

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room A & B - Town Hall**, on **Tuesday, 25 September 2018** at **7.30 pm**

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:
Councillors

I T Irvine (Chair), R S Fiveash (Vice-Chair), M L Ayling, A Belben,
N J Boxall, B J Burgess, K L Jaggard, S Malik, T Rana, A C Skudder,
P C Smith, M A Stone, J Tarrant, G Thomas and L Vitler

Please contact Democratic.Services@crawley.gov.uk if you have any queries regarding this agenda.

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

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
3. Lobbying Declarations	
The Planning Code of Conduct requires Councillors 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. Councillors should declare if they have been lobbied at this point in the agenda.	
4. Minutes	5 - 12
To approve as a correct record the minutes of the Planning Committee held on 30 July 2018.	
5. Planning Application CR/2015/0718/ARM - Phase 2b, Forge Wood, (Northeast Sector), Crawley	13 - 38
Pound Hill North	
To consider report PES/285 (a) of the Head of Economy and Planning.	
RECOMMENDATION to APPROVE	
6. Planning Application CR/2016/0858/ARM - Phase 3, Forge Wood (North East Sector), Crawley	39 - 56
Pound Hill North	
To consider report PES/285 (b) of the Head of Economy and Planning.	
RECOMMENDATION to APPROVE	

		Pages
7.	<p>Planning Application CR/2018/0128/OUT - Land Adjacent to 3 Coronet Close, Pound Hill, Crawley</p> <p>To consider report PES/285 (c) of the Head of Economy and Planning.</p> <p>RECOMMENDATION to REFUSE</p>	<p>Pound Hill South and Worth</p> <p>57 - 80</p>
8.	<p>Planning Application CR/2018/0242/OUT - Land Adjacent to 3 Coronet Close, Pound Hill, Crawley</p> <p>To consider report PES/285 (d) of the Head of Economy and Planning.</p> <p>RECOMMENDATION to REFUSE</p>	<p>Pound Hill South and Worth</p> <p>81 - 104</p>
9.	<p>Planning Application CR/2018/0177/FUL - Former Depot Adjacent to South West Corner of Goffs Park, Old Horsham Road, Southgate, Crawley</p> <p>To consider report PES/285 (e) of the Head of Economy and Planning.</p> <p>RECOMMENDATION to PERMIT</p>	<p>Southgate</p> <p>105 - 110</p>
10.	<p>Appeal against Non-Determination of Planning Application CR/2017/0879/FUL - R/O George Hotel, 56-58 High Street, West Green, Crawley</p> <p>To consider report PES/303 of the Head of Economy and Planning.</p>	<p>West Green</p> <p>111 - 138</p>
11.	<p>Supplemental Agenda</p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>	

With reference to planning applications, PLEASE NOTE:

Background Paper:- Crawley Borough Local Plan 2015-2030

Any necessary pre-committee site visits for applications to be considered at this meeting will be held on **20 September 2018** 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.

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Crawley Borough Council

Minutes of Planning Committee

Monday, 30 July 2018 at 7.30 pm

Councillors Present:

I T Irvine (Chair)

R S Fiveash (Vice-Chair)

M L Ayling, A Belben, N J Boxall, B J Burgess, K L Jaggard, S Malik, T Rana,
A C Skudder, P C Smith, M A Stone, J Tarrant, G Thomas and L Vitler

Officers Present:

Kevin Carr	Legal Services Manager
Valerie Cheesman	Principal Planning Officer
Mez Matthews	Democratic Services Officer
Marc Robinson	Principal Planning Officer
Clem Smith	Head of Economic and Environmental Services

1. Disclosures of Interest

No disclosures of interests were made.

2. Lobbying Declarations

The following lobbying declarations were made by Councillors:

Councillor A Belben had been lobbied regarding application CR/2018/0298/FUL.

Councillors Ayling, A Belben, Boxall, Fiveash, Irvine, Jaggard, Skudder, P Smith, Tarrant and Thomas had been lobbied regarding report PES/300 – Objections to the Crawley Borough Council Tree Preservation Order: Land Parcel Adj(acent) to Coronet Close, Pound Hill 02/2018.

3. Minutes

The minutes of the meeting of the Planning Committee held on 2 July 2018 were approved as a correct record and signed by the Chair subject to the follow amendment:

That Minute 4 (Planning Application CR/2017/1060/FUL – Greensleeves Retirement Home, 15-21 Perryfield Road, Southgate, Crawley) be amended to state that Councillor Boxall, having declared a prejudicial interest in the item, left the meeting for consideration of the item and took no part in the discussion or voting on the matter.

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4. **Planning Application CR/2018/0298/FUL - 3 Mount Close, Pound Hill, Crawley**

The Committee considered report PES/283(b) of the Head of Economic and Environmental Services which proposed as follows:

Erection of a two storey rear extension (amended plans received).

Councillors A Belben, Jaggard, P Smith, Stone and Tarrant declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application and advised the Committee that the National Planning Policy Framework (NPPF) had been updated on 26 July 2018, but that the amendments to the NPPF did not alter the report nor the officer's recommendation. The Principal Planning Officer also highlighted that amended plans had been received which reduced the depth of the extension, reduced the height of the extension, dropped the eaves-line and included brick detailing.

