the existing mezzanine on the first floor but seeks to further extend the first floor mezzanine to create an additional sales area of 717 sq m. The mezzanine would be open to the ground floor at the entrance of the store. The installation of a lift and escalators, with access into the storage area to the rear is proposed. The application does not propose any external alterations.

### **PLANNING HISTORY:-**

- 3.1 CR/2014/0825/ADV: ADVERTISEMENT CONSENT FOR 3 X FASCIA SIGNS (INTERNALLY ILLUMINATED), 2 X BUILDING SIGNS (NON-ILLUMINATED), 2 X POSTER SIGNS (INTERNALLY ILLUMINATED) AND 2 X TOTEM SIGNS (EXTERNALLY ILLUMINATED). (AMENDED DESCRIPTION): Consent 21/05/2015
- 3.2 CR/2014/0824/FUL: CLASS A1 RETAIL DEVELOPMENT, COMPRISING THREE RETAIL UNITS AND ASSOCIATED PARKING, LANDSCAPING AND SERVICING AREAS, AND THE FORMATION OF NEW SERVICING ACCESS OFF COUNTY OAK WAY: Permit 19/05/2015
- 3.3 CR/2010/0033/FUL: DEMOLITION OF EXISTING BUILDING AND ERECTION OF CLASS A1 RETAIL STORE WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING: Permit 27/04/2010

### **PLANNING POLICY:-**

#### 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. 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.

Relevant sections are:

- Paragraph 14 : presumption in favour of sustainable development
- Paragraph 17 : core planning principles
- Section 1 : building a strong competitive economy. The government is committed to securing economic growth in order to create jobs and prosperity (Para 18). The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth (para 19). Paragraph 20 suggests that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- Section 4: Promoting Sustainable transport. All developments that generate significant amounts of movements should be supported by a transport statement or transport assessment. Proposals should ensure safe and suitable access to the site can be achieved (Para 32). Paragraph 34 seeks to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. A key tool to facilitate this will be a travel plan (para 36).
- 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 to making places better for people (para 56). Paragraph 61 states that “although the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.

## 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 CH3: Normal requirements of all New Development- All proposals for development in Crawley will be required to:
  - a) Be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context.
  - b) Be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings in terms of scale density height, massing, orientation, views, landscape, layout, details and materials.
  - c) Provide or retain a good standard of amenity for all existing and future occupants of land and buildings.
  - d) Retain existing individual or groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity. Sufficient space should also be provided in private gardens that would not be overshadowed by tree canopies and proposals should ensure that rooms within buildings would receive adequate daylight.
  - e) Demonstrate how “Secure by Design” principles and guidance set out in the “secured by Design” design guidance have been incorporated into the development.
  - f) Meet the requirements necessary for their safe and proper use, in particular with regard to access circulation and manoeuvring, vehicle and cycle parking loading and unloading, and the storage and collection of waste.
  - g) In respect of residential schemes, demonstrate how the Building for Life 12 criteria (as amended) for the evaluation of the design quality of residential proposals have been taken into account and would be delivered through the scheme.
- Policy EC1: Sustainable Economic Growth states that the Council will ensure that all suitable opportunities within the borough are fully explored to enable existing and new business to grow and prosper.
- Policy EC2: Economic Growth in Main Employment Areas states that proposals for employment generating development at the seven locations identified within the policy will be supported 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 states that 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.
- Policy EC6: Development Sites within the Town Centre Boundary states that sites within the Town Centre Boundary provide an important opportunity to promote town centre vitality and viability in a sustainable location through mixed-use development that meets the economic and housing needs of the borough. Mixed-use schemes which include a proportion of residential development and/or main town centre uses will be encouraged within the Town Centre Boundary.
- Policy EC7: Retail and Leisure Development outside the Primary Shopping Area states that retail and leisure proposals in Crawley will follow the NPPF ‘Town Centre first’ principle with development directed to the most sequentially preferable and sustainable locations, firstly within the Primary Shopping Area.
- Policy ENV6: Sustainable Design and Construction states that in order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations.
- Policy ENV7: District Energy Networks states that the development of district energy networks and associated infrastructure is encouraged and should be approved unless it results in significant adverse impacts on the environs.

