

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room B**, Town Hall, Crawley, on **Tuesday 21 March 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, P K Lamb, B McCrow, 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

Published 10 March 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.

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

Business - Part A

1. Apologies for Absence

2. Lobbying Declarations

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

3. Members' Disclosures of Interest

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

4. Minutes

To approve as a correct record the minutes of the meeting of the Committee held on 27 February 2017 (**Enclosure A**).

5. Planning Applications

To consider report PES/215 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 16 March 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. Objections to the Crawley Borough Council Tree Preservation Order Land Adjacent To Moka, Station Way, Northgate - 23/2016.

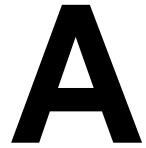
To consider report PES/233 of the Head of Economic and Environmental Services. (**Enclosure C**).

7. Supplemental Agenda

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

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

Crawley Borough Council



Minutes of Planning Committee 27 February 2017 at 7.30pm

Present:

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

Officers Present:

Kevin Carr	Legal Services Manager
Mez Matthews	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)
Clem Smith	Head of Economic and Environmental Services
Hamish Walke	Principal Planning Officer

Apology for Absence:

Councillor S J Joyce

58. Lobbying Declarations

The following lobbying declarations were made by Members:

Councillor I T Irvine had been lobbied regarding application CR/2016/1030/FUL.

Councillor P C Smith had been lobbied regarding application CR/2017/0015/CON.

59. Members' Disclosure of Interests

The following disclosures of interests were made by Members:

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor C Portal Castro	Minute 61	CR/2016/1030/FUL 7 Titmus Drive, Tilgate, Crawley	Predetermination as he had been in discussion with the Applicant and would be speaking on their behalf as Ward Member. Councillor Portal Castro left the meeting once he had

addressed the
Committee and took no
part in the discussion or
voting on the item.

60. Minutes

The minutes of the meeting of the Committee held on [30 January 2017](#) were approved as a correct record and signed by the Chair.

61. Planning Applications List

The Committee considered report [PES/214](#) 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/214](#) of the Head of Economic and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

Item 001

CR/2016/0662/FUL

Car Park, 11-13 The Boulevard, Northgate, Crawley.

Demolition of existing car park and the erection of a part 3 storey, part 6 storey and part 9 storey building to provide a total of 91 flats with associated parking (amended plans received).

Councillors B J Burgess, B McCrow, M Pickett, P C Smith and M A Stone declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application and provided the following updates to the report:

- West Sussex County Council had advised that it would cost within the region of £15,000-£20,000 to set up a car club in the Town Centre.
- The District Valuer had stated that it would not be viable to provide affordable housing on-site, but £200,000 had been secured towards affordable housing off site. As a result, the recommendation detailed in the report would need to be amended to reflect the contribution towards affordable housing.
- Some of the drawings relating to the application had been updated. The Decision Notice would reflect the updated drawing numbers.
- The reasons for Conditions 18 and 19 should be amended to make reference to Policy ENV10 of the Crawley Borough Local Plan 2015-2030.

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

The Committee then considered the application. Particular reference was made to car parking and sustainable transport, provision of a car club, amenity space, recreational facilities, proximity of the ground floor flats to the adjacent footpath, projection of the building line, potential impact on the Alms Houses, failure to address Town Centre

SPD requirements, material finish and the effect on the streetscene. In response to queries and concerns raised, the Principal Planning Officer advised that:

- Although the proposal provided little open space, most flats would have balconies or patios and a contribution of £10,978 would be sought towards open space which would be spent on enhancing the Memorial Gardens play area.
- The report included a condition which required details of the proposed boundary treatment along the adjacent footpath to be submitted to and approved by the Council. It was envisaged that the proximity of the development to the footpath would enhance security along the footpath.
- The application before the Committee did not include basement car parking. The Committee was required to take a decision on the application before it.
- Potential purchasers of the flats would be aware of the limited parking when buying a property. A car club could be successful in reducing car ownership.
- Although the Urban Design Officer had raised concern that the building projected forward of the building line and did not meet some of the Town Centre SPD requirements, he was satisfied with the design and officers were of the opinion that the benefits of the scheme outweighed the harm caused. The proposed development met the vast majority of the key planning and design principles for land north of The Boulevard which were set out in the Town Centre SPD.
- West Sussex County Council had responsibility for Traffic Regulation Orders and the Borough Council's Parking Team allocates permits.

A Member of the Committee stated that the development was outside the nearest resident's parking zone.

Permitted subject to the conclusion of a Section 106 agreement to secure affordable housing, infrastructure contributions and provisions and the conditions and informatives set out in report [PES/214](#).

Item 002

CR/2016/0919/RG3

114 & 128 Woodfield Road, Northgate, Crawley.

Installation of insulated render to the external walls of the properties.

Councillors 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 conditions set out in report [PES/214](#).

Item 003

CR/2016/0948/FUL

5 Forge Lane, Three Bridges, Crawley.

Erection of single storey rear extension.

Councillor J Tarrant declared she had visited the site.

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

The Committee then considered the application.

Permitted subject to conditions set out in report [PES/214](#).

Item 004

CR/2016/1016/FUL

Milton Mount Hall, Milton Mount Avenue, Pound Hill, Crawley.

Erection of 19no 250mm wide metal ducts housing new gas supply pipes to all existing flats. Risers to have 125mm horizontal spur ducts.

Councillors 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 conditions set out in report [PES/214](#).

Item 005

CR/2016/1030/FUL

7 Titmus Drive, Tilgate, Crawley.

Retrospective application for a front porch with flat roof and replacement lounge window.

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

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

Councillor Portal Castro addressed the Committee from the public gallery and spoke as Ward Member on behalf of the Applicant. Councillor Portal Castro stated that the Applicant had hired a contractor to carry out the work and who had assured them that they would deal with the necessary legalities. The Applicant had therefore relied upon the contractor to carry out the necessary checks and complete the relevant procedures, and was unaware and embarrassed that appropriate steps had not been taken. Demolition of the extension and its re-build would cause the Applicant financial hardship. Councillor Portal Castro thanked the Planning Officers for the assistance they had provided him with regard to the matter. Following Councillor Portal Castro's address, he withdrew from the meeting and took no part in the discussion or voting on the item.

The Committee then considered the application. Although the Committee was sympathetic to the fact that the Applicant had built the extension in good faith, it was of the opinion that the extension protruded excessively from the established front building line and was contrary to Council Policy. The Committee was of the view that it was necessary to uphold planning policy.

Refused for the reason set out in report [PES/214](#).

Item 006
CR/2016/1032/RG3

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

Erection of portacabin for toilet facilities at new cemetery site (approved under CR/2015/0524/RG3).

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

The Committee then considered the application. The Group Manager (Development Management) provided the following clarification in response to Committee comments:

- The portacabin would include all the facilities which would be provided by the permanent structure.
- The portacabin would include disabled access.
- Should the temporary structure not be replaced by a permanent facility within five years, the material condition of the structure would be reviewed before any further temporary permission was considered.

Permitted for a temporary period of 5 years subject to conditions set out in report [PES/214](#).

Item 007
CR/2017/0015/CON

Northgate Primary School, Green Lane, Northgate, Crawley.

Consultation from West Sussex County Council (WSSCC/001/17/CR) for the addition of a single storey and a two storey extension to allow increase in pupil numbers from 2 forms of entry to 3 and associated works including increase in hard play area and reconfiguration of car park.

The Group Manager (Development Management) advised the Committee that the application had been withdrawn by the applicant.

Withdrawn.

62. Exclusion of the Public
RESOLVED

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

63. Land to the East of Crawley College, Three Bridges, Crawley, West Sussex (ENF/2015/0216)
(Exempt Paragraph 5)

The Committee considered report PES/231 of the Head of Economic and Environmental Services.

Councillor J Tarrant declared she had visited the site.

RESOLVED

That the Planning Committee note the action of the Council in seeking permission of the High Court to challenge the decision of the Planning Inspector.

64. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.55pm.

I T IRVINE
Chair

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 21 March 2017
REPORT NO: PES/215



<u>ITEM</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>RECOMMENDATION</u>
001	CR/2016/0600/FUL	WOODLAND AT KEEPERS, TILGATE DRIVE, TILGATE, CRAWLEY	PERMIT
002	CR/2016/1020/FUL	2 - 3 GATWICK ROAD, NORTHGATE, CRAWLEY	PERMIT
003	CR/2017/0033/RG3	LAVANT CLOSE, GOSSOPS GREEN, CRAWLEY	PERMIT
004	CR/2017/0035/RG3	SCALLOWS CLOSE, THREE BRIDGES, CRAWLEY	PERMIT

REFERENCE NO: CR/2016/0600/FUL

LOCATION: [WOODLAND AT KEEPERS, TILGATE DRIVE, TILGATE, CRAWLEY](#)
PROPOSAL: APPLICATION FOR PERMANENT PERMISSION PREVIOUSLY PERMITTED ON A TEMPORARY BASIS UNDER CR/2015/0041/FUL FOR CHANGE OF USE TO CLAY PIGEON SHOOTING AREA AND ERECTION OF SHED

TARGET DECISION DATE: 23 September 2016

CASE OFFICER: Mr M. Robinson

APPLICANTS NAME: Mr C Turney & Mr G Tickner
AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

CBC 0001 Location Plan, CBC 0002 Shed Elevations & Floorplan, CBC 0003 Indicative Shooting Position Drawing

CONSULTEE NOTIFICATIONS & RESPONSES:-

1.	WSCC - Highways	No objection
2.	Natural England	No objection
3.	Police	No objection
4.	CBC - Planning Arboricultural Officer	No objection
5.	CBC - Environmental Health	No objection
6.	Ecology Officer - Mike Bird	No comments received

NEIGHBOUR NOTIFICATIONS:-

There are no neighbours and the proposal has therefore been advertised by site notices erected around the site and by an advert in the local press.

RESPONSES RECEIVED:-

Representations have been received from 3 three addresses in Tilgate objecting to the proposals on the following grounds:

- Excessive gunshot noise particularly at weekends.
- Inappropriate use in close proximity to a residential area and Tilgate Park particularly the Memorial Garden currently under construction.
- Public safety concerns over the fall of shot onto paths/land outside the site.

REASON FOR REPORTING TO COMMITTEE:-

This is a major application comprising an area of greater than 1 hectare.

THE APPLICATION SITE:-

- 1.1 Located to the south of Tilgate Park and north-west of the M23, within an area of woodland, the site is a rough trapezoid in shape. It is at its highest point in the south west corner dropping away to the north east corner. It is 292m in length along its western boundary, approximately 160m in width and

203m in length along its eastern boundary. The site itself is heavily wooded and there are a number of stands erected towards the northern boundary to allow shooting in a south/south easterly direction. There is a small outbuilding for storage of equipment towards the southern boundary of the site.

- 1.2 There is Ancient Woodland to the north of this area and other woodland to the east, south and west. To the west of the woodland 175m away its closest boundary is the Tilgate Forest Business Centre. Tilgate Park is 250m to the south, with the Nature Centre 380m away at its closest point. The closest dwelling to the south is Garden Cottage within Tilgate Park 635m away. To the east the closest houses within Broadfield are 390m away with the intervening A23 Brighton Road in between. Old Stone Cottage Farm is 235m away. To the south-west in Mid-Sussex, Hardriding Cottages is approximately 450m away on the southern side of the M23.
- 1.3 Access is via a private path from Forest Gate to the west, linking onto the A23 Brighton Road dual carriage way. There are a number of paths in the area popular with dog walkers although none of these are public rights of way and the surrounding land is privately owned.

THE PROPOSED DEVELOPMENT:-

- 2.1 This planning application seeks a permanent change of use of the land for clay pigeon shooting. The site was granted a temporary 1 year permission for clay pigeon shooting use in 2015, and this application seeks to make this use permanent.

PLANNING HISTORY:-

- 3.1 In 2015 temporary planning permission was granted to allow the site to be used for clay pigeon shooting. This was limited to a year to ensure the impacts could be assessed, as using firearms can be both very noisy and disruptive to the surrounding area and could result in significant damage to the trees/ecology of the area.
- 3.2 The use was therefore restricted to Thursdays 1000-1600 and alternate Sundays 1000-1400, with no more than 12 persons at any one time. Shooting is also restricted to be only towards the south-east away from the closest residential properties in accordance with the directions shown on the plans.

PLANNING POLICY:-

National Planning Policy Framework 2012

- 4.1 Para 117 – 119 recommends that if development causes significant harm that cannot be mitigated or compensated for the planning permission should be refused.

Crawley Borough Local Plan 2015-2030

- 4.2 CH3 sets out criteria for all development to achieve, including consideration of its visual impact and ensuring it relates sympathetically to its surroundings, ensuring neighbour amenity is protected (including from traffic), and ensuring operational requirements such as parking and turning are acceptable.
- 4.3 CH9 deals with development outside the built-up area and seeks to ensure that Crawley's compact nature and attractive setting is maintained. Development should therefore: be grouped to minimise visual impact; avoid the loss of important views; reflect local character and distinctiveness; minimise the impact of lighting; ensure development is not visually prominent; does not generate unacceptable levels of noise, or traffic, and does not introduce a use which is not compatible with the countryside. This site is within the Tilgate/Worth Forest and Fringes where development should conserve the high landscape value and potential for improved green infrastructure links to other areas.

- 4.4 Policy ENV1 Green Infrastructure seeks to preserve and enhance Crawley's multi-functional Green infrastructure network.
- 4.5 Policy ENV2 requires all development to incorporate features to encourage biodiversity where appropriate. Proposals that would result in significant harm to biodiversity will be refused unless they can be relocated or mitigated/compensated for. It also requires habitat and species reports to be submitted with applications for sites including SNCI's.
- 4.6 Policy ENV11 seeks to protect quality of life from unacceptable noise impacts. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses will not be exposed to an impact that will affect amenity.