Mr Neil Major (son of Dr R Major) addressed the meeting in objection to the application, reflecting the concerns detailed in the report. Mr Finnimore (the applicant) and Mr Sargent (the agent) addressed the Committee in support of the application.

The Committee then considered the application. The Committee discussed the issues arising, including the comments raised by the speakers. In response to a query raised by a Committee member the Principal Planning Officer drew the Committee's attention to paragraphs 4.3 and 5.2 to 5.7 of the report which outlined the issues which needed to be taken into account with regard to the Area of Special Local Character within which the application site was situated.

RESOLVED

Permit subject to conditions set out in report PES/283(b).

5. **Objections to CBC Tree Preservation Order - Land Parcel Adj to Coronet Close, Pound Hill No. 02/2018**

The Committee considered report PES/300 of the Head of Economic and Environmental Services which requested that the Committee consider the objection which had been received in relation to the above Tree Preservation Order and determine whether to confirm the Order with or without modification for continued protection or, not confirm the Order.

Councillors A Belben, Jaggard, P Smith, Stone, Tarrant and Thomas declared they had visited the site.

The Principal Planning Officer (MR) provided a verbal summation of the report drawing particular attention to the fact that a Woodland Order applied to trees at all stages of their life. The Committee was advised that many of the stumps of those trees which had been felled had regenerated and new saplings were also growing on the site and it was still therefore woodland.

Mr Phillips (the agent for the owner of the site) addressed the Committee in objection to the Tree Preservation Order and specifically raised the following points:

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- That in his opinion many of the trees on the site had been self-sown and were immature.
- That he considered the amenity value of the woodland to be low.
- The trees had been felled before the Council had applied for a Tree Preservation Order.
- That not all the evidence he had supplied had been reflected in the report.
- A Tree Preservation Order could impact on the two, so far undetermined, planning applications relating to the site that could provide woodland enhancement elsewhere /landscape benefits.
- His client had no objection to a modified Tree Preservation Order which only applied to the trees currently standing on the site.

The Committee then considered the objection in detail. In response to issues raised, the Principal Planning Officer (MR):

- Advised that the Forestry Commission was in the process of undertaking an investigation following the felling of the trees on the site.
- Confirmed that the land owner remained responsible for maintaining any trees on their land which were protected by a Tree Preservation Order.
- Confirmed that the land was designated Ancient Woodland. The Committee was also advised that Ancient Woodland could include tree felling and regrowth/replanting over time.
- Informed the Committee that the Arboricultural Officer had a program of tree inspection and would apply for Tree Preservation Orders when necessary. The Arboricultural Officer however, was not in a position to proactively inspect all trees within the Borough.
- Explained that the Tree Preservation Order had been made due to the amenity value of the woodland area, and not its designation as Ancient Woodland. The Committee was advised that, when considering whether to confirm the Order, they should consider whether the woodland was important in terms of its amenity value.

The Committee considered the woodland to be of significant amenity value and voted unanimously to confirm the Tree Preservation Order as set out in the report.

RESOLVED

Confirm the Tree Preservation Order on the land parcel (adj)acent to Coronet Close, Pound Hill – 02/2018 without modification.

6. Planning Application CR/2017/0519/FUL - The Imperial, Broadfield Barton, Broadfield, Crawley

The Committee considered report PES/283(a) of the Head of Economic and Environmental Services which proposed as follows:

Demolition of the existing public house and associated flat and the erection of a five storey mixed use development consisting of 7 x one bedroom and 12 x two bedroom flats, 1 x drinking establishment (A4 use) and 2 x retail units (A1 use), with lower ground floor parking (amended description and plans).

Councillors Boxall, Jaggard, Malik, Stone, Tarrant and Thomas declared they had visited the site.

The Principal Planning Officer (MR) provided a verbal summation of the application and advised the Committee that:

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- The application had originally been considered by the Planning Committee on 9 October 2017 when the Committee had resolved to permit the application subject to the completion of a S106 agreement. Negotiations regarding the S106 agreement had been on-going and within that time an additional representation had been received.
- The representation had raised a new issue not previously assessed within the original officer report or by the Planning Committee, namely that the development would prejudice the potential development of the adjoining land and was therefore contrary to Policy CH4 of the Crawley Borough Local Plan 2015-2030 which stated that “development proposals must use land efficiently and not unduly restrict the development potential of adjoining land, nor prejudice the proper planning and phasing of development over a wider area”. The Committee was therefore advised that it should consider specifically whether the development would unduly restrict the development potential of the adjoining land.
- In particular, consideration needed to be given to the impact the residential units to the north/north-west of the development would have on development of the adjoining land.
- The owner of the adjoining land had not submitted a planning application for that land nor had they been in discussion with the Council regarding any prospective development.
- An additional informative and an amendment to the S106 Legal Agreement was necessary in relation to the replacement of the drinking establishment and public amenity.
- The National Planning Policy Framework (NPPF) had been updated on 26 July 2018 and the Committee’s attention was drawn in particular to the following sections of the updated document:
 - Section 5 (Delivering a Sufficient Supply of Homes)
 - Section 8 (Promoting Healthy and Safe Communities)
 - Section 11 (Making Effective Use of Land)
 - Section 12 (Achieving Well Designed Places)The Committee noted that the changes to the NPPF did not materially alter the officer’s recommendation.
- There were no other material changes since the resolution had originally been taken by the Planning Committee on 9 October 2017 and therefore the Committee was only required to consider the new issue before it.