## **Supplementary Planning Document (SPD)**

Urban Design SPD – add reference to parking standards

- Planning and Climate Change (2016)
  - Provides further justification for the sustainability policies in the Local Plan.
- Developer CIL Guidance

### **PLANNING CONSIDERATIONS:-**

- 5.1 This current application proposes to retain the layout on the ground floor and the existing mezzanine on the first floor but seeks to further extend the first floor mezzanine for an additional sales area of 717.4 sq m. The main considerations for this application are:
- The principle of increased retail floor space in this location
  - Highway safety, access and parking

#### The principle of increased retail floor space in this location

- 5.2 The NPPF, Planning Practice Guidance and Crawley's Local Plan EC7 promote the vitality and viability of town centres through the town centre first approach. The application site is situated in an out-of-centre location and the key policy consideration relate to the application of sequential test and an assessment of potential impact on the town centre that would result from the proposal. As the application is proposing a retail use which is main town centre use, such uses should be directed to the town centre or sustainable edge-of-centre locations before out-of-centre location are considered.
- 5.3 The application was submitted with a Planning and Retail Statement which considered the suitability of more central locations, comprising of Town Centres and edge-of-centre sites as identified in Policy EC6 of Crawley's Local Plan. In each of the assessed sites that are more centrally located, the document concludes that these either have insufficient size to support the proposal or lacking the necessary access/servicing to support operations. The assessment concludes that having considered the alternative sites the development cannot be accommodated at more sequentially preferable locations.
- 5.4 It is considered that the information provided in the Planning and Retail Statement adequately demonstrates that the proposal cannot reasonably be located in a sequential preferable location and therefore the requirements of the sequential test have been satisfied and therefore complies with Policy EC7 of the Local Plan 2030
- 5.5 With regard to the impact on the town centre the Councils evidence base and the Local Plan identify a capacity to support delivery of up to 26,650 sq m comparison retail floorspace over the Plan period. When assessing the impact of development proposals, the retail study which supported the Local Plan identified that any impacts of greater than about 1% on the town centre should potentially give rise to concern. The applicant's evidence has been considered and the findings of the submitted report reviewed, it concludes the proposal would have a 0.01% trade draw from the Town Centre. Therefore it is considered that the applicant has demonstrated that the proposal would not result in a significant negative impact on town centre vitality and viability and as such is considered acceptable in retail impact terms and therefore complies with Policy EC7 of the Local Plan 2030.

#### Highway safety, access and parking

- 5.6 Policy CH3 of the Local plan requires development to meet the requirements necessary for their safe and proper use, in particular with regard to access circulation and manoeuvring, vehicle and cycle parking loading and unloading, and the storage and collection of waste. The NPPF states that development should only be prevented or refused on highway grounds where the residual cumulative impact of the development would result in any impact on the local highway network that could be considered severe.

5.7 WSCC were consulted on the application and advised that even with the addition of the proposed floor space the parking provision meets with the WSCC parking standards. The 2014 planning permission (CR/2014/0824/FUL) granted permission for the three units which required parking provision for 151 vehicles while the development provided a 181 space. The submitted Planning Statement identifies an uplift of vehicles of 14 during week days and 9 on a Saturday. The increased demand for parking can be sufficiently accommodated within the existing provision. Furthermore WSCC advised that it is not expected that the increase in floor space would give rise to any significant level of traffic generation above and beyond that of the approved development. It is therefore considered that the development would not have a severe impact on the local highway and is considered acceptable.

### CIL

5.8 Crawley introduced Community Infrastructure Levy (CIL) in July 2016. The Planning Practise Guidance states that mezzanine floors inserted into an existing building are not liable to the levy unless they form part of a wider planning permission that seeks to provide other works as well. As this application solely seeks permission for a mezzanine floor, the development is not liable for CIL payment.

### CONCLUSIONS:-

6.1 It is considered that the increase in retail floorspace created by the proposed mezzanine would not have a significant detrimental impact on the vitality of the town centre. In addition the increase in the retail floorspace and the acceptable level of parking provision, is not considered to have a severe impact on the local highway. The application is therefore considered to comply with the relevant national and local policy and subject to the recommended conditions is recommended for approval.