PLANNING CONSIDERATIONS:-

- 5.1 The site is located outside the built up area boundary, and as clay pigeon shooting is a rural activity it is in principle considered that the use could be acceptable subject to the following considerations:-
- The impact on nearby occupiers and the users of nearby buildings and facilities;
 - The impact the rural character of the area;
 - Traffic and parking
 - The operational requirements of the site including public safety;
 - The impact upon trees and the woodland;
 - The impact on ecology;

The impact on nearby occupiers and the users of nearby buildings and facilities;

- 5.2 Clay pigeon shooting generates noise through the discharge of shotguns, and consideration is therefore given to the impact upon nearby residential properties, nearby businesses and upon those wishing to enjoy quiet informal recreation within nearby Tilgate Park and the surrounding woodland.
- 5.3 Development plan policies restrict noise generating developments that would harm amenity. The closest residential property is Old Stone Cottage Farm approximately 235m to the west, with the houses in Broadfield being 400m away across the intervening A23 Brighton Road. To the north the closest dwelling would be at The Cottage and Garden Cottage some 660m away within . To the south Hard Riding Cottages would be 370 from the boundary with the site with the M23 intervening. The southern boundary to Tilgate Park is located approximately 230m to the north with the Nature Centre 350m to the northeast and the area for the Guide Camp approx. 400m to the north. Three objections have been received from residents within Tilgate to the use for clay pigeon shooting, primarily on the basis of the adverse impact from noise.
- 5.4 The Council's Environmental Health officer considered the 2015 application including the layout for the shooting positions that are situated to the north of the site and would be directed southwards. He commented that *"They are closer to both Old Stone Cottage Farm and Tilgate Park but as gun shots are highly directional they should be less audible at both locations. They are also not directed towards properties in Broadfield so levels should also be acceptable to residents in that location. In all of these locations the gunshots may be perceptible but should not cause annoyance."*
- 5.5 He also commented that as it is very difficult to calculate the predicted noise levels from gunshots, the use for clay pigeon shooting should be restricted to every other Sunday, and on Thursdays and that the permission be temporary for one year. Times for shooting were also to be limited 1000-1400 on Sundays and from 1000-1600 on Thursday. However, it is considered that more flexibility could be given to the users, providing there is no more shooting overall during the week and therefore it is recommended that shooting could be allowed on any one midweek day between Tuesday and Friday, rather than just restricting it to Thursdays.

- 5.6 No objections have been made by the Environmental Health department regarding the current application on the basis that they have not received any objections to its operation and provided the current conditions controlling the use are retained. Further comments confirm that there have been no direct complaints concerning the shoot and that even though there have been a number of visits having been made to Tilgate to listen to gunshots, as no shooting has been going on, on Thursdays the use must be infrequent.
- 5.7 Whilst there is an impact from the activity proposed, it is considered that given the limited number of members that attend, the layout requiring shooting towards the south-east, the restrictions of the days of operation and the hours that, on balance, these controls prevent demonstrable harm to users of the adjacent park, nearby residential properties and nearby businesses. The proposal is therefore considered to be acceptable in this regard in relation to policies CH3 and ENV11 of the Local Plan

The impact the rural character of the area:

- 5.8 The site has hut to store equipment that is 5m long by 6m wide and a maximum height of 2.5m. It is finished in Forest Green and situated within the area that was previously the garden for the house that was once on site. It is screened from outside of the site by trees and is considered to be a relatively modest structure that does not harm the visual amenities of this woodland.
- 5.9 The other elements of the proposal comprise the stands for the shooters to fire from. Each stand has been constructed out of timber and includes shields to restrict the arcs of fire. In terms of design they are modest structures made of natural woodland materials and are not conspicuous within the area. They are fairly temporary in nature and are not considered to be harmful to the rural woodland character of this area. A number of metal boxes have been placed around the site finished in dark green. They appear to be temporary moveable structures that would not require permission and their impact on the character of the woodland is not considered to be harmful.
- 5.10 Clay pigeon shooting is a pastime generally undertaken in rural locations, and it is considered that the restriction on the hours of operation and the limited number of attendees limits the impact from the activity on the general character of this area. It is therefore considered that the impact in this regard would be acceptable in regard to policies CH3 and CH9 of the Local Plan

Traffic and parking

- 5.11 Vehicular access to the site is from the A23 through a small business estate onto a muddy unmade track through the woods only accessible by 4x4 vehicles. The closest parking to the site is within the privately owned car-park for the Tilgate Forest Business Centre approximately 600m along the un-made track to the north-east. The level of activity associated with up to 12 persons shooting at any one time is considered to be limited. The site has no recognised hardstanding areas for parking/turning vehicles although the site can clearly park 4x4s near the access gate and hut towards the southern 1/3rd of the site. West Sussex County Council as the Highway Authority have no objection to the proposals on the basis of the number of visitors/users of the site. It is not therefore considered that the permanent use of the site for the low intensity clay pigeon shooting as proposed would have an adverse impact on parking or highway safety in the area. The proposal would therefore be acceptable in this regard in relation to policy CH3 of the Local Plan.

The operational requirements of the site including public safety:

- 5.12 There are limited operational requirements associated with the site due to the low numbers of users. The site has been laid out to ensure that gunshot does not leave the boundaries with all of the stands shooting from close to the north boundary towards the middle/south of the site. The site is still subject to extensive tree cover, and this provides a further screening around the site that absorbs some gunshot.

- 5.13 The applicant has stated that a No. 8 shot size would be used, which according to the Clay Pigeon Shooting Association would be for a medium distance sporting use at targets 30m away. It also sets out that No.8 shot will usually have a range of 180-190m but that account must be made for the possibility of different conditions. The recommended exclusion zone therefore should be 275m particularly if using the larger no.6 shot. Whilst it would appear from the submitted plans that not all the stands would achieve an exclusion zone of 275m (the shortest stand in the north east corner of the site being approximately 190m from the southern boundary), the use of the smaller shot size, position of stands and surrounding woodland prevents shot falling outside the site. It should also be noted that the applicant has not implemented the stands in the north east corner of the site, most likely due to the extensive woodland in this area and the topography of the site resulting in a rising incline to the south and south-west, and even if they were implemented it appears unlikely there would be a fall of shot outside the site due to the extensive cover provided by the woodland.
- 5.14 On the basis of the details of the operation of the site provided by the applicant it is considered that it can operate safely, without risk to those outside the site and any issues relating to the misuse of firearms would ultimately be a matter of either the Police or the Health and Safety Executive.
- 5.15 Sussex Police have also been consulted on this application and as with their initial comments applying to the original temporary permission they confirm that they have no objection from a crime prevention perspective.
- 5.16 It is therefore considered that the use can meet its own operational needs safely on site and on this basis the proposal would comply with policy CH3 in this regard.

The impact upon trees and the woodland:

- 5.17 The site was previously the garden to the former house Keepers Cottage, and much of the site historically was not covered in trees. Much of what has grown up is therefore relatively immature pioneer species such as Silver Birch and does not have significant ecological or visual amenity. Some of the trees have been cleared to facilitate shooting, but the vast majority of the site is still wooded including most of the larger trees.
- 5.18 It is also clear from the site visit that the shooting that was going on, appeared to have little residual impact on the retained trees around the stands. The Council's Arboricultural Officer has considered the impact of the proposals on the trees and has no objection.
- 5.19 It is therefore considered that the woodland setting of the site has been retained by the current users and the impact on trees is therefore acceptable in relation to policy CH9 of the Local Plan.

The impact on ecology:

- 5.20 Overall the relatively low intensity of use associated the current clay pigeon shooting activity, together with the general absence of operational development on site has not had a harmful detrimental impact on the ecology of the site. The impact would therefore be acceptable in this regard in relation to policy ENV2 of the Local Plan.

CONCLUSIONS:-

- 6.1 The development has resulted in the creation of a noise generating use at this location, however the limited extent of the times of shooting and the small number of shooters, together with the layout of the site has not resulted in significant harm to nearby residential amenities or the users of facilities close by.
- 6.2 Operationally the use is being accommodated in the site safely, and the development comprising the stands and storage shed do not harm the rural wooded character of the area. The impact upon trees is considered to be acceptable. The impact on bio-diversity is considered low and the level of activity does not appear to have a significant impact in this regard. Unlike the recommendation for the

application from 2015 this is not on-balance recommendation as the impacts from the development, on noise grounds and biodiversity appear to be acceptable. It is therefore recommended that planning permission only be granted subject to the following conditions to control the activities on site.

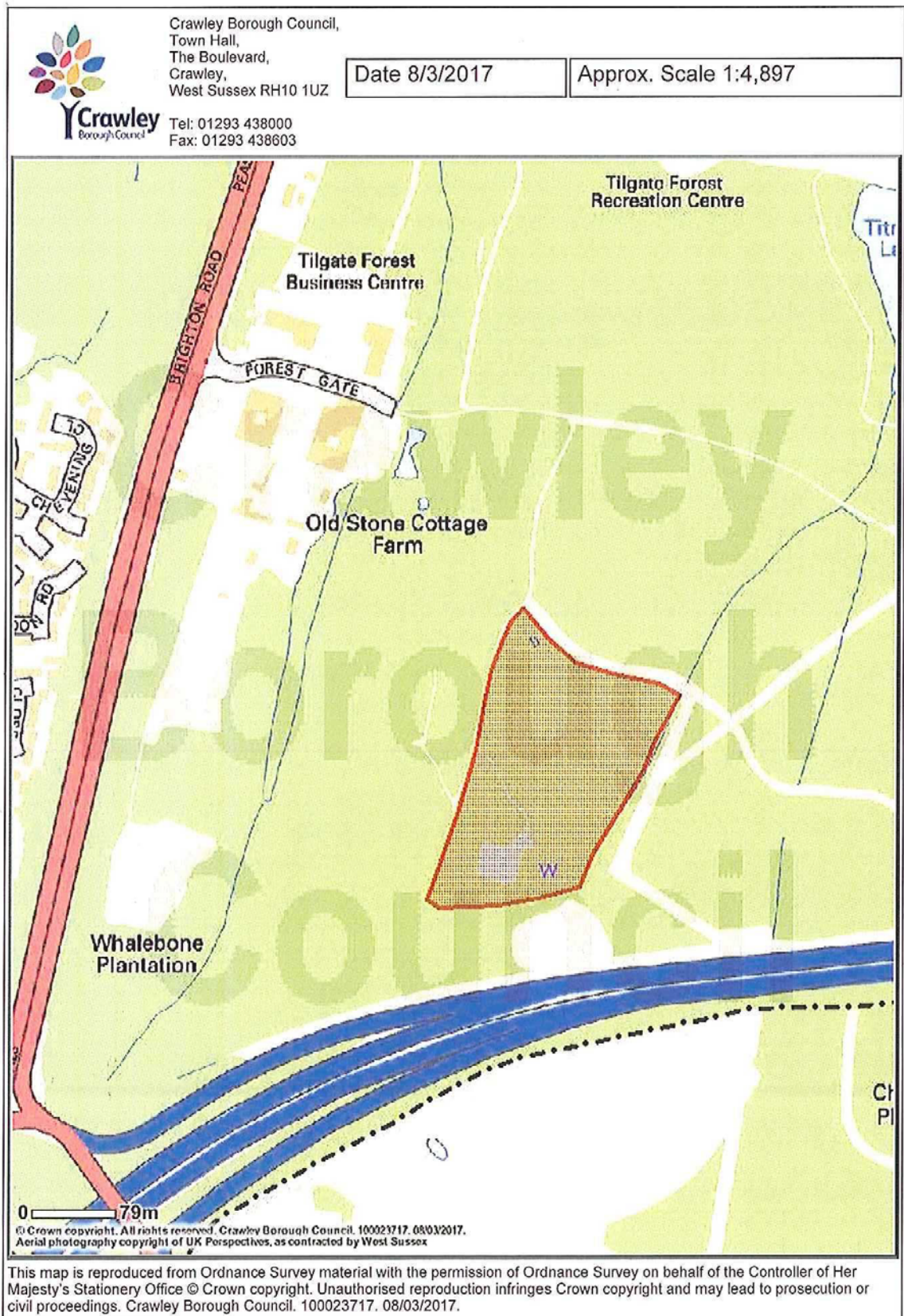
RECOMMENDATION RE: CR/2016/0600/FUL

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. Shooting shall only take place aiming towards the south from stands at the north end of the site as shown on the drawing received 24th Jun 2016 showing the stands, and the Design and Access Statement received on 24th June 2016.
REASON: To ensure the amenities of nearby residents and the users of nearby facilities are protected in accordance with policies CH3, CH9 and ENV11 of the Crawley Borough Local Plan 2015-2030.
3. The site shall only be used as a private clay pigeon shoot by up to 12 persons at any one time. There shall be no commercial shooting undertaken at the site.
REASON: To ensure the level of activity at the site does not harm the amenities of nearby occupiers and the users of nearby facilities, or the rural character of the area in accordance with policies CH3, ENV11 and CH9 of the Crawley Borough Local Plan 2015-2030.
4. This permission shall enure for the benefit of Mr Clive Turney and Mr Graham Tickner only and shall not enure for the benefit of the land.
REASON: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.
5. The site shall only be used for clay pigeon shooting between the hours of 1000-1600 on any one day in any individual week between Tuesday and Friday and 1000 - 1400 on alternate Sundays. There shall be no shooting at any other times, including bank holidays and public holidays.
REASON: To safeguard the amenities of neighbouring properties and the users of nearby facilities in accordance with policy ENV11 of the Crawley Borough Local Plan 2015-2030.