In response to issues raised by the Committee, the Principal Planning Officer (MR):

- Informed the Committee that a A4 class use related to “drinking Establishments” for example public houses, wine bars or other drinking establishments (but not night clubs). The drinking establishment element of the application would replace the establishment which was due to be demolished as part of the same application.
- Confirmed that the Sussex Police representation did not relate to licensing issues in relation to the pub. The floorplan layout had been altered to address Sussex Police’s concerns.
- It was not possible to provide replacement trees on site, due to insufficient space. The trees would therefore be planted off site, with the species and location to be agreed with the Council.
- Clarified that the Enforcement Officer would monitor that the conditions were adhered to.

The Committee considered the representation in detail giving particular consideration as to whether the application before them would unduly restrict any potential

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development of the adjoining land. The Committee unanimously agreed that the application would not unduly restrict any potential development of the adjoining land.

RESOLVED

Permit subject to:

- a) The conditions as set out in report PES/240(d) which had been considered by the Planning Committee at its meeting on 9 October 2017.
- b) The completion of a Section 106 Legal Agreement to ensure the long term viability of a public house on the site, replacement and additional tree planting and the provision of affordable housing as set out in report PES/283(a).

7. **Planning Application CR/2018/0330/RG3 - Southwell, Balcombe Road, Pound Hill, Crawley**

The Committee considered report PES/283(c) of the Head of Economic and Environmental Services which proposed as follows:

Reconfiguration of existing hostel accommodation to provide 7 family rooms of temporary accommodation for homeless families with communal kitchen and storage facilities.

Councillors Boxall, Jaggard, Stone, Tarrant and Thomas declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application and advised that since publication of the report, the Council's Refuse and Recycling Team had provided a response relating to bin storage and as such it was proposed that an additional condition be agreed as follows:

Additional Condition 8 (Bin Storage):

The hostel use hereby permitted shall not be occupied until provision for 2 x 1100L refuse bins has been made within the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The facilities shall thereafter be retained.

REASON: To ensure that adequate bin storage is provided for the development in accordance with Policies CH3 of the Crawley Borough Local Plan 2015-2030.

The Principal Planning Officer also advised the Committee that the National Planning Policy Framework (NPPF) had been updated on 26 July 2018, but that the amendments to the NPPF did not alter the report nor the officer's recommendation.

The Committee then considered the application and were supportive of the application, particularly the removal of the security fence. In response to issues and concerns raised by the Committee, the Principal Planning Officer:

- Advised that it was not appropriate to compare the internal space of the application's accommodation, on a like-for-like basis, with those that applied to general housing, given the nature of the hostel accommodation and the additional access to communal areas provided.
- Acknowledged that the parking layout did not identify a disabled parking space. It was suggested to the Committee and agreed that condition 4 be revised as follows to require such a space:

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Revised Condition 4 (Disabled Parking Space):

The hostel use hereby permitted shall not be occupied until the car parking spaces, including one space to accessible standards, as shown on the drawing No. Southostel/2018/001 Rev B have been provided within the site. The spaces shall thereafter be kept available for the parking of vehicles by residents and visitors of the property at all times.

REASON: To ensure adequate provision of parking clear of the highway in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

RESOLVED

Permit subject to:

- a) The conclusion of a Section 106 agreement to secure the appropriate ongoing management of the hostel to meet local homeless needs as detailed in report PES/283(c).
- b) The conditions set out in report PES/283(c), and the revised and additional conditions above.

8. Planning Application CR/2018/0348/FUL - 28 Kingscote Hill, Gossops Green, Crawley

The Committee considered report PES/283(d) of the Head of Economic and Environmental Services which proposed as follows:

Erection of first floor side extension.

Councillors Boxall, Jaggard, Stone and Tarrant declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application and provided the Committee with the following updates:

- The plans had been amended to clarify the issue raised during the application's consideration at the Planning Committee on 2 July 2018.
- That, since the publication of the report, an additional representation had been received from Councillor Mullins, Ward Councillor for Gossops Green citing concerns relating to over-development, parking and use of the rooms within the property.
- Officers were of the opinion that some alterations to the front elevation were necessary, such as the brick pier, to ensure that it was in keeping with the character of the original building. It had not been possible to get in contact with the Agent to discuss the issue and therefore, should the Committee be minded to approve the application, it was requested that officers be given delegated authority to approve the amended plans in relation to that matter.
- The National Planning Policy Framework (NPPF) had been updated on 26 July 2018, but the amendments to the NPPF did not alter the report nor the officer's recommendation.

The Committee then considered the application. Following a query from a Committee member, the Principal Planning Officer advised that, due to permitted development rights, it would not be reasonable to impose a condition requiring that planning permission be sought for any future conversion of the roof space. The Committee was also advised that, due to the differing land levels of numbers 26 and 28 Kingscote Hill and the height of the fence along the boundary between the two properties, the impact on privacy and overlooking would be minimal.

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RESOLVED

That the Head of Economic and Environmental Services be delegated authority to **permit** the application subject to:

- a) Receipt of an amended drawing regarding the front elevation of the proposal.
- b) Conditions set out in report PES/283(d).