### RECOMMENDATION RE: CR/2016/0928/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 approved development shall be used only for the sale of toys and children's entertainment products, and shall include at least two of the following goods ranges at any one time: toys; sports goods and equipment; bicycles and associated equipment; play equipment; baby equipment and products; electronic games and equipment; and other products associated with toys and children's entertainment, and items ancillary thereto, as set out in the application, or similar goods as may be agreed by the Local Planning Authority in writing.  
REASON: To accord with the terms of the application and to enable the Local Planning Authority to control the development in detail to protect the vitality and viability of the town centre and neighbourhood centres in accordance with EC7 of The Local Plan 2015-2030.
4. The retail floor area and ancillary storage shall only be operated in the floor areas identified on the approved plan No 13-184-P010, unless otherwise permitted by the Local Planning Authority on an application in that behalf.  
REASON: To enable the Local Planning Authority to control the development in detail to protect the vitality and viability of the town centre and neighbourhood centres in accordance with EC7 of The Local Plan 2015-2030.

## 1. NPPF Statement

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

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



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

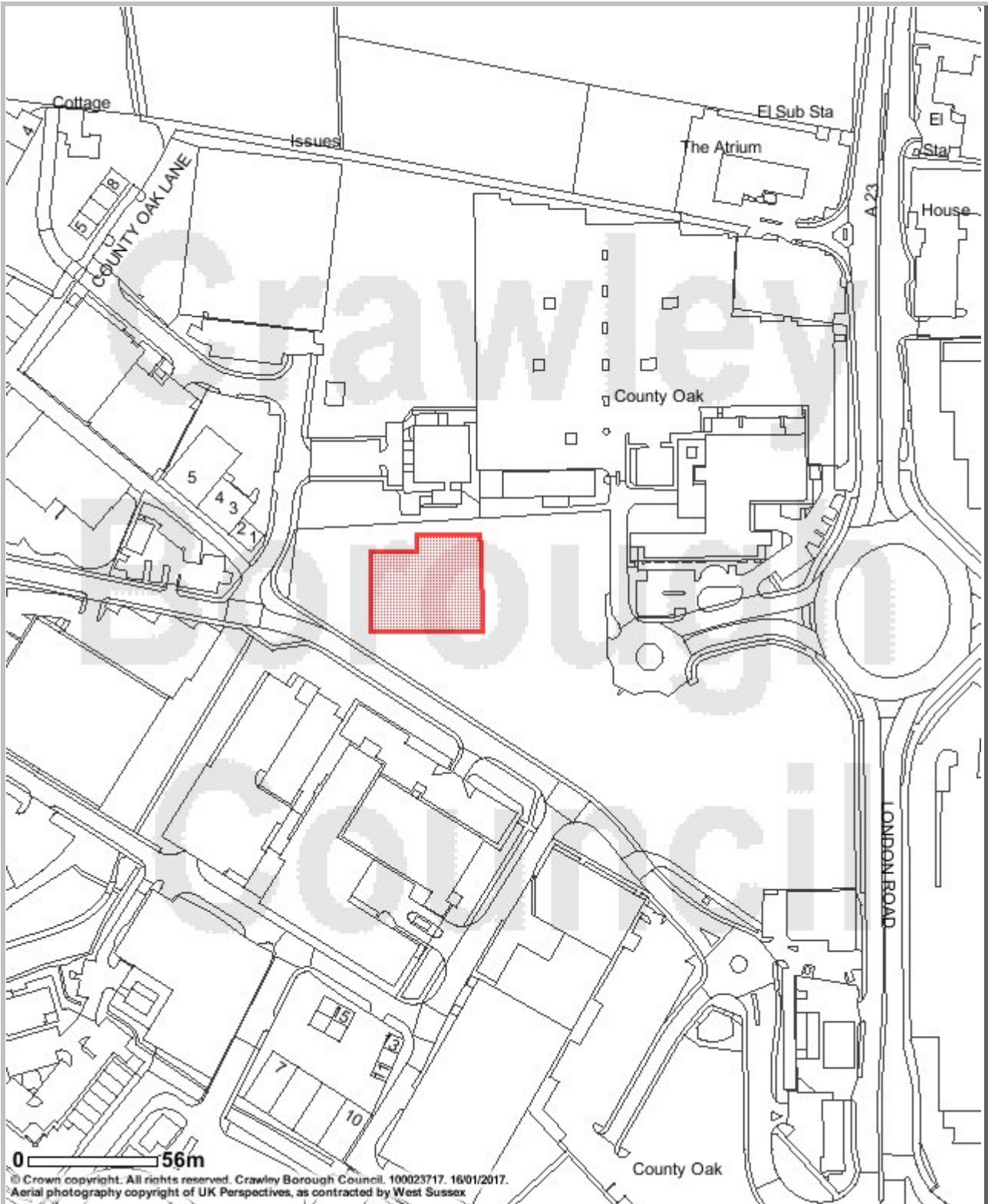
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0928/FUL**