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.



REFERENCE NO: CR/2016/1020/FUL

LOCATION: [2 - 3 GATWICK ROAD, NORTHGATE, CRAWLEY](#)
PROPOSAL: ERECTION OF ONE B1 OPERATIONS BUILDING AND ONE B1/D1 TRAINING & OFFICE BUILDING, BOTH WITH ANCILLARY USES AND ASSOCIATED LANDSCAPING AND CAR PARKING

TARGET DECISION DATE: 15 March 2017

CASE OFFICER: Mrs J. McPherson

APPLICANTS NAME: Surrey County Council

AGENTS NAME: Vail Williams LLP

PLANS & DRAWINGS CONSIDERED:

16.045.A(00) 01 Rev A Site Location Plan, 16.045.A(00) 02 Rev A Site Survey, 16.045.A(00) 07 Rev B Proposed Street Scenes, 16.045.A(00) 10 Rev C Training Facility Ground Floor Plan, 16.045.A(00) 11 Rev D Training Facility First Floor Plan, 16.045.A(00) 12 Rev C Training Facility Second Floor Plan, 16.045.A(00) 13 Rev C Training Facility Roof Plan, 16.045.A(00) 14 Rev C Training Facility Elevations - Sheet 1 (North & South), 16.045.A(00) 15 Rev C Training Facility Elevations - Sheet 2 (East & West), 16.045.A(00) 16 Rev C Training Facility Sections - Sheet 1, 16.045.A(00) 17 Rev C Training Facility Sections - Sheet 2, 16.045.A(00) 18 Rev C Operations Building Ground Floor Plan, 16.045.A(00) 19 Rev C Operations Building First Floor Plan, 16.045.A(00) 20 Rev C Operations Building Second Floor Plan, 16.045.A(00) 21 Rev B Operations Building Roof Plan, 16.045.A(00) 22 Rev C Operations Building Elevations - Sheet 1 (North & South), 16.045.A(00) 23 Rev C Operations Building Elevations - Sheet 2 (East & West), 16.045.A(00) 24 Rev C Operations Building Sections - Sheet 1, 16.045.A(00) 25 Rev C Operations Building Sections - Sheet 2, 16.045.A(00) 30 Rev A Bin Store Plan & Elevations, 16.045.A(00) 31 Rev A Cycle Store Plan & Elevations, 16.045.A(00) 32 Rev A Sub-Station Plan & Elevations, 16.045.A(00) 05 Rev B Proposed Site Plan, 16.045.A(00) 06 Rev C Proposed Site Levels, 16.045.A(00) 08 Rev D Proposed Boundary Sections

CONSULTEE NOTIFICATIONS & RESPONSES:-

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|-----|---------------------------------------|--|
| 1. | GAL - Aerodrome Safeguarding | Requested any bird boxes placed on site are for smaller species only. No objection subject to conditions and informatives. |
| 2. | Environment Agency | No objection subject to conditions. |
| 3. | WSCC - Highways | No objection subject to conditions, informatives and conclusion of S106 to secure junction improvements. |
| 4. | National Air Traffic Services (NATS) | No objection. |
| 5. | Thames Water | No comment received. |
| 6. | Police | Design Advice provided fencing, lighting and other security measures. |
| 7. | CBC - Drainage Officer | No objection subject to conditions |
| 8. | CBC - Planning Arboricultural Officer | No objection. |
| 9. | UK Power Networks | No objection. |
| 10. | CBC - Contaminated Land | No objection – recommendations in submitted report are accepted. |
| 11. | CBC - Environmental Health | No objection subject to condition and informative. |
| 12. | Cycle Forum | Detailed comments provided on design, siting and location of |

- | | | |
|-----|-------------------------------------|--|
| | | the cycle shelters proposed on the site and suggestions for enhanced usability and security. Detailed comments made on existing cycle access to Gatwick Road and Manor Royal and the potential for further improvements. |
| 13. | Southern Water | No objection subject to informative. |
| 14. | CBC - FP - Urban Design | No objection but suggested applicants explored opportunity or a green or living wall north-east retaining wall along site boundary. |
| 15. | Ecology Officer | No objection |
| 16. | WSCC - Surface Water Drainage (SWD) | |
| 17. | Gatwick Diamond Grow Group | No response |

NEIGHBOUR NOTIFICATIONS:-

The application was publicised by press notice and site notices.

RESPONSES RECEIVED:-

None.

REASON FOR REPORTING TO COMMITTEE:-

The application is 'major' development.

THE APPLICATION SITE:-

- 1.1 The application site is a broadly rectangular 2.18 hectare parcel of brownfield land located on the northern side of Gatwick Road. The application site is the western portion of a larger site formerly occupied by Thales, the former building having been cleared and the site subject to redevelopment. To the northeast of the site is a newly constructed 4 storey office building, to the north industrial units in the Sussex Manor Business Park, to the west Crawters Park which includes the watercourse Crawters Brook which flows south to north and to the south is Gatwick Road.
- 1.2 The site has vehicular access via 2 points onto Gatwick Road. The site itself is cleared and appears as uneven derelict ground (rubble) and a portion of the site has been recently used a construction compound for the new office building to the northeast. The site appears relatively level although the land slopes gently away to the west towards the watercourse and north towards the industrial estate from its highest point adjacent to Gatwick Road.
- 1.3 The (south)western edge of the site is bounded by a retaining wall and fence, beyond the boundary is woodland and the land falls toward Crawters Brook Park which is identified in the Local Plan as Structural Landscaping. The southernmost corner of the site at the location of existing access is just on the northern boundary the Air Quality Management Area which affects Hazelwick roundabout a further 430m to the south.

THE PROPOSED DEVELOPMENT:-

- 2.1 The development proposes the construction of 2 new buildings and associated parking and landscaping on the site with access taken off Gatwick Road.
- 2.2 Building 1 referred to as the 'Training Facility' would be located on the southern portion of the site fronting onto Gatwick Road. Located centrally within the plot the building would be 3 storeys high and provide a gross internal floorspace of 6,932 sq m. The building would be the main flight training facility for the applicants L3 with a central area of the building laid out as office accommodation and the 8 training flight simulators aligned along the east and west elevations of the building (4 on each side). The building would be a modern design incorporating fully glazed facades on the north and south elevations with the main entrance in the south elevation.

- 2.3 Building 2 referred to as the 'Operations Building' would be located on the northern portion of the site aligned parallel with the Training Facility and is proposed to house L3's operational and assembly departments. The building would also be 3 storeys in scale and would have a gross internal floorspace of 7,898 sq m. The building is designed to complement architecturally the Training Building.
- 2.4 Access to the buildings is proposed through a single point of access onto Gatwick Road in the southwest corner of the site with the main route into the site extending along the western boundary allowing circulation around all elevations of the Operations Building and rear access to the Training building. Car parking would be laid out to the southwest of the Training building, along the eastern and western boundaries and in an area between the buildings. A total of 286 spaces are provided including 25 disabled spaces. Provision has also been made within the layout for refuse storage and servicing for the buildings and cycle parking spaces.
- 2.5 The development proposes an area of substantial landscaping to the front (south) of the site along Gatwick Road with more limited landscaping proposed to the other site boundaries.
- 2.6 The application was accompanied by the following supporting documents:
- Design and Access Statement
 - Planning Statement
 - Economic Statement
 - External Plant Noise Criteria Report
 - Bird Management Plan
 - Sustainability Statement
 - BREEAM Design Pre - Assessments
 - Ecological and Biodiversity Appraisal
 - Geoenvironmental Report
 - Transport Assessment
 - Travel Plan
 - Flood Risk Assessment /Surface/Foul Water drainage strategy
 - Construction Management Plan
 - Arboricultural Assessment

PLANNING HISTORY:-

- 3.1 In 2014 a hybrid planning application (CR/2014/0764/OUT) was submitted for redevelopment of the wider Thales site. The application was permitted in February 2015. The permitted application proposed the subdivision of the larger Thales site into 3 land parcels:
- Parcel 1 – received outline planning permission for 2 x B1(A) office buildings. The indicative designs suggested these 2 buildings would be 4 storey in scale and would provide around 14,000 sq m of office space with provision for around 375 parking spaces. Access would be from Gatwick Road. This land parcel is the subject of the current full planning application.
 - Parcel 2 – granted full planning permission for 1 x 4 storey building with emergency operating centre and headquarters (sui generis) on two floors with B1(A) offices above (with associated parking and access). This building is now nearing completion and has its own access from Gatwick Road.
 - Parcel 3 – granted outline permission for 3 buildings (one A3 restaurant, one A1 retail and one mixed A3/A5 café/takeaway use) with provision for around 55 parking spaces and access from Gatwick Road. This parcel is not currently being progressed.
- In addition, the application sought full planning permission for a landscaped area along Gatwick Road (to meet the requirements of the Manor Royal SPD) which would provide planting along the full extent of the application site facing onto Gatwick Road in order to improve the public realm, this took the form of a landscaped /tree planted bund.

- 3.2 A Screening Opinion was submitted for the development in December 2016 (reference CR/2016/3005/EIA). The development is not considered to require an Environmental Impact Assessment.

PLANNING POLICY:-

National Planning Policy Framework

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

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

- 4.5 Policy SD1 states that in line with the planned approach to Crawley new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the council will take a positive approach to approving development which is sustainable.
- 4.6 Policy CH2 sets out the principles of good urban design. Development proposals will be required to assist in the creation, retention or enhancement of successful places in Crawley. Amongst other things development will be required to: "create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas" and provide information to demonstrate how the policy principles are achieved through the development.
- 4.7 Policy CH3 requires all proposals to be based on a thorough understanding of the significance and distinctiveness of the site in its immediate and wider context, be of high quality in terms of urban, landscape and architectural design and relates sympathetically to their surroundings, retain a good standard of amenity for future occupants and not cause harm to the amenity of the surrounding area, demonstrate how 'Secure by Design' principles have been incorporated, meet requirements for the safe and proper use of the site in particular with regard to access, circulation, manoeuvring, loading etc. and to comply with all relevant Supplementary Planning Guidance (such as the Manor Royal SPD).
- 4.8 Policy CH6 deals with tree planting and replacement standards and refers to the Manor Royal SPD for the relevant tree planting standards in Manor Royal.
- 4.9 Policy CH7 'Structural Landscaping' seeks to protect areas of soft landscape that make an important contribution to the town and its neighbourhoods. Development proposals that affect this role should

demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping, where appropriate.

- 4.10 Policy EC1 states that Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced. The policy seeks to build and protect the established role of Manor Royal as the key business location (for B Use Classes) and encourage main employment areas as the focus for sustainable economic growth.
- 4.11 Policy EC2 identifies Manor Royal as a main employment area and states proposals for employment generating development will be supported where they contribute to the specific characteristics of the main employment area.
- 4.12 Policy EC3 deals specifically with Manor Royal and states that development compatible with the area's economic function and role will be permitted if it falls within a B Use Class and would result in the reuse, intensification or change of use of the land or buildings. Proposals that are not for B Use Class development will be permitted if it can be demonstrated that are of a scale and function that enhances the established role and function of Manor Royal and would not undermine the business district. All development should contribute positively to the overall setting and environment of the Main Employment area as a business district through high quality design and landscaping in accordance with the Manor Royal SPD (MRSPD).
- 4.13 Policy ENV1 states that Crawley's multi-functional green infrastructure network will be conserved and enhanced through a number of measures including maximising opportunities to maintain and extend infrastructure links and requiring large proposals to provide new and or create links to green infrastructure where possible. Proposals which reduce, block or harm the functions of green infrastructure will need to be adequately justified or mitigated.
- 4.14 ENV2 requires all development proposals to incorporate features to encourage biodiversity where appropriate.
- 4.15 ENV6 states proposals for new non-domestic buildings should achieve BREEAM Excellent (for energy and water credits) where technically and financially viable. All development should consider how it can achieve sustainability objectives such as reducing the need to consume energy, utilisation of renewable and low carbon energy technologies, minimising carbon emissions and considering the establishment of district energy networks.
- 4.16 ENV7 identifies Manor Royal as a priority area for the delivery of a District Energy Network and requires any major development to demonstrate they have considered this technology though a)- considering developing its own system, or b) – consider how it may include site-wide communal energy systems or be 'network ready' to connect to a future system.
- 4.17 ENV8 advises development proposals must avoid areas which are exposed to unacceptable flood risk and must not increase the risk of flooding elsewhere.
- 4.18 ENV9 identifies Crawley as an area of serious water stress and requires non-residential development where technically feasible and viable to meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits.
- 4.19 ENV10 seeks to prevent unacceptable risks from environmental pollution and land contamination. Uses must not lead to a significant increase in levels of pollution or hazards and any impacts must be appropriately mitigated and must be located to avoid unacceptable disturbance or nuisance to the amenities of adjoining land uses and occupiers.
- 4.20 ENV11 seeks to protect people's quality of life from unacceptable noise impacts and manage the relationship between noise sensitive development and noise sources. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses will not be exposed to noise impact that would adversely affect the amenity of existing and future users.

- 4.21 Policy ENV12 – Air Quality states that development proposals that do not result in a material negative impact on air quality will normally be permitted.
- 4.22 Policy IN1 deals with infrastructure provision and states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- 4.23 Policy IN2 requires all development to be designed to be connected to high quality communications infrastructure to ensure fibre optic or other cabling does not need to be retrofitted.
- 4.24 Policy IN3 advises that development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network.
- 4.25 Policy IN4 states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle standards.

