



# Crawley Borough Council

## Report to Planning Committee

13<sup>th</sup> June 2017

### **PROPOSED DEED OF VARIATION TO PLANNING APPLICATIONS CR/2014/0764/OUT AND CR/2016/1020/FUL RELATING TO THE FORMER THALES SITE (NOW NUMBERS 2 -7 GATWICK ROAD), NORTHGATE, CRAWLEY**

Report of the Head of Economic & Environmental Services, *Report No. PES 251*

#### **1. Purpose**

- 1.1. This report sets out the proposed changes to two S106 Agreements prepared pursuant to planning permissions CR/2014/0764/OUT and CR/2016/1020/FUL and the reasons for the proposed amendments to these provisions. These changes which are not minor variations to these legal agreements require the approval of the Planning Committee.
- 1.2. The proposed changes relate to the required delivery / timing for the junction improvements. The changes are necessary to ensure appropriate traffic management and will enable opportunities to enhance the junctions to be fully explored should any additional funding become available.

#### **2. Recommendation.**

- 2.1. It is recommended that the Planning Committee **AGREE** to the making of a proposed Deed of Variation to reflect the changes as set out in para 5.1 of this report.

#### **3. Background**

- 3.1. The site to which this report relates is the former Thales site, Gatwick Road, Northgate. The site is currently marketed under the name 'Nexus'. When Thales vacated this presented a key opportunity to redevelop the site in line with the vision and objectives of the Manor Royal Masterplan. The site was the subject of a Development Principles Document, which was later incorporated into the now adopted Manor Royal SPD.

#### *The 'hybrid application' – CR/2014/0764/OUT*

- 3.2. In November 2014 a hybrid planning application was submitted for the comprehensive redevelopment of the site which included office space, an emergency operating centre / headquarters and small amount of retail / café / restaurant use. The proposed

development which followed the principles set out in the planning guidance divided this large site into 3 land parcels which are identified as set out on the attached location plan (at the end of this report).

- 3.3. The application provided details in outline only for Parcels 1 and 3 while Parcel 2 sought full planning permission for a 4-storey building comprising an emergency operating centre and headquarters on the lower floors with 2 floors of B1 office space above.
- 3.4. The Development Control Committee on 2<sup>nd</sup> February 2015 resolved to grant planning permission for the development subject to the conclusion of a S106 Agreement to deliver the infrastructure necessary to support /mitigate the impacts of the development. This was concluded and a decision issued on the 27<sup>th</sup> April 2015.
- 3.5. The provisions in the S106 Agreement in respect of the physical highway works were as follows:

<b>Highway Works/ contribution</b>	<b>TAD</b>	<b>Trigger</b>
Improvements to Manor Royal / Gatwick Road roundabout shown indicatively on drawing 14-047-101		To complete the works (to the satisfaction of WSCC) within 12 months of the first occupation of the second and third floors of the building – Parcel 2
Improvements to Fleming Way/ Gatwick Road roundabout shown indicatively on drawing 14-047-102		To complete the works (to the satisfaction of WSCC) prior to the 1 <sup>st</sup> occupation of parcel 1
Improvements to Beehive / Gatwick Road signalised junction as indicatively shown on drawing 14-047-103		To complete the works (to satisfaction of WSCC) prior to first occupation of parcel 3
The provision of a pedestrian refuge island on Gatwick Road (location to be agreed with the Highway Authority)		To complete the works (to satisfaction of WSCC) prior to first occupation of parcel 3

- 3.6. The building on Parcel 2 is now constructed and nearing occupation.

*The 'full' application - (CR/2016/1020FUL)*

- 3.7. In December 2016 a full planning application was submitted for the Parcel 1 land on this site. The proposed development, an aircraft simulator training and production facility was materially different to the outline planning permission granted for this land parcel and therefore could not be considered by means of a Reserved Matter Application. The Planning Committee resolved to grant planning permission for this development on the 21<sup>st</sup> March 2017 subject to the conclusion of a separate S106 Agreement, and this was concluded and the decision issued on the 19<sup>th</sup> May 2017.