Date 16 January 2017

Approx. Scale 1:1,250

**SMYTHS TOYS, UNIT 3, ACORN RETAIL PARK,  
BETTS WAY, LANGLEY GREEN, CRAWLEY**



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Crawley Borough Council. 100023717. 16 January 2017

**REFERENCE NO: CR/2016/0932/FUL**

**LOCATION:** PAPERGRAPHICS LTD, DIVA INNOVATION CENTRE, CROMPTON WAY,  
NORTHGATE, CRAWLEY  
**PROPOSAL:** RECLADDING OF TWO STOREY OFFICE AREA, INCLUDING PROVISION OF A NEW  
CUSTOMER EXPERIENCE CENTRE AT GROUND FLOOR LEVEL WITH  
ASSOCIATED ALTERATIONS TO FENESTRATION TO SUIT

**TARGET DECISION DATE:** 3 February 2017

**CASE OFFICER:** Mr P. Kulik

**APPLICANTS NAME:** Papergraphics  
**AGENTS NAME:** RDjW Architects Limited

**PLANS & DRAWINGS CONSIDERED:**

4943-007 Location Plan and Block Plan, 4943-001 Building as Existing - Sheet 1, 4943-002 Building as Existing - Sheet 2, 4943-003 Rev D Proposed Floor Plans, 4943-004 Rev A - Proposed Site Plan, 4943-005 Rev C - Proposed Elevations, 4943-006 Rev A Warehouse - South Elevation, 130940/PRO Tree Constraints Plan

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

1.	WSCC – Highways	No objection
2.	Thames Water	No comments received
3.	Police	No objection, subject to informatives
4.	CBC - Planning Arboricultural Officer	No objection
5.	CBC - Environment Team	No comments received
6.	CBC - Contaminated Land	No comments received
7.	Cycle Forum	No comments received
8.	CBC - FP -Energy Efficiency & Sustainability	No comments received
9.	CBC - FP - Retail & Employment	No objection
10.	CBC - FP - Urban Design	No objection
11.	CBC - FP - Manor Royal	No objection
12.	CBC - Env Health (AQMA)	No objection

**NEIGHBOUR NOTIFICATIONS:-**

The application was notified by a press and site notice.

**RESPONSES RECEIVED:-**

None received.

**REASON FOR REPORTING TO COMMITTEE:-**

The application is major development due to the size of the site.