Supplementary Planning Documents

Manor Royal SPD July 2013

- 4.26 This document aims to support economic growth in Manor Royal, providing guidance to ensure new development makes a significant contribution to the uplift of the area and secures delivery of high quality development which supports the key business function. It requires all development to demonstrate the following:
- New buildings to be of high quality design and urban design
 - Proposals seek to provide active frontages to routes
 - Materials and finishes of good quality and support the principles of identity and sustainability
 - Proposals to achieve a high level of security
 - Surface Water drainage considered
 - Water efficiency measures considered
 - The development must positively contribute to the landscape and identity of Manor Royal.
- 4.27 The document emphasises the importance of landscaping as a key consideration in creating a sense of place for Manor Royal and improving the quality of the public realm. A key approach to this is through achieving robust and consistent frontages along Manor Royal to improve the quality of the environment. It requires parking and servicing to be adequate to meet the needs of the development and to consider landscaping and seek to reduce monotonous surfacing of parking areas. Boundary treatments must be appropriate in scale and context, landscaping to reduce the visual impact of fences and barriers is encouraged.
- 4.28 Gatwick Road is identified as a primary road within Manor Royal and the application site forms part of the 'Central Section (Fleming Way to Manor Royal)'. Gatwick Road in this location is around 12-15m in width with no highway verges and is considered visually dominant and detrimental to the street scene, furthermore the quality of the public realm is poor. To mitigate this impact the SPD requires the *'creation of a higher quality streetscene, the minimum depth of on-site frontage planting requirement on the western side of Gatwick Road is for 10m of planting along the entire primary route. The planting scheme should include a row of large-scale trees at 15m spacing.'*
- 4.29 The site is also identified as being within area D2 – 'Thales Gatwick Road' and specific guidance for the area requires that any development proposals should be of high quality design with high quality spaces and open spaces to meet the needs of employees. The development must also contribute towards creating a step change in the appearance of the area and a positive sense of place. Development should provide active frontages and robust landscaping along Gatwick Road and particular attention should be paid to the southwest corner of the site with is visible from the Manor

Royal roundabout and forms a gateway corner to the site. With regard to Crawters Brook to the west, the SPD identifies the potential to create improvements and linkages into Crawters Brook, requires redevelopment proposals to enhance the area by increasing natural surveillance over the brook and through the creation of active frontages and demonstrate how they will deliver a significant net gain in biodiversity. Any proposals must not impact upon the ecology or the quality of the watercourse and must work towards the its improvement.

Urban Design SPD – October 2016

- 4.30 This document provides further advice on the principles of good urban design highlighting in particular the importance of massing and materials, the public realm, street design and parking, and, sustainable design.
- 4.31 In respect of non-residential development para 3.62 states:
“The layout of non-residential development is particularly important to their success. This should address the street and the public realm in a considerate manner and not turn their back on the existing streetscape and layout of the town. The appropriate scale and massing of the development will depend on the location and existing urban fabric. Active frontages are particularly important to the vitality of the streetscape and the success of commercial and retail uses and should be incorporated within the design from the start”.
- 4.32 For industrial and commercial development consideration should be made of appropriate materials, colours and massing to improve the architectural language (as buildings are often designed functionally with little architectural merit). Greater consideration of the layout of the buildings to the street is encouraged along with opportunities to improve the urban environment and use of landscaping.
- 4.33 Annex 1 contains the Borough’s indicative minimum parking standards. For B1 offices the requirements are:
- Car parking – 1 space per 31 sq m
 - Disabled parking 1 space or 5% total provision
 - Cycle parking – 1 space per 150 sq m for staff and 1 space per 500 sq m for visitors
 - Motorcycle parking – 1 space per 10 parking spaces
- There are no minimum standards for Class D1 uses, these are assessed on a case by case basis.

Planning and Climate Change SPD

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

Developer Contributions Guidance Note (published July 2016)

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

PLANNING CONSIDERATIONS:-

- 5.1 In many respects this current proposal has a number of similarities to the hybrid application for which outline approval has been permitted for this land parcel in 2015. However, this application is sufficiently different that it cannot be submitted as ‘Reserved Matters’ and a new planning permission is required. This application is therefore a full application for planning permission and needs to be considered on its own merits, while the extant permission is a material consideration and its provisions in particular in relation to the Section 106 infrastructure for the wider site need to be apportioned to the new development.
- 5.2 The planning considerations for this application are the:

- Principle of the proposed uses
- Design of the development
- Impact on street scene and neighbouring properties
- Impact on Crawters Brook
- Operational considerations (including highway impacts)
- S106 / Infrastructure considerations

Principle of the proposed uses

- 5.3 The site is previously developed land in the heart of Manor Royal and policies EC1 and EC3 seek to promote such areas for employment (Use Class B) development. Policy EC3 does however, allow for non-B Use Class development where it can be demonstrated that they are of a scale and function that enhances the role and business function of Manor Royal and would not undermine the business district.
- 5.4 This application proposes 2 substantial buildings one use class B1 (operations building) and a mixed B1/D1 use (training facility). The applicant produces flight simulators and requires both buildings. The production of the simulators would take place in the rear building. The training building would provide both pilot training in the simulators but also serve as the company HQ and therefore has subsidiary element of office accommodation within it. The proposed training building (B1/D1 use) is therefore considered to meet the requirements of policy EC3 and the use on the site would enhance the role and business function of Manor Royal.

Design of the development

- 5.5 The site layout, use of each building and floor areas are set out in section 2 of the report. Both buildings have been designed with similar materials and aesthetic treatments to reinforce the applicants brand. The southern training building has its entrance centrally located in the southern elevation fronting Gatwick Road and is considered to create a lively and visually interesting frontage to the street. The central section of this building has been increased in height to increase its visual presence alongside the neighbouring office building which is set on higher ground and is a floor taller. The design of the training building also incorporates fully glazed east and west elevations allowing views into the building of the training simulators and therefore creating a visually interesting building.
- 5.6 To the rear of the site, the operations building would appear of similar scale and massing to the training building. The elevations are all visually interesting and the west elevation (combined with its internal floor plans) has addressed the requirement in the MRSPD for natural surveillance over Crawters Brook though the positioning of windows and offices on the upper floors.
- 5.7 For both buildings consideration has been given to the siting of roof plant which has been integrated into the building design by way of a 3m high enclosure on both roofs and would be an integral element of the design. The applicants have provided BREEAM design stage pre-assessments for both buildings which show (building 'very good'). The assessment shows the applicants are working towards BREEAM 'Excellent' for energy and water credits in line with policy ENV6 which seeks this standard where it is technically and financially viable.
- 5.8 Overall, the development is considered to be a high quality design which has carefully considered the integration of sustainability requirements within the building and is an attractive form and layout. It is considered to comply with policies CH2, CH3, ENV6, EN7, ENV9 in the Local Plan.

Impact on street scene and neighbouring properties

- 5.9 It is considered that the applicants have carefully considered the site context and surroundings in determining their design and have orientated both buildings to sit on an axis similar to the newly completed office development on parcel 2 to the north east. There are also some similarities in the architectural language of this development and the adjacent building and the development is

considered to respect the emerging street scene pattern established by the orientation of the neighbouring office. This was envisaged in the masterplan for the site which showed indicative buildings on the application site in a similar footprint and orientation to that proposed. Furthermore, the buildings are set back from the Gatwick Road frontage to achieve the landscaped buffer sought in the MRSPD and established in the earlier outline permission.

- 5.10 In respect of levels, the building would be set slightly lower than Gatwick Road and the office building to the east. To the northern boundary of the site, the proposed building and its car park would be set higher than the surrounding land behind with a retaining wall (proposed up to 2.25m high) along part of the northern elevation with the ground level made up to 1.65m higher to create a level development platform across the site for the buildings. Plans have been provided to show the site levels along the boundaries.
- 5.11 The northern boundary with the industrial unit to the north is marked by a wire fence and this property has its service yard adjacent to the site boundary with its main building 12m beyond this. The retaining wall structure would be 15m distant from the industrial unit at its closest point and the operations building would be 28m away. It is not considered there would be any adverse impact from this development on the amenities of users of the commercial premises to the north as there are no windows in the elevations of these buildings although there would be some overshadowing to the service yard. Additional landscaping is proposed between the retaining wall and the site boundary.

Impact on Crawters Brook

- 5.12 A retaining wall is also proposed along the western boundary to Crawters Brook set between 0.6m to 5.5m away from the current site boundary, this is in addition to an existing lower retaining wall which is generally aligned along the boundary of the application site. The new wall along this section would be circa 2m in height to raise the ground level by around 1.4m to achieve the level development platform. The intervening land between the wall and existing site boundary is proposed to be landscaped. It is not considered that the site levels would have a negative impact on the character of Crawters Brook or nearby footpaths (the impact on trees is discussed later in this report).
- 5.13 There are a few trees within the western boundary of the site, however a tree survey has been carried out that included the trees in Crawters Brook where the roots extend into the application site. The report suggests that no damage would result as a result of construction subject to tree protection measures being in place however, there are no details of the new retaining wall and its impact has been omitted from the report as this is a later design amendment to the application. It is therefore considered appropriate to condition the submission of this additional information to ensure the works have no negative impact on the trees along the Crawters Brook site boundary. Further details of the proposed landscaping, fencing and boundary treatment including any lighting if required along this boundary the wider site are also proposed to be controlled via condition.
- 5.14 The site is previously developed land. A Geo-environmental report and Flood Risk assessment has been provided by the applicants. The relevant consultees have considered this information and raised no objection to the development subject to conditions including provision of a detailed drainage strategy and measures to safeguard against any contamination on the site or pollution of the groundwater into the adjoining Crawters Brook.

Operational Considerations

- 5.15 A single point of access onto Gatwick Road is proposed to serve the development, and within the site the development would be laid out with 286 parking spaces. Based on the total floor area within the building the parking standard based on the B1 requirements is significantly short on spaces however, in this case the applicants have set out further information on their specific business model, number of employees and nature of the training facility. While the training building is of significant scale, the capacity for training is a maximum of 32 people (trainers and trainees) at any one time. An allowance has been made of 64 parking spaces for the use at cross-over time and a further 31 spaces for other staff in the office. The operations building proposes 192 spaces and includes assembly hall and

storage uses alongside offices. The applicants state that around 256 people would be employed on site and based on this information, it is considered the parking is adequate to meet the operational needs of the use. Furthermore, a detailed Travel Plan is proposed to be secured via condition to encourage the use of sustainable modes of travel to be submitted within 3 months of first occupation once detailed staff numbers for the site are known, to encourage sustainable travel patterns.

- 5.16 WSCC Highways have considered the Transport Assessment and concluded that while there is around 2,700 sq m of extra floorspace on this site parcel compared to the B1 development granted in outline, it is considered that the information provided by applicant given their specific business use demonstrates that the traffic generation from the proposed development would be broadly similar to the outline permission and would not result in a material increase compared to that development. WSCC Highways advice is that improvements would be required to the Fleming Way / Gatwick Road roundabout prior to occupation of the development which must be secured via a S106 agreement. This is the junction improvement that was identified as necessary to facilitate the delivery of parcel 1 on the outline application.
- 5.17 The proposed site access has been re-designed from the outline application to accommodate occasional low loader movements. WSCC comment that in general, traffic will be required to turn left in / left out, although the low loaders will need to turn right out (using a Banksman) to avoid the Fleming Way / Gatwick Road roundabout. The Stage 1 Road Safety Audit has been carried out and the access is acceptable however, provision would need to be made for safe pedestrian/cycle crossing of this widened access.
- 5.18 Cycle provision is provided for employees within the site layout and the comments of the cycle forum in relation to the location of the shelters are noted. Both the training building and the operations building in their layout have a second entrance for staff directly opposite the cycle shelters and therefore the location of the facilities is considered logical. The detailed points raised by the cycle forum about the shelter design, lighting, CCTV and site access control are matters for the applicants and the advice is proposed to be highlighted by means of an informative.
- 5.19 The cycle forum also raise detailed comments about the problems with Gatwick Road and lack of connectivity of the cycle routes in general within Manor Royal. This is noted and is being considered as part of wider strategic project. It is not for this development to mitigate the wider problems of the employment area and the highway improvements identified though the redevelopment of this site were established with the grant of the hybrid application in 2015. Further detail is set out later in this report.

Other

- 5.20 The Environmental Health Division have considered the submitted noise report and recommended a condition to achieve the target noise levels from any plant installed. An informative is also recommended on hours of working during construction works to remind contractors of the amenities of nearby residential properties in Tinsley Lane to the east of the site.
- 5.21 The south western part of the site is just within an Air Quality Management Area (AQMA) and the requirements of policy ENV12 are relevant. The Environmental Health Division have however confirmed that as there would only be a small incursion of the boundary into the AQMA and that the development is commercial in nature, there would be no negative impacts from this proposal.
- 5.22 The implementation of the development would need to accord with a Construction Management Plan to be secured by condition and this would cover matters such as site set up, traffic movements and measures to reduce any environmental pollution from the site such as noise and dust.