Closure of Meeting

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

I T IRVINE
Chair

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 25 September 2017
REPORT NO: PES/285(a)

REFERENCE NO: CR/2015/0718/ARM

LOCATION: [PHASE 2B, FORGE WOOD, \(NORTH EAST SECTOR\), CRAWLEY](#)

WARD: Pound Hill North

PROPOSAL: APPROVAL OF RESERVED MATTERS FOR PHASE 2B FOR 169 DWELLINGS AND RELATED WORKS PURSUANT TO OUTLINE PERMISSION CR/2015/0552/NCC FOR A NEW MIXED USE NEIGHBOURHOOD

TARGET DECISION DATE: 25 January 2016

CASE OFFICER: Mrs V. Cheesman

APPLICANTS NAME: Persimmon Homes & Taylor Wimpey

AGENTS NAME: Pegasus Planning Group

PLANS & DRAWINGS CONSIDERED:

T.0335 06, Site Location Plan
T.0335_07-10, House Type PC32 Elevations & Floor Plans
T.0335_07-14, House Type WP2420A-2 - Plots TW96, 98, 130, 131, 134, 137, 138, 139 & 140
T.0335_07-17, Garages
T.0335_14, Site Survey
TPP-7827-2B 02 24 09 2015, - Tree Protection Plan
T.0335 18 02 , Tile Hanging
T.0335 18 03 , Decorative Barge Board
T.0335 18 04, Brick Corbelling
T.0335 18 05, Canopies
T.0335 18 06, Window Styles
T.0335 18 07, Creasing Tile Feature
T.0335 18 08, Brick Coursing
T.0335 18 09 , Stone Coursing
T.0335 18 10, Window Headers
T.0335 18 11, Window Cills
T.0335 18 12, Chimneys
T.0335_12 Rev A , Materials Plan
T.0335_02B TW, Site Layout Phase 2B
T.0335_03A-1, Block 1 Floor Plans
T.0335_03A-2, Block 1 Elevations
T.0335_03A-3, Block 2 Floor Plans
T.0335_03A-4, Block 2 Elevations
T.0335_03A-5, Block 3 Floor Plans
T.0335_03A-6, Block 3 Elevations
T.0335_03A-7, Block 4 Floor Plans
T.0335_03A-8, Block 4 Elevations
T.0335_03A-9, Block 5 Floor Plans
T.0335_03A-10, Block 5 Elevations
T.0335_03A-11, Block 6 Floor Plans
T.0335_03A-12, Block 6 Elevations
T.0335_04A, Building Heights Phase 2B
T.0335_05A , Garden Sizes Phase 2B
T.0335_07-12A AA31-2, - TW95, 97, 133, 135, 136
T.0335_07-14A WP2420A-2, - TW96, TW98, TW99, TW130, TW131, TW132, TW134, TW137, TW138,

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TW139, TW140

T.0335_07-18 PB33G-2, - TW82, TW83, TW84, TW85 & TW86

T.0335_09A, Affordable Housing Plan

T.0335_02C TW , Site Layout Phase 2B

T.0335_03-5B, Block 3 Floor Plans

T.0335_03-6B, Block 3 Elevations

T.0335_03-9B, Block 5 Floor Plans

T.0335_03-10B, Block 5 Elevations

T.0335_03-11B, Block 6 Floor Plans

T.0335_03-12B, Block 6 Elevations

T.0335_04B, Building Heights Phase 2B

T.0335_05B, Garden Sizes Phase 2B

T.0335_07A, CH1 - TW87, TW119, TW144

T.0335_09B, Affordable Housing Plan

667_187_C_Phase 2B, Residential Soft Landscape Proposals_Sheet1of3

667_188_C_Phase 2B, Residential Soft Landscape Proposals_Sheet2of3

667_189_C_Phase 2B, Residential Soft Landscape Proposals_Sheet3of3

667_190_C_Phase 2 , Residential Hard Landscape Proposals_Sheet1of3

667_191_C_Phase 2, Residential Hard Landscape Proposals_Sheet2of3

667_192_C_Phase 2, Residential Hard Landscape Proposals_Sheet3of3

T.0335_07B-3-CH1, Plot 119&144

T.0335_07B-20-CH1, Plot TW87

T.0335_8A, Refuse Strategy Plan

T.0335_11A, Street Scenes LR

T.0335_15A, Enclosure Details

T.0335_26 Rev A, Materials Palette

T.0335_24 Rev B, Block 7 Elevations

T,0335_25 Rev D, Block 7 Floor Plans

CONSULTEE NOTIFICATIONS & RESPONSES:

1. GAL - Planning Department
No objection – all proposed dwellings are located outside the area of the site that is predicted to be exposed to aircraft noise levels that the Secretary of State deemed to be unacceptable. Details of noise mitigation to be assessed as part of a condition 34 submission.
2. GAL - Aerodrome Safeguarding
No objections subject to condition and informative
3. National Air Traffic Services (NATS)
No objections
4. WSCC – Highways
No highway objections, where alterations are required, these are to be undertaken as part of the detailed design for the highways adoption agreement
5. Cycle Forum
Comments on cycle parking provision and bus stop details
6. Network Rail
Comments on relationship of houses to the Goods Yard and that every attempt should be made to mitigate against current and future noise.
7. Environment Agency
Objections due to lack of Flood Risk Assessment