## **THE APPLICATION SITE:-**

- 1.1 The Papergraphics site within the Manor Royal Industrial Estate is occupied by a large industrial unit with car parking and loading area. It is accessed via Crompton Way. The application site itself sits to the south-west corner of the overall Papergraphics site and is 7175sqm of a site of 14,828 sq m (1.48ha) in area. The site is of an irregular trapezoidal shape and is predominantly a combination of hard tarmac surfacing for parking and turning interspersed with grassed areas.
- 1.2 The existing building was built in the 1980s and sits towards the west of the site. Parking and delivery areas are located to the east and south of this structure. It is bounded to the south and east by a dedicated cycle path linking Crawley Avenue with Manor Royal. Further south of the site is Crawley Avenue dual carriageway. The east and south boundaries are screened by mature trees and a hedge and the southern boundary also has over 2m high mesh fencing.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 It is proposed to alter the elevations of the existing two storey office building, and to provide internally a new customer experience centre at the ground floor level with associated alternations to fenestration and cladding. There would be no increase in floorspace. The proposals for recladding the building reflect a design style developed for a new B8 unit which gained permission from the Planning Authority on 13 May 2016, reference CR/2015/0097/FUL, but has not yet been built.
- 2.2 The current building is a Class B8 Warehouse unit with ancillary B1 office space. The proposed exhibition space and training area with a small café bar would be within the existing B1 area. The existing warehouse located to the north does not form part of the proposals.
- 2.3 The proposal would include a revised vehicular access, parking areas, turning areas and marked pedestrian routes within the site.
- 2.4 The proposed building would be finished in composite cladding systems, part in black Alucobond and part in a horizontal grey cladding system with zinc edging panels, full height aluminium glazing and double doors, Brise Solei, black powder coated aluminium double glazed window units, and a green roof.
- 2.5 New soft landscaping through the provision of indigenous tree planting to enhance the screening is also proposed.
- 2.6 The 'tenant' fascia sign shown on the submitted plans are not part of this application would require a separate application for advertisement consent.

## **PLANNING HISTORY:-**

- 3.1 CR/2015/0097/FUL – the proposed erection of single storey warehouse unit (b8) with associated two storey office accommodation granted on 13 May 2016
- 3.2 CR/2011/0309/COU- Change of use and enclosure of turning area permitted on 17 August 2011
- 3.3 CR/2010/0365/FUL- Alterations to existing warehouse & attached office building including re-cladding of walling and gables. Provision of two new office building entrances & a new terrace, doors & windows throughout with associated new elevational features permitted on 11 October 2010
- 3.4 CR/2010/0113/FUL - Permission for the erection of 2.4m high steel security fence & automatic cantilever security gate granted on 7 May 2010



## **PLANNING POLICY:-**

### **National Planning Policy Framework**

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

- Chapter 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.
- Paragraph 14 (Presumption in favour of sustainable development). The National Planning Policy Framework 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

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

- 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 CH2 (Principles of Good Urban Design) states the design principles new development should adhere to. Development proposal should respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets. New development should also create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All Development) states the normal requirement for all new development. New proposals should be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. Proposals must be supported by a future management and maintenance plan for all shared hard and soft landscaping, semi public or semi private areas to ensure these areas become well-established.
- Policy CH6 (Tree Planting and Replacement Standards) states that landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate location. Where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies...The additional and replacement tree planting requirements would normally be expected to be met with the development site.
- Policy CH7 (Structural Landscaping) states areas of soft landscape that make an important contribution to the town and its neighbourhoods, in terms of character and appearance should be protected where appropriate. Development proposals that affect this role should demonstrate the visual impact of proposals and should protect and/or enhance structural landscaping, where appropriate.
- 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.

- Policy EC2 (Economic Growth in Main Employment Areas) states that as a key economic driver in the sub-region, Crawley's main employment areas make a significant contribution to the economy of the town and the wider area. Therefore, Main Employment Areas are identified as a focus for sustainable economic growth, each of which has a different character and function.

Proposals that would involve a net loss of employment floorspace in any Main Employment Area, including Manor Royal, Gatwick Airport and Crawley Town Centre will only be permitted where they are able to demonstrate that:

- The site is no longer suitable, viable or appropriate for employment purposes; and
  - The loss of any floorspace will result in a wider social, environmental or economic benefit to the town; and
  - There is no adverse impact on the economic role or function of the Main Employment Area, and wider economic function of Crawley.
- EC3 (Manor Royal) advises that Manor Royal is the principal business location for Crawley, and instrumental to the success of the wider Gatwick Diamond. Development that fall within the B use Class would be acceptable in principle. However, proposals that are not for B Use Class development will be permitted at Manor Royal if it can be demonstrated that they are of scale and function that enhances the establishment role and business function of Manor Royal and would not undermine the business district. All development should contribute positively through high quality design and landscaping that is in accordance with the Manor Royal Design Guide SPD.