Section 106 / Infrastructure requirements

- 5.23 The Manor Royal Contribution seeks a contribution of £2 per square metres of gross floorspace, amounting to a contribution of £31,028. The money is proposed to be used towards either the Gateway 1 project or for improving the links and forming the access into the recently improved

Crawters Brook Park. For this site, this land the access to Crawters Brook has been safeguarded by the applicants as part of the proposed layout and through proposed condition 25. An appropriate mechanism for the delivery of the access or securing payment requires further discussion and would be negotiated as part of any S106 Agreement

- 5.24 In respect of Highway works, as part of the hybrid application permitted in 2015 the S106 Agreement required the delivery of off-site junction improvements on a phased basis for each parcel to Manor Royal/ Gatwick Road roundabout – Parcel 2
- Fleming Way / Gatwick Road roundabout – Parcel 1
 - Beehive / Gatwick Road junction – Parcel 3
- 5.25 WSCC have confirmed that the works for the application site remain unchanged and a S106 Agreement is required to ensure improvements to the Fleming Way / Gatwick Road roundabout. This is accepted by the applicants.
- 5.26 Since the original S106 agreement for the hybrid application was signed in 2015, further Local Growth Fund opportunities and redevelopment opportunities have arisen which may affect Gatwick Road. This includes a large scale redevelopment proposal for Northwood Park (opposite the site and yet to be considered by the Committee) and the implementation of highway works in connection with Forge Wood at locations such as Hazelwick roundabout, which are likely this autumn. The timing and delivery of the highway improvements has therefore become more complex as various highway improvement options are still under discussion and there is a need for any works to be appropriately planned. Discussions are taking place between the various parties and the applicants to understand these requirements, set appropriate triggers for delivery and ensure where practical that there is flexibility to accommodate emerging design alterations. Such provisions would be incorporated into the S106 Agreement.

CONCLUSIONS:-

- 6.1 The application proposal is for an employment use within the heart of the Manor Royal Business Area and is considered compatible and acceptable in this location in line with the employment policies of the Local Plan. The proposed design and layout is considered high quality and has addressed the requirements of the Manor Royal SPD. The design has considered its surroundings and neighbours as well as addressing the sustainability objectives in the Local Plan.
- 6.2 While there are environmental considerations in terms of potential on site contamination, site drainage and impacts on the adjacent Crawters Brook, the evidence provided suggests all these matters can be appropriately addressed through additional information provided via conditions.
- 6.3 The layout and parking /cycle provision is considered to meet the operational needs of the proposed occupier and the level of development is not considered to have an adverse impact on the wider area subject to appropriate mitigation via highway improvements secured via a S106 Agreement.
- 6.4 It is therefore recommended that planning permission is granted subject to the conclusion of a S106 Agreement.

RECOMMENDATION RE: CR/2016/1020/FUL

PERMIT – Subject to the conclusion of a S106 Agreement and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter. The approved plans consist of:
(Drawing list to be added XXX)
REASON: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the commencement of development, detailed plans and particulars of the proposed finished land levels and building floor levels across the whole site and in relation to adjoining land levels shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved levels.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy CH3 of the Crawley Borough Plan 2015-2030.
- 4 Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The development shall be implemented in accordance with the agreed details.
REASON: To ensure the development is adequately drained and to prevent the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
- 5 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing by, the Local Planning Authority. The SUDs scheme shall subsequently be maintained and managed in accordance with the approved details.
REASON: To ensure the long-term maintenance and management of the drainage system, to prevent the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority in consultation with the Environment Agency.
REASON: There is always the potential for unexpected contamination to be identified during development ground works. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.
- 7 No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, (which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters). The development shall be carried out in accordance with the approved details.
REASON: Infiltrating water has the potential to cause remobilisation of contaminants present in the shallow soil/made ground which could ultimately cause pollution of groundwater.
- 8 Piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
REASON: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. The Environment Agency will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 9 No development shall take place until a long-term monitoring and maintenance plan in respect of groundwater contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term monitoring requirements and targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
REASON: for the protection of Controlled Waters. National Planning Policy Framework paragraph 109 states that the planning systems should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put a unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 10 With the exception of foundation and ground works, development shall not commence unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 11 No doors and windows shall be installed until precise details showing the door and window profiles for the buildings (including a 1:20 section of the glazing details) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.
REASON: To control the development in detail and to ensure a high-quality development in accordance with policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030
- 12 The Bird Management Plan dated 6th December 2016 shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.
REASON: It is necessary to manage the roofs in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Gatwick Airport through the attractiveness of birds.
- 13 The measured or calculated noise rating level (when assessed using BS4142:2014) for the combined effect of all the air-handling units associated with the proposed use, shall not exceed 37dB (LAeq1hr) one metre from the façade of any noise sensitive premises between the hours of 07.00 and 23.00 and shall not exceed 28dB (LAeq15mins) between the hours of 23:00 and 07:00.
After installation, a survey, involving the measurement and calculation of noise emissions shall be undertaken not less than 3 months after occupation. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within 1 month of the survey completion.
REASON: In order to control the development in the interests of amenity in accordance with policy ENV11 of the Crawley Borough Local Plan 2015-2030.
- 14 No building shall be brought into use until a post construction report for that building has been submitted to and have been agreed in writing by the Local Planning Authority verifying that the development of that unit has sought to achieve the minimum Energy and Water standards for BREEAM 'Excellent'.
REASON: In the interests of sustainable design and construction in accordance with Local Plan Policies ENV6 and ENV9.

- 15 The development shall be implemented incorporating the duct work and its routing shown on drawing 16.045.A(00)_ - Proposed Site Plan to enable the development to be connected to a District Energy Network.
REASON: In the interests of climate change mitigation and to enable the development to be connected to any future District Energy network in accordance with Local Plan Policy ENV7.
- 16 The buildings hereby permitted shall not be occupied unless and until the access hereby approved onto Gatwick Road has been designed, laid out and constructed in accordance with full details that have been submitted to the Local Planning Authority for approval and agreed in writing.
REASON: To ensure the operational requirements of the site are met and in the interests of highway safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 17 The buildings hereby permitted shall not be occupied unless and until the parking spaces on the site have been designed, laid out and constructed in accordance with drawing number 16.045.A(00)_05 Rev B and thereafter retained for such use.
REASON: To ensure the operational requirements of the site are met and in the interests of highway safety and adequate on-site parking is met in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 18 Prior to first occupation of the second building to be completed on the site, the all accesses to the site other than that hereby approved shall be closed and obliterated in accordance with details to be submitted to and approved in in writing by the Local Planning Authority. The details shall include full details of the bund and landscaping to integrate with the landscaping to the east of the site. Any trees or plants which within a period of 10 years from the completion of the works, dies are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of the same size and species. The works shall be implemented in accordance with the agreed details.
REASON: To ensure the operational requirements of the site are met and in the interests of highway safety and to ensure comprehensive development of the structural landscaping along Gatwick Road in accordance with the Manor Royal SPD and policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 19 Within 3 months of first occupation a Travel Plan shall have been submitted to and been approved in writing by the Local Planning Authority. The Travel Plan once approved shall be fully implemented and thereafter maintained and operated as specified in the approved document.
REASON: To encourage sustainable transport modes in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030.
- 20 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily restricted to the following matters:
(i) Location of site offices
(ii) Location of plant and material storage
(iii) Location of loading/unloading and turning area for delivery vehicles
(iv) Location of staff and operative parking
(v) Location of wheel washing equipment
(vi) Location of any hoardings
(vii) Measures for management of dust from the site during any demolition and construction activities.
REASON: To minimise any impact on highway users and amenities of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 21 Prior to the occupation of each building the secure cycle parking provision as shown on the site layout drawing 16.045.A (00) _5 Rev B which serves that building and as designed on drawing 16.045.A (00)_31 Rev A shall be constructed and made available for employees. The cycle parking shall thereafter be retained in accordance with the approved details.

REASON: In order to ensure the operational requirements of the development are met in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

- 22 Prior to the occupation of each building the bin store as shown on the site layout drawing 16.045.A (00)_5 Rev B which serves that building and as designed on drawing 16.045.A (00)_30 Rev A shall be constructed and available for building occupiers, such provision shall thereafter be retained in accordance with the approved details.

REASON: In order to ensure the operational requirements of the development are met in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

- 23 Prior to the commencement of development details (including footings and method of construction for the new retaining wall adjacent to Crawters Brook, along with details of the Tree Protection measures for those trees adjacent to the western site boundary shall be submitted to and agreed in writing by the Local Planning Authority. These measures including any protective fencing shall remain in place for the duration of the site construction works.

REASON: To safeguard adjoining trees and habitat in the interests of ecology and the visual amenities of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

- 24 No building shall be occupied until a landscaping scheme has been submitted to, and been approved in writing by the Local Planning Authority in consultation with Gatwick Safeguarding. The landscaping scheme shall include the following:

1. Details of all soft planting (species, numbers of specimens, plant size, spacing, medium for planting and method of implementation);
2. Details of paving /surfacing;
3. Details of all fencing (and method of installation);
4. Details of the retaining wall structures and landscaping thereof;
5. Details of any external lighting (to accord with the recommendations in the submitted Ecological and Biodiversity appraisal);
6. Details of any other street furniture or fixtures within the site (excluding the secure cycle provision, refuse provision and substations);
7. Details of the enhancement opportunities provided within the layout to address the requirements in 5.5.3 in the submitted Ecological and Biodiversity appraisal;
8. Details of any hard and soft landscaping proposed in the area safeguarded for the Crawters Brook access.

The scheme shall be implemented in accordance with the agreed details and the soft landscaping shall be carried out in the first planting and seeding season, following the first occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests Gatwick Safeguarding and the amenity and of the environment of the development in accordance with policy CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.

- 25 No building shall not be occupied until a landscape management plan which covers a period of no less than 15 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include a programme for implementation, long term design objectives, long term management responsibility and maintenance schedules for all landscaped areas. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity of the area in accordance with policy CH3 of the Crawley Borough Local Plan and the Manor Royal SPD.

- 26 The potential future access onto Crawters Brook as shown on drawing 16.045.A(00)_05 Rev B shall be retained for this purpose unless otherwise agreed in writing by the Local Planning Authority.

REASON: To allow for further improvements to Crawters Brook in accordance with the Manor Royal SPD.

INFORMATIVES

- 1 A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, S)21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 2 Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirements of the British Standard Code of Practice of the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4 'Cranes and Other Construction Issues' available at www.aoa.org.uk/policy-campaigns/operations-safety/
- 3 Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the hours that noisy works are permitted. **(N.B. noisy works would include any noise that is distinct and discernible at the nearest residential premises.)**
The permitted hours for noisy construction work in the Borough of Crawley are as follows:
0800 to 1800 Monday to Friday and
0800 to 1300 on Saturday.
With no noisy construction works taking place on Sundays, bank holidays, public holidays, Christmas day, Boxing day or New Years' day.
The developer shall at all times employ best practical means to minimise noise disturbance to nearby residents. All construction work practises shall comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'. Any exemptions to the above hours must be agreed with The Environmental Health Team in advance.
The applicant must make all contractors and subcontractors aware of these times.
- 4 The applicants will be required to enter into a S278/38 agreement for the construction of the new access onto Gatwick Road.
- 5 The applicants attention is drawn to the comments of Crawley Cycle Forum in particular in respect of the suggested modifications to the cycle shelter design and the suggested additional facilities and fittings which could be incorporated within the final design and layout which may encourage cycling as an alternative means of travel for future employees and visitors.

NPPF STATEMENT

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

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- Liaising with members/consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking 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. NPPF Statement.



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

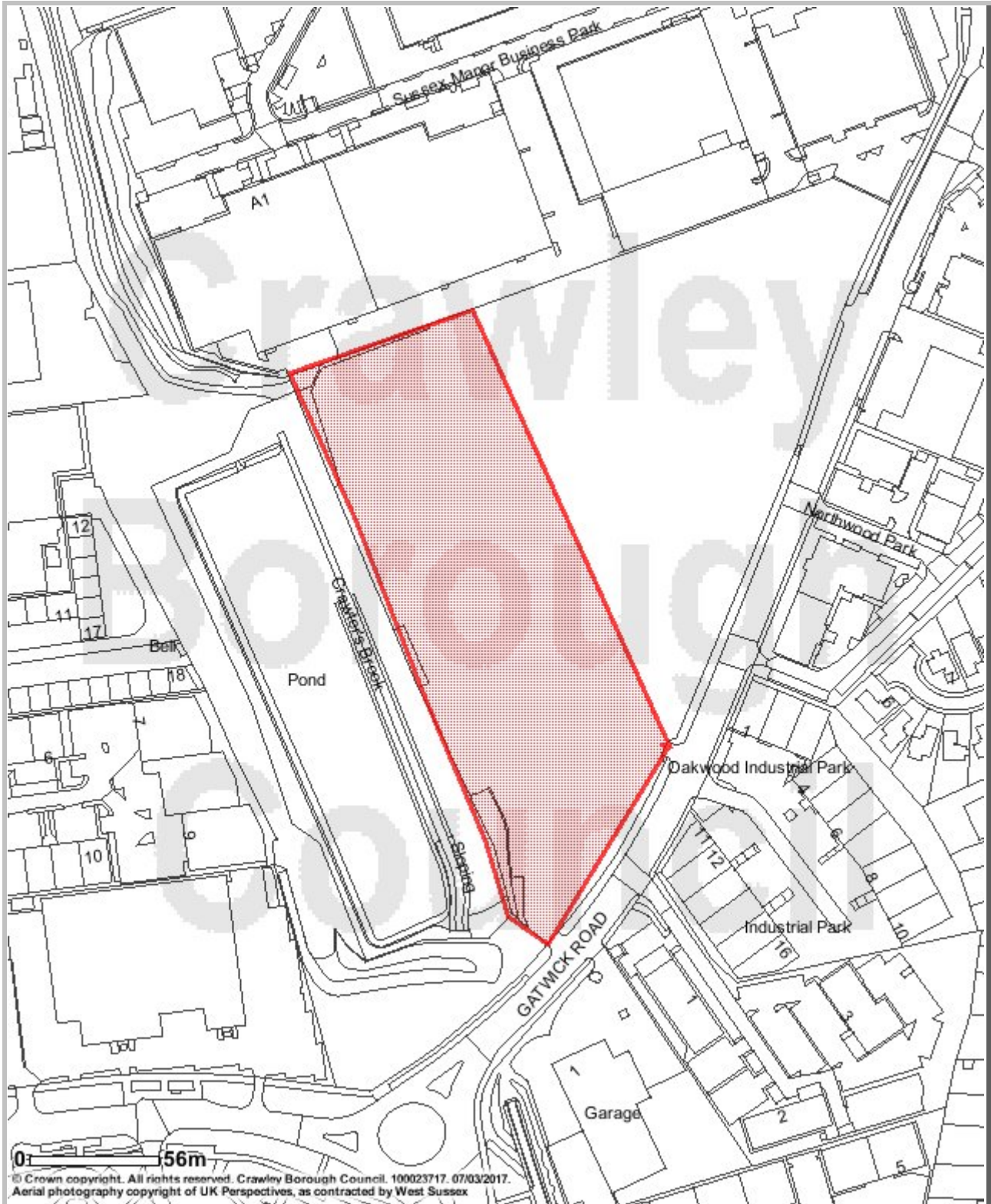
Tel: 01293 438000
Fax: 01293 438603

CR/2016/1020/FUL

Date 7 February 2017

Approx. Scale 1:1,250

2 - 3 GATWICK ROAD, NORTHGATE, CRAWLEY



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REFERENCE NO: CR/2017/0033/RG3