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8.	Thames Water	Request a Grampian style condition be imposed as they consider there is inadequate sewerage capacity to accommodate the development. However, they advise that discussions are ongoing to agree a deliverable solution
9.	Southern Water Ltd	There is an inset agreement between Southern Water and Independent Water Networks Ltd for the supply of water services. The connection point to the water supply and the agreed demand flow rate must be complied with.
10.	CBC - Drainage Officer	No objection to amended surface water strategy
11.	WSCC - Surface Water Drainage (SWD)	No comments to make
12.	Independent Water Networks Ltd	No comments received
13.	Sussex Building Control Partnership	No comments received
14.	Police	Comments on security issues
15.	UK Power Networks	No objections
16.	Ecology Officer	No objections subject to condition
17.	CBC - Property Division	No comments to make
18.	CBC - Housing Enabling & Development Manager	No objections to amended plans
19.	CBC - Planning Arboricultural Officer	No objections
20.	CBC - Environmental Health	No objections subject to conditions
21.	CBC - Refuse & Recycling Team	Comments that it is encouraging that issues with previous bin collection points for individual houses have been taken on board as the layout now shows road side collection. However, express concern at the siting of the bin store for flat block 2.
22.	CBC - FP - Energy Efficiency & Sustainability	No comments to make as matter to be dealt with in condition 23 submission
23.	CBC - FP - Urban Design	Comments made on layout and design detailing

NEIGHBOUR NOTIFICATIONS:-

Application publicised via press and site notices.

RESPONSES RECEIVED:-

Two objection letters have been received from First Plan on behalf of the operators at Crawley Goods Yard. The initial letter was received in November 2015 commenting that the reserved matters for the housing were being put forward before the acoustic attenuation measures between the dwellings and Crawley Goods Yard had been designed.

A second letter has been received (April 2018) in response to notification on the latest plans and this notes that the flat barrier block follows the recommendation in the s73 noise report but plans need to show that

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the windows are to be sealed shut and reference to the mechanical ventilation system for the flats is required. Also concern is expressed that the reserved matters have been submitted before the noise mitigation details for this phase. A condition 34 discharge application is required so that everything is considered comprehensively.

REASON FOR REPORTING TO COMMITTEE:-

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

BACKGROUND:-

General

- 1.1 Outline planning permission for the North East Sector neighbourhood, now known as Forge Wood, was originally granted by the Secretary of State on 16th February 2011 under reference CR/1998/0039/OUT.
- 1.2 The outline planning permission established the principle of a mixed use neighbourhood to include up to 1,900 dwellings, 5,000 sq m of employment floorspace, 2,500 sq m of net retail space, a local centre/community centre, a primary school, recreational open space, landscaping, the relocation of a 132KV power line adjacent to the M23 and other associated works.
- 1.3 More recently a Section 73 - variation of conditions application CR/2015/0552/NCC (referred to in this report as the s73 application) was permitted on 15th November 2016, which issued a new outline planning permission for Forge Wood with updated decision notice relating to a new Master Plan, Design Statement and revised conditions.
- 1.4 The principle of the new neighbourhood, the quantum of development, as well as the access arrangements and principal road junctions have therefore been established. Various Reserved Matters applications have been considered by the Planning Committee for specific land parcels across the 4 phases of the development.

The western part of Forge Wood - Phase 2 and the Employment Building

- 1.5 The western part of the Neighbourhood (which lies to the west of the Central Parkland and the Gatwick Stream) comprises the residential parcels of Phase 2 and the employment building (part of Phase 3).
- 1.6 In respect of Phase 2, CR/2015/0628/ARM has been approved for the infrastructure works (roads and drainage). The residential sub phase 2A has been approved under CR/2015/0740/ARM and has been constructed. Sub phase 2D was approved under CR/2016/0114/ARM and is under construction. The remaining elements are thus the employment building and the residential sub phases 2B and 2C.
- 1.7 With regard to sub phase 2B, this subject application (CR/2016/0718/ARM) was due to be considered at the April 2016 Planning Committee, but the item was deleted from the agenda as the noise aspects required further consideration.
- 1.8 Since then and during the consideration of the s73 application, there were concerns over noise issues for Phases 2B and 2C, and specifically the relationship between the railway line, Crawley Goods Yard and the new dwellings. It was decided that a revised and updated noise report and chapter for the Environmental Statement (ES) was required. This was needed to inform the s73 application. It was also decided that the overarching approach to noise at this level needed to be resolved before detailed consideration could be given to the individual reserved matters applications.
- 1.9 The revised ES and s73 application details set out that a combination of mitigation measures would be required for the residential phases 2B and 2C including a 100m noise exclusion zone/buffer at the western boundary (where dwellings are not permitted due to noise and air quality issues), and

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the erection of a non-residential building to act as a barrier to screen the dwellings from the industrial noise. Other measures also required were an appropriate layout of the residential parcels themselves to ensure the design, internal layout and siting of the individual dwellings mitigated the noise impact with sound insulation measures and, where necessary appropriate mechanical ventilation.