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

- *'When preparing a design for development, applicants and developers should consider:*
  - *Road pattern;*
  - *Layout and orientation of buildings;*
  - *The relationship between public and private realms;*
  - *Blackspots and impasses;*
  - *Lighting; and*
  - *Security and surveillance measures.*

It also includes new Crawley Borough Parking Standards and as such the minimum parking standards for B1 Offices within Zone 3 (Manor Royal) are 1 space per 31sqm.

#### 4.4 Manor Royal Supplementary Planning Document (adopted October 2016)

This includes guidance on ensuring there high quality landscaping around developments to enhance the public realm/environment to the area.

### **PLANNING CONSIDERATIONS:-**

- 5.1 The proposal comprises alterations to an existing B use within Manor Royal. The determining factors in the consideration of this application are therefore:
- The effect of the proposals on the character of the existing buildings and the visual amenities of the area;
  - The impact on the amenities of nearby occupiers;
  - Parking and access provision;
  - Infrastructure contributions;
  - Sustainability.

#### The effect of the proposals on the character of the existing buildings and the visual amenities of the area

- 5.2 The proposed design would be contemporary although it would utilise a variation in material and colour to articulate each of the elevations to reduce the overall mass. The new re-cladded office building will have a Black outline that is extenuated to form an overhang to the main entrance. Black banding will frame the ground floor windows with darkened glass within. The main entrance glazing will be set into black powder coated aluminium framing.

- 5.3 The proposed works would be considered to result in an improvement to the visual appearance of the existing office building. Such approach will follow design features approved under the planning application ref. CR/2015/0097/FUL that permitted the erection of a new office structure to the east.
- 5.4 The existing trees on site would be retained and native tree planting is to be proposed along the southern boundary of the site. It is not however reasonable to require these to be planted as there are no alterations to the car-park and the elevational changes to the building would be acceptable in their own regard.
- 5.5 The site is located within an industrial area and a development of this nature would not be out of character with the site or the wider streetscene. The materials are considered acceptable given the context of the surrounding industrial/commercial streetscene. There would be new trees planted which would reinforce the landscaping along the east and south boundaries. The proposal is therefore considered to have an acceptable impact on visual amenity.

#### The impact on the amenity of nearby properties;

- 5.6 It is not considered that the external changes would be detrimental to the amenity of the nearby properties.
- 5.7 The National Planning Policy Framework highlights the importance of creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life and community cohesion. The applicant confirmed the proposals would promote safety and crime prevention. Good visibility would be provided from all side of the building, as well as new door, windows and the entry gate systems will have secure locking systems.

#### Parking and access provision

- 5.8 Although the parking remains as existing and as approved under planning proposal ref. CR/2015/0097/FUL, the Exhibition and Training Centre would be likely to produce a lower parking demand than the existing office accommodation. It is not considered the proposal would result in an increase in parking demand in the area.
- 5.9 WSCC - Highways Authority were consulted and raised no highway safety or capacity objection to the proposal.

#### Infrastructure contributions

- 5.10 The proposal would not create additional floor space and a Manor Royal contribution is not therefore required.

#### Sustainability

- 5.11 The applicant is keen to improve the building envelope through the proposed recladding works. New high performing windows and doors would replace the existing units. Also, the proposals include the provision of a new lightweight green roof overlying the existing roof construction to reduce the amount of rainwater going into the local sewer system. The applicant aims to archive good energy efficiency and a good air tight construction to create a comfortable environment for the building users and the development would therefore result in an improvement in the energy envelope/sustainability of the building.

#### CONCLUSIONS:-

- 6.1 The proposal is considered to have an acceptable impact on visual amenity. It is not considered to impact upon neighbouring uses and provides for its operational requirements. It is therefore recommended that planning permission be granted.

## **RECOMMENDATION RE: CR/2016/0932/FUL**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building 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.

### INFORMATIVES

1. 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.

The applicant should demonstrate how crime prevention measures have been considered in design and layout of the development. Sussex Police directed the developer to their website at [www.securedbydesign.com](http://www.securedbydesign.com) where within the SPD Commercial Development document 2015 prevention crime prevention measures can be found.