LOCATION: [LAVANT CLOSE, GOSSOPS GREEN, CRAWLEY](#)
PROPOSAL: CHANGE OF USE OF FROM SOFT LANDSCAPING/FOOTPATH TO A PUBLIC CARRIAGEWAY TO FORM ADDITIONAL PARKING SPACES (AMENDED PLANS)

TARGET DECISION DATE: 22 March 2017

CASE OFFICER: Ms K. Ingram

APPLICANTS NAME: Crawley Borough Council
AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

PL01-A01 Site and land ownership plan, PL02-A01 Existing Layout, PL03-A02 Proposed Layout, SRD/300/01-A01 Standard Details for Boodscape Bollard Installation, PL04-A03 - Construction Proposal

CONSULTEE NOTIFICATIONS & RESPONSES:-

1.	WSCC - Highways	Comments received - reconsulted
2.	CBC - Property Division	No objection
3.	CBC - Planning Arboricultural Officer	No objection
4.	CBC - Crawley Homes	No comments received
5.	WSCC Planning	See WSCC Highways for comments
6.	CBC - Refuse & Recycling Team	No objection
7.	CBC - FP - Urban Design	Comments received

NEIGHBOUR NOTIFICATIONS:-

Nos 1 – 40 Lavant Close, Gossops Green;
Nos 19, 15, 17 & 18 Cobnor Close, Gossops Green.

RESPONSES RECEIVED:-

Three representations were received from local residents all supporting the application, commenting that it will stop people from blocking in vehicles. The following suggestions were made:

- Create another 8/10 parking spaces on the amenity area allowing enough space for children to continue using it for outdoor play
- Allocate one space to each dwelling

REASON FOR REPORTING TO COMMITTEE:-

Crawley Borough Council is the applicant.

THE APPLICATION SITE:-

- 1.1 Lavant Close is a residential cul-de-sac located off Medway Road to the west. A mixture of parallel and head on parking is available in 5 different laybys surrounding the Close and against the amenity area, which are block paved. Lavant Close has been landscaped including square planter beds in

between laybys and there is a feature gateway brick wall at the entrance to the Close. There is a square of public green space to the south of the Close, which has 5 mature deciduous trees close to the carriageway, but this is not a part of the application site.

- 1.2 The application site comprises the footpaths and laybys surrounding the turning head, owned by WSCC (Highways) and two small squares of land to the north and south of the entrance of Lavant Close, owned by WSCC (Highways) and Crawley Borough Council, respectively.

THE PROPOSED DEVELOPMENT:-

- 2.1 Planning permission is sought to extend on street parking capacity in the Close from 32 to 37 spaces resulting in a net gain of 5 parking spaces. The improvements would include the following:
- Extend north layby from no. 1-5 Lavant close to provide 2 additional parking spaces
 - Extend southern parking area adjacent to amenity area to south to provide 1 additional parking space
 - Widen the carriageway in the turning head to the north, west and east to improve parking and access and provide 1 additional space to the south of no.6
 - Remove one parking bay to the east of the turning head to allow for enlarged planting layout in the south eastern corner of the Close
 - Change footway outside nos. 5-10 Lavant Close from flag pavers to asphalt.
 - The works will include the provision of 4 replacement disabled parking bays.

PLANNING HISTORY:-

- 3.1 The area has been identified by the Borough Council for environmental and highway improvements. Consultation was undertaken with stakeholders to identify issues and opportunities and with the residents and stakeholders to obtain feedback on draft proposals. The current proposals have come forward following these consultations and survey work.

PLANNING POLICY:-

The National Planning Policy Framework (2012):

- 4.1 The relevant sections of the NPPF are as follows:
- Section 4: Promoting sustainable transport
 - Section 7: Requiring good design.

Crawley Borough Local Plan 2015-2030 (2015)

- 4.2 Policy CH2 (Principles of Good Urban Design) requires proposals to respond to and reinforce locally distinctive patterns of development and landscape character, create continuous frontages onto streets and spaces enclosed by development, create public spaces and routes that are attractive, safe and uncluttered and work effectively for all in society, and put people before traffic, integrating land uses and transport networks.
- 4.3 Policy CH3 (Normal Requirements of All Development) states that all development must be based on a thorough understanding of the significance and distinctiveness of the site and it's wider and immediate context and protect and integrate important features of the area which make a positive contribution. Proposals must retain a good standard of amenity for all existing and future users and retain individual or groups of trees that contribute positively to the area, whilst ensuring the safe and proper use of the site.
- 4.4 Policy IN5 (The Location and Provision of New Infrastructure) states that the Council will support the provision of new or improved Infrastructure in appropriate locations where the facilities are required to support development or where they add to the range and quality of facilities in the town.

- 4.5 Policy ENV1 (Green Infrastructure) states that development which protects and enhances green infrastructure, which is the network of multi-function green space and waterways both new and existing, and rural and urban, will be supported.

PLANNING CONSIDERATIONS:-

- 5.1 The main considerations in determining this application relate to whether the proposed development would be detrimental to the visual amenities of the surrounding area including whether the loss of green space can be justified, whether the development would pose any potential dangers to any highway users and the impact on trees.

Visual amenities of the surrounding area including the loss of areas of urban open space

- 5.2 The shrub planter beds in the Close are a pleasant visual feature, add interest in the streetscene and soften the impact of rows of parked cars against the carriageway.
- 5.3 The scheme would result in the removal of 2 planter beds, one in the turning head and one directly behind the gateway wall. Another planter bed behind the gateway wall would be reduced in size from 20m² to 10m², and a second planter in the turning head would be reduced from 18m² to 14m². In total, 5 out of 7 planter beds would remain in situ. Amended plans were received during the assessment of the application increasing the size of a third planter bed in the turning head from 9m² to 17.5m², without any impact upon sight lines.
- 5.4 It is the Council's policy under ENV1 of the Local Plan 2015-2030 that the pockets of green urban open space throughout Crawley are protected. Overall it is considered that the application has been considered carefully to provide a satisfactory balance between retaining the landscaping features in appropriate locations and responding to pressure for additional parking. Whilst the visual significance of the planters is valued, their loss is mitigated by the relatively expansive area of public open space to the south of the Close, the 5 mature native trees close to the carriageway, and the retained planter beds. On the northern side of the Close the flag pavers on the footway will be replaced with asphalt. The visual impact of this is not considered to be demonstrably harmful.
- 5.5 It is therefore considered that overall the impact of the scheme will not be materially harmful to the visual amenities of the streetscene and the proposed development would be in accordance with Policies CH2, CH3 and ENV1 of the Local Plan 2015-2030 and the relevant provisions of the NPPF (2012) in this regard.

Highways

- 5.6 The proposed works would be undertaken on Crawley Borough Council and WSCC (Highways) owned land. WSCC have been consulted on the scheme. The application was accompanied with a Road Safety Audit with 3 problems picked up by the Auditor that the Highway Authority are satisfied with.
- 5.7 A swept path analysis demonstrating that turning can be provided at the head of Lavant Close with particular consideration given to the layby adjacent to nos. 20 and 21 has been submitted to the Highway Authority on their request and their formal response will be provided as an update at the Planning Committee Meeting. It is however considered that the development will have an acceptable impact on Highway users.

Trees:

- 5.8 No trees will be removed to facilitate the proposal, and any changes to the parking bays will occur outside the root protection areas of surrounding trees. A condition is recommended on any permission issued that the recommendations in the Arboricultural Impact Statement and Method Statement relating to protecting the root zones and crowns of surrounding trees during the construction phase will be implemented

CONCLUSIONS:-

- 6.1 The proposed development would comprise relatively minor works to improve parking and the visual amenity of the area as part of the Council's programme of environmental improvement schemes and for the reasons set out above the proposal is considered to be in accordance with the Crawley Local Plan 2015-2013 and the relevant policies of the NPPF.

RECOMMENDATION RE: CR/2017/0033/RG3

Permit subject to conditions.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The tree protection measures shall be implemented prior to and retained throughout the construction period in accordance with the approved details within the Arboricultural Impact Assessment and Arboricultural Method Statement prepared by PJC Consultancy 18 December 2015 (ref: 3832C/15-02)).
REASON: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

INFORMATIVES

1. The applicant is advised to contact the WSCC Traffic Regulation Order team prior to the commencement of works on site to secure the provision of no waiting at any time restrictions.
2. 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 and proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place and any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
3. The applicant is advised to enter into early discussions with and obtain the necessary licences from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway and the temporary closure of on-street parking bays.

NPPF Statement

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

- Liaising with applicant and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking amended plans 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.



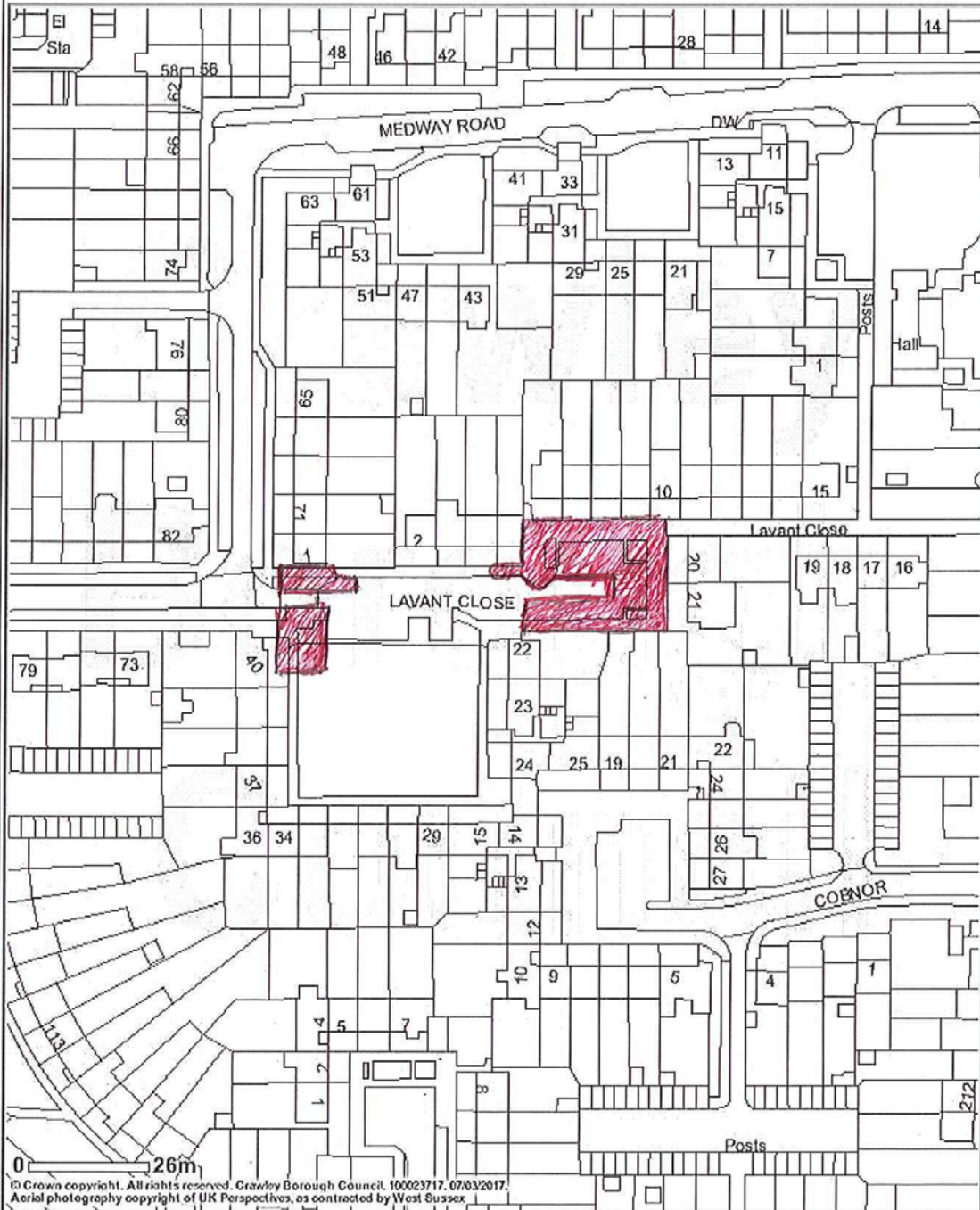
Crawley Borough Council,
Town Hall,
The Boulevard,
Crawley,
West Sussex RH10 1UZ



Tel: 01293 438000
Fax: 01293 438603

Date 7/3/2017

Approx. Scale 1:1,250



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REFERENCE NO: CR/2017/0035/RG3

LOCATION: [SCALLOWS CLOSE, THREE BRIDGES, CRAWLEY](#)

PROPOSAL: CHANGE OF USE OF EXISTING GRASS VERGE/GREEN SPACE ADJACENT TO THE PUBLIC CARRIAGEWAY TO FORM ADDITIONAL PARKING SPACES.