3.8. The provisions in the 106 Agreement in respect of the physical highway works were as follows:

Highway Works	To complete (to the satisfaction of WSCC) improvements to the Fleming Way/ Gatwick Road roundabout shown indicatively on drawing 14-047-102 within 36 months of the first occupation of any building
---------------	--

#### 4. Proposed changes

- 4.1. As Members may recall and as set out in the Officer's report in March 2017 for the Parcel 1 application (CR/2016/1020/FUL), since the original S106 Agreement relating to the hybrid application was signed, further Local Growth Fund opportunities and redevelopment opportunities have arisen which affect Gatwick Road. There is potential for further money for highway improvements in addition to the junction improvements designed for the Nexus site from the Growth Fund bid (if successful) and from the Northwood Park development if implemented. Northwood Park received a resolution to grant planning permission on 10<sup>th</sup> April 2017 subject to conclusion of a S106 Agreement CR/2016/0997/FUL with a highway contribution of £370,029.
- 4.2. In March 2017 when the Parcel 1 application was considered by Committee, discussions were ongoing with various parties and the applicants to understand requirements and to establish appropriate triggers to deliver the highway works from both the Nexus site and other infrastructure provision including infrastructure improvements required as part of Forge Wood. As part of the conclusion of the recent agreement for Parcel 1 the trigger for delivery of Fleming Way/ Gatwick Road roundabout has been moved back to 36 months following first occupation of the first building.
- 4.3. In respect of Forge Wood there are two infrastructure improvements required for this development secured under the following conditions:
- Condition 46 (i) works to the Hazelwick Roundabout. These works are scheduled to occur in Autumn 2017 as the developers will have reached the trigger for delivery of 300 dwellings occupied.
  - Condition 45 (v) works to convert the existing signal controlled pedestrian crossings situated on the southern and western approach of the Gatwick Road/ Fleming Way roundabout to toucan crossings. These works also have a trigger for implementation on occupation of 300 dwellings.
- 4.4. This report seeks to agree a further Deed of Variation to the delivery of the highway works associated with the former Thales site. The changes relate to the requirements for delivery of junction improvements for both Parcel 1 and Parcel 2 and triggers for these. The requirements for Parcel 3 remain unaffected.
- 4.5. Based on the original triggers in the 2014 S106 agreement for the roundabout improvements to for parcels 1 and 2, and taking into account the highway works for Hazelwick Roundabout, the works to all 3 roundabouts would need to be delivered at around the same time. This is impractical for management of traffic in the area. It is therefore proposed to move the triggers for highway improvements for Parcels 1 and 2 back to allow for the more significant Hazelwick Roundabout works to be

implemented first. This also allows further time for the junction designs to be enhanced with further highway improvements if any additional monies are received.

- 4.6. There are ongoing discussions about revising the junction designs to accommodate an eastbound bus lane along Manor Royal and a potential shared footway /cycleway along Manor Royal to Gatwick Road which would require some modifications to the Manor Royal roundabout design.
- 4.7. There is also a need to incorporate the Forge Wood Toucan crossing into the Fleming Way roundabout design and also investigate the possibility of widening the footway on the western side of Gatwick Road to a shared footway / cycleway.
- 4.8. The applicants for Nexus also wish to switch around which land parcels delivers the each junction improvement. In practical terms both roundabout works would still be carried out and the Local Planning Authority would not be disadvantaged by this alteration.

## **5 Recommendation**

5.1 The committee is asked to agree to the following to be included in the Deed of Variation:

- For Parcel 1 to deliver the Manor Royal / Gatwick Road roundabout works within 24 months of 1<sup>st</sup> occupation of either building.
- For Parcel 2 to deliver the Fleming Way /Gatwick Road roundabout works within 36 months of first occupation of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building.
- A form of wording to agree substitution of the junction drawing designs with agreement of all parties, in the event that funding from other sources becomes available to deliver further enhancements
- A form of wording be added to the Legal Agreement to allow for minor changes to the development which may arise as result of subsequent applications under S73 of the Town and Country Planning Act 1990 to be accommodated without the need for a further Deed of Variation.

## **6 Background Documents**

- Application CR/2014/0764/OUT
- Application CR/2016/1020/FUL



Contact Officer: Jean McPherson – Group Manager (Development Management)  
 (01293 438577)