- 1.10 Furthermore, condition 34, which requires the submission of a scheme to protect the dwellings from noise, needed to be re-worded as part of the s73 application. The condition 34 details would then be subsequently submitted as a conditions discharge request and this would be considered alongside the relevant reserved matters applications.
- 1.11 Thus, more recently, and since the issuing of the s73 permission, the approach to this part of the Forge Wood development has been reassessed in the light of these requirements. The residential parcels of sub phases 2B and 2C (CR/2016/0083/ARM) and the application for the employment building (CR/2016/0858/ARM) have been revisited and the revised plans have been considered as a whole. This report deals with sub phase 2B, the application for the employment building is considered elsewhere on this agenda. The details of 2C are still under assessment and will be brought to a subsequent Planning Committee. In addition the applicants have advised that a conditions discharge application for condition 34 (noise mitigation) for the dwellings is to be submitted imminently. An update on this position will be given at the meeting.

THE APPLICATION SITE:-

- 2.1 The application site for sub phase 2B is part of Phase 2 and has a site area of 5.56ha. It forms part of the western development parcels within the wider development site. This parcel is located at the southern end of Phase 2, adjacent to the employment area and then leading down to the fishing lakes and bordering the central parkland.
- 2.2 The site is bounded a treed area to the west and the site for the employment area, beyond which is the London-Brighton railway line, on the other side of which is the Good Yard. The central parkland lies to the east, and there is woodland/ancient woodland to the south. The site will join Phase 2C on its northern boundary.
- 2.3 The topography of the site and surrounding area is broadly flat and slightly higher towards the western side of the site. The Gatwick stream runs from south to north through central parkland area to the east. There is a large pond just beyond the south western corner of the site which is used by a local fishing club. The site is identified as an archaeologically sensitive area. There are mature trees located on the west along the railway line and along the southern boundary. There are smaller trees of lower quality shown to be removed on the proposed site layout which bisect the upper section of the site.
- 2.4 The site is located to the west of the Gatwick Stream floodplain which forms the new central parkland. The closest residential units to the designated floodplain are the large 3-storey apartment blocks along the eastern part of the site. The new spine road will bisect the floodplain linking Phase 2 to other parts of Forge Wood.

THE PROPOSED DEVELOPMENT:-

- 3.1 This amended application seeks the Approval of Reserved Matters for Phase 2B of Forge Wood. The 169 dwellings, of which 41% would be affordable units, comprise a mix of 3 storey apartments and houses of 2-2 ½ storeys in height as follows:
 - 40 x 3 bedroom semi-detached and terraced dwellings;
 - 18 x 2 bedroom semi-detached and terraced dwellings;
 - 21 x 1 bedroom (2 person) apartments;
 - 18 x 2 bedroom (3 person) apartments;
 - 72 x 2 bedroom (4 person) apartments.

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- 3.2 The phase is accessed via the new spine road which serves phase 2 and connects to the wider neighbourhood via two bridge crossings. The principal point of access for this phase would be via the southern spine road and bridge crossing which forms part of the application site. The main spine road through this phase of development then leads north through Phase 2C and up into Phase 2A further to the north. This then leads via the northern bridge crossing into the local centre area in phase 1. The new spine road serving Phase 2B will also provide one of the accesses into the employment land located to the west (adjacent to the railway line). The dwellings in this sub phase are located to the east and west of the central spine road which serves Phase 2.
- 3.3 There are three main character areas within Phase 2B:
- 'CA1 / Main Street' – This character area consists of the semi-detached and terraced properties west of the main spine road.
 - 'CA2 / Parkland Edge' – This character area consists of 6 x three storey apartment blocks to the east of the main spine road bordering the central parkland.
 - 'CA3 / Neighbourhood Housing' – This consists of a mix of terraced, semi-detached and detached houses together with a block of flats. The largest change to the layout as now submitted relates to the southern part of this character area. This was previously shown to be 18 houses. The amended layout now is for a block of flats of 33 units which together with the employment building will provide for the noise mitigation for this sub phase. The properties on the western side of this character area benefit from an attractive outlook onto the parkland adjacent to the employment area.
- 3.4 The following documents have been provided in support of the application:
- Design Statement;
 - Planning Statement;
 - Surface Water Drainage Strategy
 - Residential Landscape Management Plan;
 - Arboricultural Impact Assessment;
 - Ecological Assessment.
 - Noise Report

PLANNING POLICY:-

The National Planning Policy Framework July 2018 (NPPF)

- 4.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives - economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. At the heart of the Framework is presumption in favour of sustainable development.
- 4.2 Relevant paragraphs are:
- Paragraph 11: presumption in favour of sustainable development – this means that development proposals that accord with an up – to – date development plan should be approved without delay.
 - Section 5: delivering a sufficient supply of homes – this seeks to significantly boost the supply of housing.
 - Section 6: Building a strong, competitive economy – significant weight should be placed on the need to support economic growth and productivity.
 - Section 11: Making effective use of land – decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
 - Section 12 : Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a

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key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- Section 15: Conserving and enhancing the natural environment – decisions should prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of pollution including air and noise. Potential adverse impacts on health and quality of life are to be taken into account. In respect of noise, decisions should mitigate and reduce to a minimum potential adverse impacts and avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse impact on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

Crawley 2030: The Crawley Borough Local Plan 2015-2030

4.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise.

4.4 The Plan was adopted on 16th December 2015.

4.5 Housing policy H2 identifies Forge Wood as a key deliverable housing site for up to 1,900 dwellings within the period to 2020. Policy H3 requires all housing development to provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. Affordable and low cost housing should be provided as part of the housing mix and policy H4 specifies the requirement for affordable housing. In this case the affordable housing requirements for Forge Wood are already addressed through conditions 1, 62 and 63 on the outline permission.