TARGET DECISION DATE: 9 March 2017

CASE OFFICER: Ms K. Ingram

APPLICANTS NAME: Crawley Borough Council

AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

13325-294 - PL01 - A01 Site Plan, 13325-294 - PL02 - A01 Existing Layout, 13325-294 - PL03 - A01 Proposed Layout, 13325-294 - PL04 A01 Planning Proposal & Construction Compounds, STD/300/08 Rev A01 - Birds Mouth Fencing

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | | |
|----|---------------------------------------|--|
| 1. | WSCC - Highways | Comments received, waiting for re-consultation response- verbal update to be given at committee. |
| 2. | CBC - Property Division | No objection |
| 3. | CBC - Planning Arboricultural Officer | No objection subject to conditions |
| 4. | CBC - Crawley Homes | No comments received |
| 5. | WSCC Planning | Refer Highways |
| 6. | CBC - Refuse & Recycling Team | No objection |
| 7. | CBC – Planning Urban Design | Comments received |

NEIGHBOUR NOTIFICATIONS:-

Nos 4-28 Scallows Close, Three Bridges;
Applewood, Scallows Road, Three Bridges.

RESPONSES RECEIVED:-

Two representations were received raising objections on the following grounds:

- Ambulances, fire engines, construction and delivery vehicles for heavy items will not be able to access houses nos. 5-16 due to birdsmouth fencing
- Parked cars along the side boundary of no.27 would make it easy for intruders to unlawfully access its rear garden
- Excluding the cars which park on the flag pavers, this scheme increases parking by 2 spaces which for the cost involved does not seem worthwhile
- The grass verge on the eastern side of the road in between nos. 26 and 27 should also be turned into a paved layby and an extra space could be provided on the verge on the western side by removing the coniferous planting to the north of the layby
- The garages at the end of this road are most commonly used for storage

REASON FOR REPORTING TO COMMITTEE:-

Crawley Borough Council is the applicant.

THE APPLICATION SITE:-

- 1.1 Scallows Close is a cul de sac located accessed from Crossways to the west, and is bounded by two storey semi-detached dwellings. There is a square of green open amenity space to the north of the turning head at the eastern end of the road which is adjacent to nos. 5-16 Scallows Close. There is a road in between nos. 26 and 27 on the southern side of Scallows Close, that has a grass verge on either side and provides access to Crawley Borough Council garages.
- 1.2 The application site comprises a southern strip of the green amenity area 5m deep, adjacent to 5-16 Scallows Close and a paved corner verge to the north of the turning head which is WSCC (Highways) owned and the grass verge to the east of no.27 that is under the ownership of Crawley Borough Council.

THE PROPOSED DEVELOPMENT:-

- 2.1 Planning permission is sought to extend on street parking capacity in the Close from 7 to 13 resulting in a net gain of 6 parking spaces. The improvements would include the following:
 - Widen the turning head by 5m to the north and 2m to the east into the amenity area, and create a layby for head on parking.
 - Incorporate the paved corner verge to the east of no.5 Scallows Close into the layby.
 - Replace the green verge to the east of no.27 with a layby of permeable asphalt hardstand.

PLANNING HISTORY:-

- 3.1 The area has been identified by the Borough Council for environmental and highway improvements. Consultation was undertaken with stakeholders to identify issues and opportunities and with the residents and stakeholders to obtain feedback on draft proposals. The current proposals have come forward following these consultations and survey work.

PLANNING POLICY:-

The National Planning Policy Framework (2012):

- 4.1 The relevant sections of the NPPF are as follows:
 - Section 4: Promoting sustainable transport
 - Section 7: Requiring good design.

Crawley Borough Local Plan 2015-2030 (2015)

- 4.2 Policy CH2 (Principles of Good Urban Design) requires proposals to respond to and reinforce locally distinctive patterns of development and landscape character, create continuous frontages onto streets and spaces enclosed by development, create public spaces and routes that are attractive, safe and uncluttered and work effectively for all in society, and put people before traffic, integrating land uses and transport networks.
- 4.3 Policy CH3 (Normal Requirements of All Development) states that all development must be based on a thorough understanding of the significance and distinctiveness of the site and it's wider and immediate context and protect and integrate important features of the area which make a positive contribution. Proposals must retain a good standard of amenity for all existing and future users and retain individual or groups of trees that contribute positively to the area, whilst ensuring the safe and proper use of the site.

- 4.4 Policy IN5 (The Location and Provision of New Infrastructure) states that the Council will support the provision of new or improved Infrastructure in appropriate locations where the facilities are required to support development or where they add to the range and quality of facilities in the town.
- 4.5 Policy ENV1 (Green Infrastructure) states that development which protects and enhances green infrastructure, which is the network of multi-function green space and waterways both new and existing, and rural and urban, will be supported.

PLANNING CONSIDERATIONS:-

- 5.1 The main considerations in determining this application relate to whether the proposed development would be detrimental to the visual amenities of the surrounding area including whether the loss of urban open space can be justified, whether the development would pose any potential dangers to any highway users, and the impact on trees.

Visual amenities of the surrounding area including the loss of areas of urban open space:

- 5.2 The extension of the turning head to the north would remove an area of the green open space of 5m deep by 25m in length. This encroachment into green urban space is considered acceptable and proportionate given the remaining 1060m² of the square would be retained.
- 5.3 The remaining area of amenity space would continue to make a positive contribution to the character and appearance of the surrounding area and the parking scheme would help to protect and enhance the remainder of the green space and streetscene from inappropriate parking.
- 5.4 The grass verge to the east of the garage access road was rutted and muddy on the Officer's site visit, and has been recorded as being in this state during the development of the scheme. This loss of amenity space is therefore not considered to harm visual amenity. The retained grass verge on the eastern side of the garage access road and the coniferous tree and shrub planting to the north of the layby would soften the impact.
- 5.5 It is therefore considered that the proposed development would be in accordance with Policies CH2, CH3 and ENV1 of the Local Plan 2015-2030 and the relevant provisions of the NPPF (2012) in this regard.

Highways

- 5.6 WSCC (Highways) were consulted on the proposed parking scheme and in principle, have no safety concern with the dimensions and location of the new parking spaces. However, to address issues raised in the Road Safety Audit, additional information was requested.
- 5.7 A swept path analysis was submitted demonstrating the layby can be accessed without impacting street parking between nos. 23 and 24 Scallows Close and this is being considered by WSCC and a verbal update will be made at the Committee Meeting.
- 5.8 In relation to emergency vehicle access the plans submitted demonstrate that a distance of less than 45m from a pump appliance to all dwellings is achieved by the scheme, which is a reduction in the existing situation. Cars currently parked the end of the Close already regularly block access to the amenity land and this will not fundamentally change if the proposals are implemented. The knee rail timber fencing would not preclude emergency access to the nearby houses and the proposals would not therefore have a detrimental impact on emergency vehicle access to neighbouring properties.
- 5.9 It should also be noted that there is no current right of way for delivery vehicles to access 5-16 Scallows Close over the amenity area (although this may have occurred informally), and this application would not change this current position.

5.10 Notwithstanding WSCC (Highways) have been re-consulted with additional information provided by the applicant, officers are satisfied that there will be no adverse impact on the safe operation of the highway as a result of the application and it would therefore comply with Policy CH3 and IN5 of the Crawley Local Plan 2015-2030 in this regard.

Trees:

5.11 There are two trees within the vicinity of the application site. The Arboricultural Method Statement recommends that the juvenile Oak tree (T9) in the south of the amenity area be transplanted to a suitable location following completion of the scheme. The Council's tree officer has recommended that the Oak be replaced with a different Oak of a similar age and size in planting season (autumn and winter), given that it is likely to be summer when the scheme is implemented, (should it be permitted), and this will be likely to detrimental to the health and amenity of this tree.

5.12 Subject to a condition that all other measures in the Arboricultural Method Statement are implemented, it is considered that the proposed development would be acceptable on tree grounds in accordance with Policy CH3 of the Local Plan 2015-2030.

Other:

6.1 An objection was raised that the layby to the east of no.27 would increase the potential for intruders to access the rear garden. The boundary is marked with a 2m high brick wall. The grass verge is presently used as on street parking, and it is not uncommon to have layby parking against a side boundary. While the spur road is partially obscured from view by two conifers to the north, there are two street lamps in the spur road and officers are therefore satisfied that the improvement will not increase the risk of unlawful entry into private property.

CONCLUSIONS:-

7.1 The proposed development would comprise relatively minor works to improve parking and the visual amenity of the area as part of the Council's programme of environmental improvement schemes and for the reasons set out above the proposal is considered to be in accordance with the Crawley Local Plan 2015-2013 and the relevant policies of the NPPF.

RECOMMENDATION RE: CR/2017/0035/RG3

Permit subject to conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The juvenile oak tree in the south of the amenity area, identified as T9 in the Arboricultural Impact Assessment prepared by PJC Consultancy dated 17 August 2017 shall be removed. A new Oak tree shall be planted in the immediate planting season (autumn and winter) following the final implementation of the scheme. This tree shall not be less than 12-14 cm in girth and shall be planted according to the recommendations in the Arboricultural Method Statement dated 17 August 2017 (ref 3832B/15-03 Rev2).
REASON: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

4. The tree protection measures shall be implemented and retained throughout the construction period in accordance with the details within the Arboricultural Impact Assessment and Arboricultural Method Statement prepared by PJC Consultancy dated 17 August 2016 (ref: 3832B/15-02 Rev2 and 3832B/15-03 Rev2 respectively), except for those recommendations 2.3-2.6 relating to the transplanting of the T9 juvenile Oak.
REASON: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The construction works shall be carried out in accordance with the construction compounds shown on the Planning Proposal Drawing and as agreed by WSCC (Highways) as part of the s278 agreement for works on the Highway
REASON: In the interests of road safety in accordance with Policies CH3 and IN1 of the Crawley Local Plan 2015-2030

INFORMATIVES

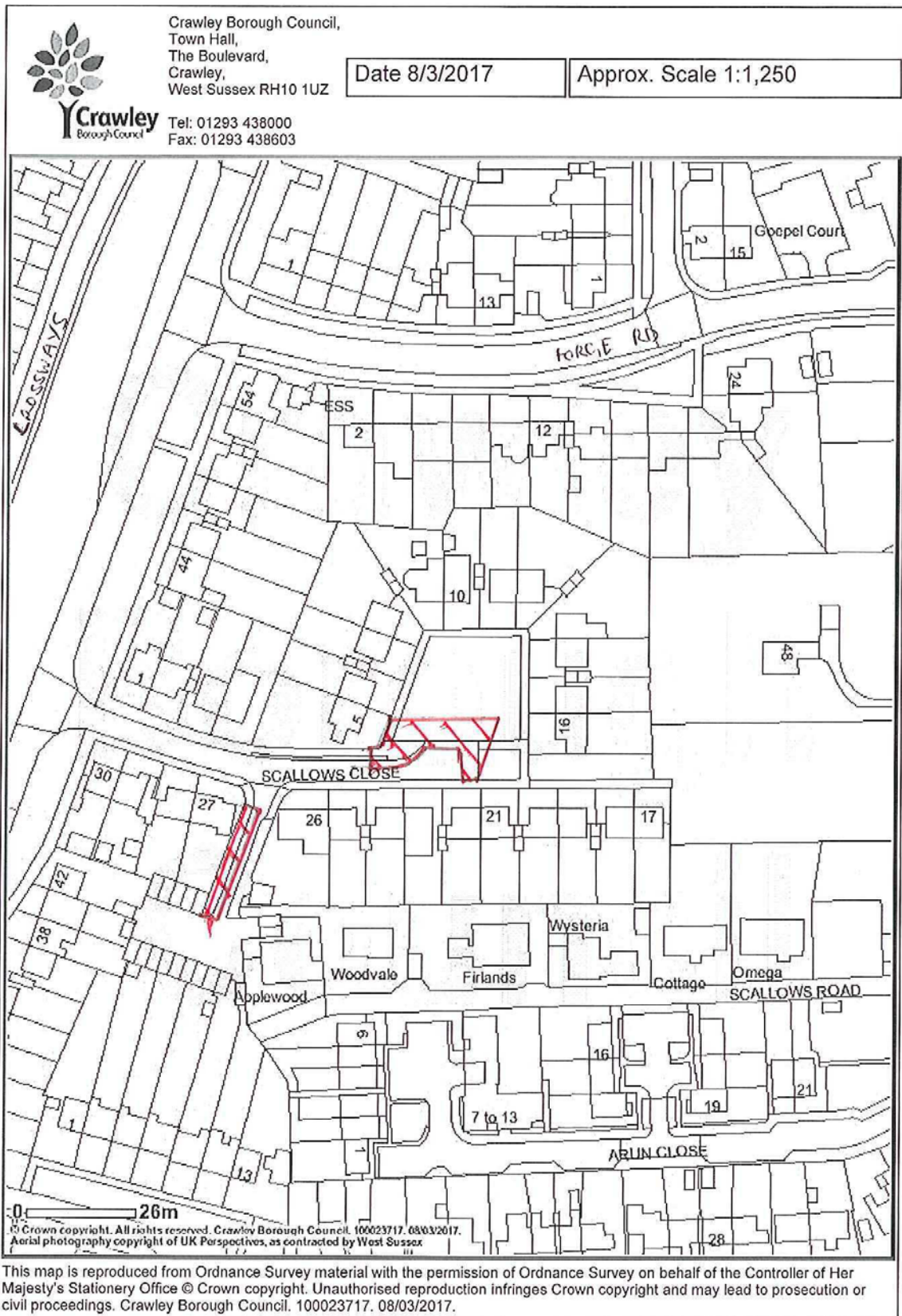
1. The applicant is advised to contact the WSCC Traffic Regulation Order team prior to the commencement of works on site to secure the provision of no waiting at any time restrictions.
2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works and proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place and any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
3. The applicant is advised to enter into early discussions with and obtain the necessary licences from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway and the temporary closure of on-street parking bays.