### 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 consultees, the 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

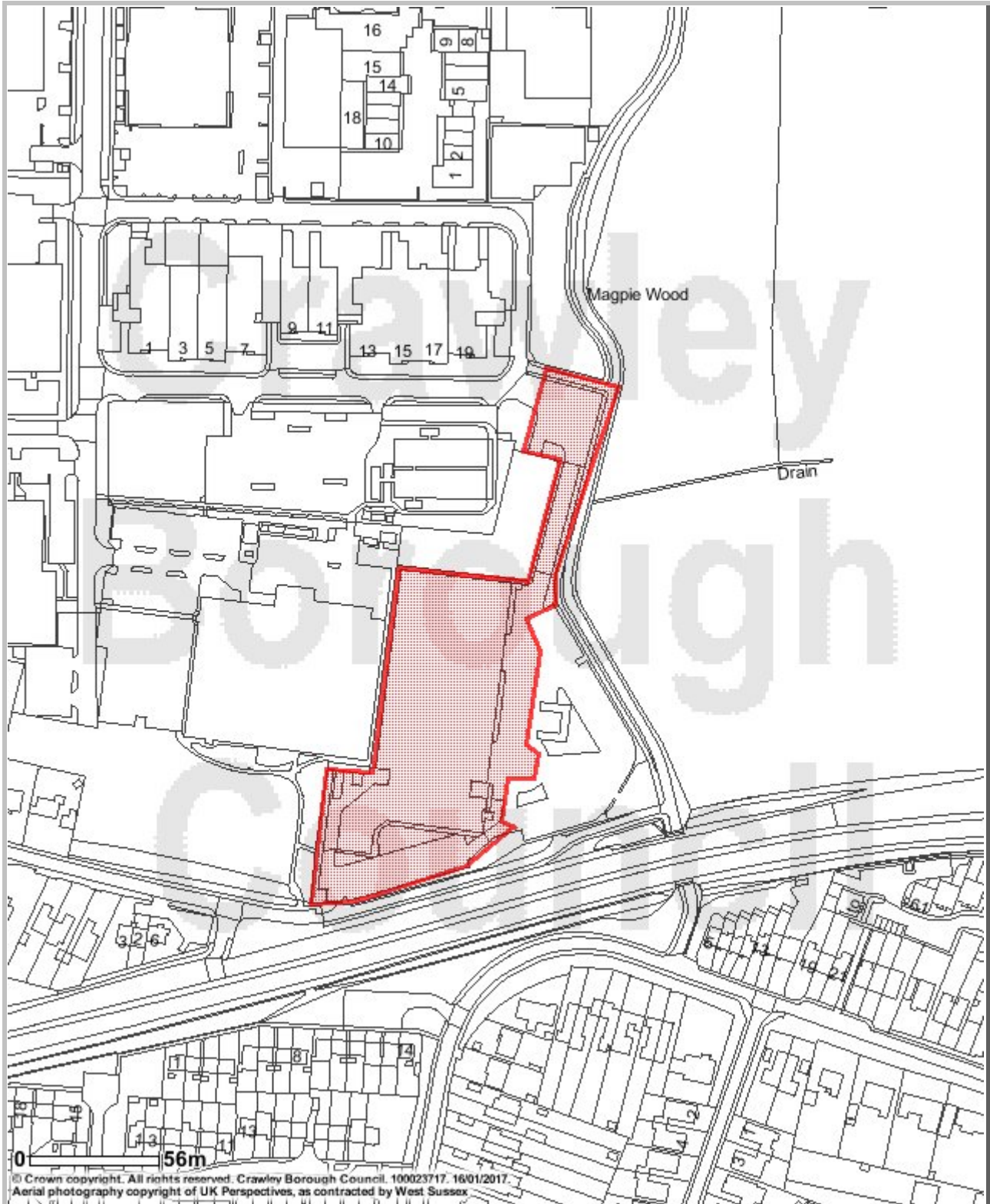
Tel: 01293 438000  
Fax: 01293 438603

**CR/2016/0932/FUL**

Date 16 January 2017

Approx. Scale 1:1,250

PAPERGRAPHICS LTD, DIVA INNOVATION  
CENTRE, CROMPTON WAY, NORTHGATE,  
CRAWLEY



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Crawley Borough Council. 100023717. 16 January 2017