NPPF Statement

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

- Liaising with applicant and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking amended plans 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.





Objections to the Crawley Borough Council Tree Preservation Order Land Adjacent To Moka, Station Way, Northgate - 23/2016

Report of the Head of Economic and Environmental Services – PES 233

1. Purpose

- 1.1 This report presents the single objection raised to the making of the 'Crawley Borough Land Adjacent to Moka, Station Way, Northgate Tree Preservation Order No. 23/2016'. The Committee is requested to consider the objection and determine whether to confirm the Tree Preservation Order with or without modification for continued protection or, not to confirm the Tree Preservation Order.

2. Recommendation

- 2.1 It is recommended that the Committee **CONFIRM** the 'Crawley Borough Land Adjacent to Moka, Station Way, Northgate Tree Preservation Order No. 23/2016' without modification.

3. Reasons for the Recommendation

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

4. Background

- 4.1 The trees which are the subject of this order are a group of 9 no. Oaks and 3 no. Field Maples (G1) and 2 no. Silver Birch (G2). G1 is located in an area of land between Moka and the adjacent Belmont House building and G2 between the car park and Station Way. A copy of the TPO plan showing the location of the trees is attached to this report.
- 4.2 This Order has been made in response to a 'Protected Tree Information Request' submitted by a developer. The trees were not protected but are considered to be of high amenity value and worthy of protection, it was therefore considered expedient to serve a TPO on the trees as the land was clearly being considered for development.
- 4.3 The trees are in good physiological condition with full, healthy crowns. At the time of the site visit there were no signs of significant structural defects in the crown, the decayed remains of a clump of mushrooms were noted on the ground near the base of one of the Oaks but it was not possible to identify the species in its decayed state. The trees showed little to no signs of previous works.
- 4.5 The provisional Tree Preservation Order was made on 17th November 2016 and remains provisionally in force for a period of six months (until 17th May 2017). If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

5. Notification/Consultation/Representation

- 5.1 In order to confirm the Order, the Council notified the owner(s)/occupiers(s) of the land and other interested parties that a provisional Tree Preservation Order has been made. The following addresses were notified:

The Deltic Group Ltd
Homes and Communities Agency
Crawley Borough Council
Dassia Services Ltd
West Sussex County Council

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the Order. The notification period for objections ended on 22nd December 2016. Confirmation of the order is required within six months of the date upon which the Order was provisionally made.
- 5.3 A representation has been received from Bidwells LLP objecting to the Tree Preservation Order on behalf of The Deltic Group Ltd.

The following objection reasons have been submitted for consideration:

Amenity of the Tree

- *“Our client is unconvinced that it is reasonably expedient to confirm this Tree Preservation Order in the interests of amenity;*
- *The two identified groups of trees essentially comprise non-structural landscape works as part of ‘Moka’;*
- *As individual specimen trees they are unremarkable and their only true amenity value is to provide some landscape softening of the ‘Moka’ complex;*
- *This landscaping amenity cannot reasonably be concluded to have any significant public amenity value to justify the Draconian controls of a formal Tree Preservation Order;*
- *The trees are not significantly visible beyond the immediate Station Way Environment;*
- *G1 is not a distinguished copse and does not have the quality and appearance of particular importance to warrant specific designation. A number of the Oak trees are not good specimens and have an unkempt appearance;*
- *G2 comprises immature Silver Birch which again do not appear to be of any particular significance and clearly do not form part of a structured landscaping scheme for landscape design purposes”.*

Other

- *“They are already adequately managed and are not under any direct threat of loss or removal;*
- *The confirmation of the Tree Preservation Order will apply additional controls on our client’s management of these trees;*
- *There has been no assessment [of G1] to date of the potential root rot, acute and/or chronic Oak decline, or need for lopping in the short term, the Field Maples have not been assessed for Maple Wilt or root rot;*
- *The trees [in G2] should be assessed for Slime Flux and Anthracnose.*
- *...request that the Council exercises its discretionary powers to allow extra time for our client to seek independent arboricultural advice, with respect to the true public amenity value and health of these identified trees; and the genuine expediency for their protection by a TPO”.*

6. Amenity Value/Assessment and Consideration of the Representations

Amenity of the Tree

- 6.1 The trees G1 are large and are clearly visible from Station Way as well as from the hotel on the opposite side of the railway line. Due to the size of the trees in G1, they are still visible from several hundred metres along Station Way despite being to the side of the Moka building. The trees that make up G2 are directly adjacent to the road and are therefore extremely visible from Station Way.
- 6.2 The trees of G1 are large and individually of good form, this is added to by their cohesive strength making them very visually appealing as a group. The trees of G2 are also of good individual form

with each easily being worthy of an individual designation had they been in isolation from each other. The fact that they act to soften the hard edges of the adjacent buildings is precisely why these trees are so important and worthy of safeguarding.

- 6.3 A Tree Preservation Order does not prevent the responsible and reasonable maintenance of trees, though the serving of a TPO may seem somewhat 'heavy handed', it simply protects trees that make an important contribution to the green amenity of the area by preventing unjustified and excessive works that would otherwise harm the tree's visual appeal. The process of applying for works to a protected tree is simple and is a free service.
- 6.4 G1 consists of large trees and is most certainly of significant value in the street scene, the trees as a group are impressive and make strong statement. G2 are semi-mature and large enough to make a good contribution, any tree of significant amenity value are worthy of protection and being part of some kind of formal structural landscaping is not a requirement or consideration while assessing a tree for protection.

Other

- 6.5 An enquiry was received from a developer as to the protected status (or any other constraints) of the trees on site. Following a site visit it was decided that the trees were worthy of protection and that a threat to the trees was foreseeable given that the land is clearly attracting the interest of developers.
- 6.6 As mentioned above, the TPO does not prevent reasonable works to be carried on protected trees and the application process is a simple and straight forward one. Should the Oaks of G1 require reduction or similar works a TPO should not pose a constraint to such a request provided the necessary consent is obtained.
- 6.7 In respect of the tree conditions listed in the representation:
- The Oaks are showing no signs of Acute or Chronic Oak Decline.
 - Verticillium Wilt is a disease effecting several hundred species of Eudicot plants and is not of particular significance in Field Maple or the specimens on the site.
 - Slime Flux or Bacterial Wetwood is the result of one of several species of bacteria entering through a wound etc. and feeding on the sugars in the sap, this fermentation of the sugars results in a liquid which oozes from the wound, this generally has no impact on tree health and often goes away as the tree heals the wound. This occurs in many species of plant and is certainly not specific to Birch, it's existence does not prevent protection of a tree by a TPO.
 - Anthracnose of Birch is the result of a fungal infection caused by one of two species causing brown blotches on the leaves, it is common in America, particularly on River Birch but is not significant in this country. In any case it generally does not impact the tree's health as it is not often severe enough to significantly reduce photosynthesis. It can lead to newly flushed leaves being dropped but the infected tree will usually re-flush and the tree is effectively cured. However, the birch trees in G2 show no signs of this disease anyway.
- 6.8 The representation letter was acknowledged and sufficient time given to make additional or further representation, to date no further information has been submitted.

7. Implications

Human Rights Act 1998

- 7.1 The referral of this matter to the Planning Committee is in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. Those persons who made representations in objection to the TPO are entitled to attend the Planning Committee meeting and to make any further verbal representations at the meeting. The Planning Committee must give full consideration to any such representations.
- 7.2 Article 8 and Article 1 of the First Protocol – the right to respect for private/family life and the protection of property – also needs to be considered. These are qualified rights and can only be

interfered with in accordance with the law and if necessary to use of property in accordance with the general interest. The recommended continued protection of the trees are considered to be in the general interest of the community / environment and is considered to be both proportionate and justified.

Planning legislation

7.3 The law relevant to the protection of trees is set out in Part VIII of the Town and Country Planning Act 1990 as amended and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

8. Background Papers

8.1 'The Crawley Borough Land Adjacent to Moka, Station Way, Northgate Tree Preservation Order No. 23/2016'

Photo showing G1 from Station Way



Photo showing G2 from Station Way



Photo showing G1 & G2 from several hundred yards away on Station Road



Contact Officer: Russell Spurrell
Direct Line: 01293 438033
Email: russell.spurrell@crawley.gov.uk

SCHEDULE
SPECIFICATION OF TREES

Trees Specified Individually
(encircled in black on the map)

Reference on Map	Description	Situation
NONE		

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

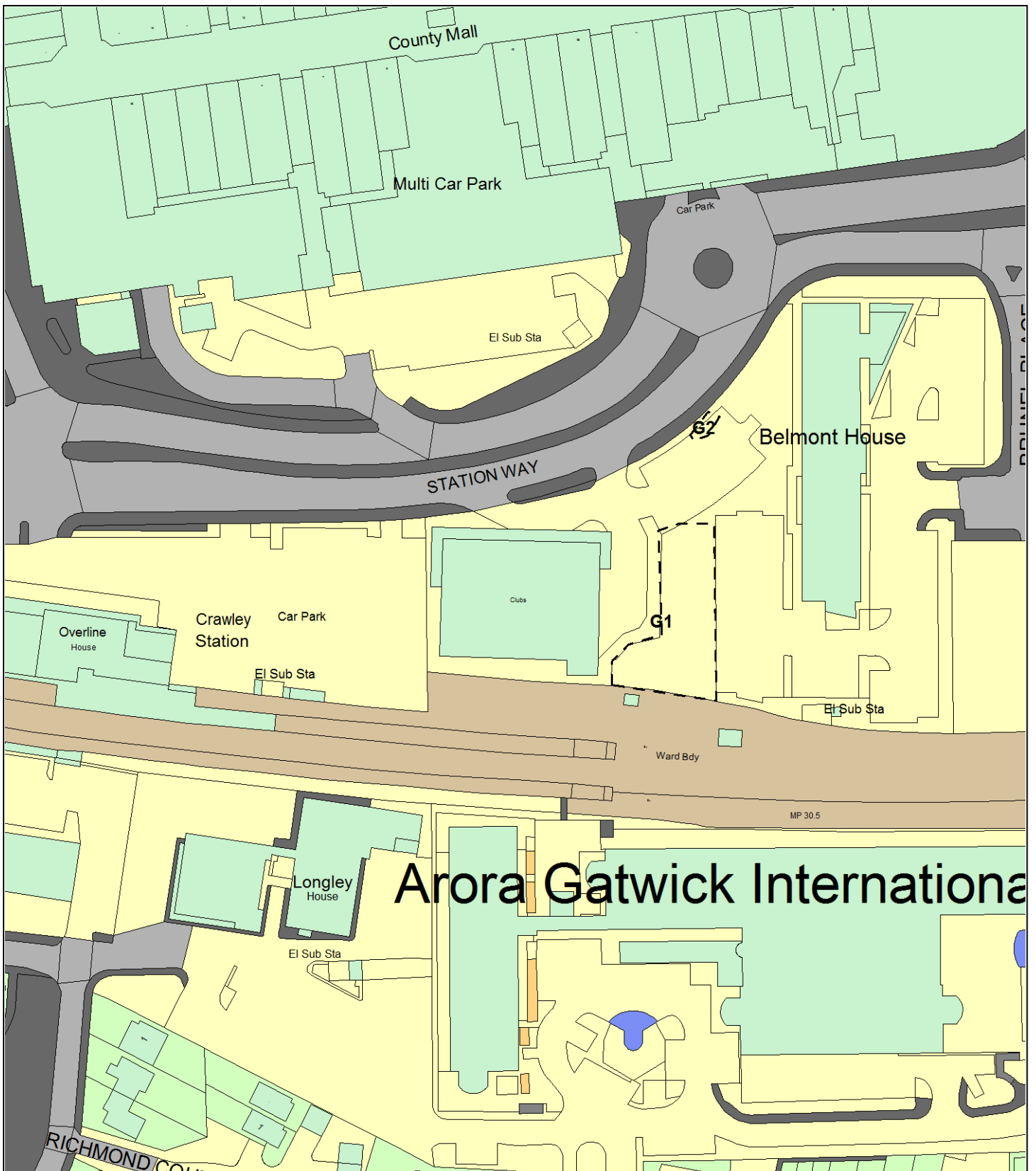
Reference on Map	Description	Situation
G1	Field Maple (3), English Oak (9)	Grid Ref: TQ-27176-36335
G2	Silver Birch (2)	Grid Ref: TQ-27186-36380

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

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

Reference on Map	Description	Situation
NONE		



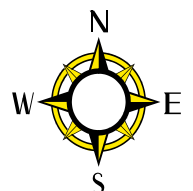
**Tree Preservation Order No 23/2016
Land Adjacent To Moka, Station Way, Northgate**

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



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

Scale	1:1250
Date	03/03/2017



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