4.6 Overarching policy SD1 sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population and policy CH1 supports development in line with the neighbourhood principle (of which this sub-phase of Forge Wood complies with).

4.7 Policy CH2 sets out the principles for good urban design and states:

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

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

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

4.8 Policy CH3 sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context, be of high quality in terms of landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views,

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landscape, layout, details and materials. In addition, proposals must provide a good standard of amenity for future residents in compliance with internal space standards and not cause unreasonable harm to the amenity of the surrounding area by way of overlooking, dominance or overshadowing, traffic generation and general activity. The policy requires the retention of existing individual or groups of trees that contribute positively to the area and seeks to ensure sufficient space for trees to reach maturity particularly when located in private gardens to ensure dwellings receive adequate daylight. Development should also meet its operational needs in respect of parking, access, refuse storage etc. The policy also requires the development to incorporate 'Secure by Design principles' to reduce crime, consider community safety measures and demonstrate design quality through 'Building for life' criteria.

- 4.9 Policy CH4 requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 4.10 Policy CH5 sets out the internal space standards for all new dwellings in line with the Nationally Described Space Standards and also requires development to include appropriate provision of external space.
- 4.11 Policy CH6 seeks to ensure landscape proposals for residential development contribute to the character and appearance of the town and seeks to ensure 1 new tree for each dwelling and where trees are lost, seeks mitigation in line with the published replacement standards.
- 4.12 Policy CH7 identifies the central parkland area directly to the east of the application site as structural landscaping and an important feature that should be protected and enhanced. This aspect has been considered and identified as an integral landscape feature in the overall masterplanning of Forge Wood.
- 4.13 Policy CH12 seeks to protect heritage assets. The site has been identified as an archaeologically sensitive area and condition 19 on the outline permission covers these requirements.
- 4.14 Policy EC4: Employment Development and Residential Amenity seeks to ensure that economic functions of areas are not constrained by inappropriate residential development and equally that no adverse effect to the amenity of residential areas occurs from economic development.
- 4.15 Policy ENV2 requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 4.16 Policy ENV6 sets out the requirement for all development to maximise carbon efficiency with all new dwellings being required to have strengthened on-site energy performance standards while policy ENV9 seeks to ensure development is planned and designed to minimise the impact on water resources and promote water efficiency.
- 4.17 Policy ENV8 seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere. The suitability of this site was considered as part of the outline application, through the overall masterplan layout and via the site wide drainage strategy covered by condition 16. The reserved matters applications are required to include the specific drainage details for the relevant phase/sub phase.
- 4.18 Policy ENV11 seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Residential and other noise sensitive development in areas that are exposed to significant noise from existing or future industrial, commercial or transport noise sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users of the development will be made acceptable. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing and future users. Proposals will be required to appropriately mitigate noise through careful planning, layout and design.

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- 4.19 Policy IN1 seeks to satisfactory infrastructure provision on and off site and where necessary mitigation (this site was considered as part of the outline application, through the overall masterplan layout and via planning conditions).
- 4.20 Policy IN2 requires residential development to be designed and connected to high quality communications infrastructure and to ensure that fibre optic or other cabling does not need to be retrofitted.
- 4.21 Policy IN4 requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.

Supplementary Planning Guidance and Documents

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

PLANNING CONSIDERATIONS:-

- 5.1 The principle of the new neighbourhood, the quantum of development and the main access arrangements have been established with the grant of the original outline planning permission (CR/1998/0039/OUT) and the subsequent application CR/2015/0552/NCC which resulted in the issue of a new outline planning permission for Forge Wood.
- 5.2 This application is for the approval of Reserved Matters, that is, for the detailed design and layout only and the LPA cannot refuse it on grounds which go to the principle of the development. It can only consider detail relevant to that particular application.
- 5.3 The key issues to consider in determining this application are:
- Is the proposal in substantial accordance with the approved Masterplan and Design Statement?
 - Design approach and links with existing and subsequent phases of the development.
 - Housing mix and affordable housing
 - Adequacy of the dwellings for future occupiers including parking and servicing requirements
 - Noise impacts
 - Sustainable design considerations
 - Impacts on ecology, trees and landscaping
 - Surface Water Drainage
 - Foul Drainage
 - CIL

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

- 5.4 The Masterplan and Design Statement for Forge Wood sets out the general structure and layout of the overall development and identifies character areas. This application site is comprised of areas designated as Main Street, Neighbourhood Housing and Parkland Edge as set out in the Design Statement.
- 5.5 The approved Masterplan shows the Phase 2B with higher density development of 3-4 storeys flats on the eastern section of the site overlooking the central parkland. The remaining land shown on the masterplan forms the 'Neighbourhood Housing' and 'Main Street' which is made up of lower density housing. The Masterplan shows a large area of open space to the west of the residential development. A mature treeline separates the housing from the commercial area and access paths are shown providing integration between Phase 2B and part of Phase 3 (the commercial area).
- 5.6 The Masterplan incorporates a 100m Noise Buffer area from the railway goods yard and no dwellings are permitted within this area as controlled by condition 64 of the outline permission due to the existing noise and air quality environment. The dwellings in this sub phase are positioned outside of the buffer zone and so meet this locational requirement of the Masterplan and condition 64 of the outline permission.
- 5.7 The general road arrangements correspond with that shown on the Masterplan and the finer details of the overall layout. This sub phase has been developed from the road layout and other details shown in the Phase 2 infrastructure application.
- 5.8 In terms of the approved Design Statement, the objectives are:

Main Street

- Create a low speed highway network where the carriageway is subservient to the urban form.
- Provide a highly permeable development to encourage pedestrian and cycle movement.
- Create a sequence of clearly designed spaces to aid orientation and local identity.
- Building heights to be predominantly 2 to 2½ storeys with occasional 3 storey development to punctuate or enclose key spaces or to terminate vistas.
- On curtilage parking to be discrete, set back behind main building line or in courtyards.
- On street parking to be in groups of no more than 3 spaces.
- Varying road width with a minimum of 5.5 metres with a footpath on either side although not necessarily contiguous with the carriageway.

Neighbourhood Housing

- Create a low speed highway network where the carriageway is subservient to the urban form.
- Provide highly permeable development to encourage pedestrian and cycle movement.
- Provide mainly 2 to 2½ storey housing with occasional 3 storey houses.
- Create a series of lower key, clearly designed spaces to aid orientation and local identity.
- Provide high quality landscape to green the residential environment
- Provide a coordinated approach to front gardens/privacy strips.

Parkland Edge

- Create a strong backdrop to the central area of parkland of 3 and 4 storey apartments or townhouses
- Vehicular access from the rear with pedestrian and cycle links on the parkland edge
- Occasional breaks in the building frontage to allow views from deeper within the development
- Use of key buildings/architectural features to terminate vistas from the opposite side of the valley
- Complementary frontage to internal spine road
- Buildings to frame views to the spine road to aid orientation

- 5.9 The proposal comprises a mix of 2, 2½ and 3 storey development and the overall layout of roads and streets and the dwellings within them continues the approach established in earlier phases of Forge Wood, and are considered to be in accordance with the objectives set out in the approved Design Statement and consistent with the overall character of the neighbourhood and the specific character areas now established for Forge Wood.

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- 5.10 In terms of density, condition 1 of the outline permission requires the development to be built out at an average density no lower than 41 dph in respect of the net residential area. The net developable area of this sub phase is shown as 2.82 ha which provides an average density of approximately 60 dph. Whilst 2A and 2D have lower densities, the average density across phase 2 as a whole is likely to be achieved with Phase 2B and 2C providing a higher average density. This would compensate for the lower densities of phase 2A and 2D. Thus phase 2B is acceptable as phase 2 overall would meet the overall requirements of the condition.
- 5.11 It should also be noted that density in this sub phase has increased since the application was initially submitted in 2016 due to the need to specifically address noise issues with the inclusion of the noise barrier flat block in the southern part of the site. The inclusion of flats in this part of the site, rather than houses has increased dwelling numbers on this sub phase and so accordingly has increased the density.
- 5.12 A high density in itself is not unacceptable and lower densities would not be an efficient or effective use of the land at Forge Wood, which is the largest key housing site in the Local Plan under Policy H2, and would affect the ability to deliver the required housing numbers to address the Borough's housing need. Condition 4 of the outline permission imposes a maximum of 1900 units. The aim is to achieve as close to the 1900 units as possible and to achieve the most effective use of the land to provide housing, subject to the context, detailed design, layout, housing mix, noise issues etc. These elements are considered in more detail below.

The Design approach and links to subsequent phases of the development

- 5.13 The proposed layout and detailing of the 2 and 2½ storey houses and 3 storey flats within the character areas continues the overall design approach established in earlier phases of Forge Wood. The house types and designs are generally similar to those that have been approved in other phases, but with some variations to address the character area within which they are located and the local site context.
- 5.14 The details also incorporate refinements to the scheme which have emerged and are ongoing as the neighbourhood has been built out. The proposed detailing and palette of materials for the dwellings are also broadly in line with the approved Design Statement. The specific materials can be further considered and agreed in more detail through condition 38 attached to the outline planning permission.
- 5.15 During the consideration of the application a number of issues have been identified that have required revisions, including the layout and design approach of particular areas of this sub phase, particularly to address noise issues, the location of the affordable units, amenity space provision, street scene impact, garden sizes, hard and soft landscaping, parking provision and layout, circulation within the site for vehicles and pedestrian linkages, and alterations to the design approach/detailing relevant to each of the identified character areas.
- 5.16 The amendments that have been submitted include the following:
- Flat barrier block in southern part of the site
 - The high concentration of the affordable units in the northern part of the site has now been dispersed, with more affordable units shown in the southern part of the site, so that they are spread throughout this phase.
 - Amended plans have addressed the design differences between the balconies on the flats. The projecting balconies on the private flats have been removed as this feature appeared incongruous with the design of other dwellings along the parkland edge. Juliette balconies are to be used for all flats, reflecting the approved design approach for the flats on the more recent phases (such as 3A, 3B and 4A) and would be tenure blind.
 - Garden sizes improved through reconfiguration of the layout throughout all parts of this sub-phase.
 - Parking arrangements have been revised to provide an appropriate level of spaces in convenient locations for the units, especially the flats

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- Improvements have been made to visitor parking to create additional spaces in appropriate locations, in line with WSCC Highways requirements.
- Bus stop location added
- The design of a 3-bay terraced unit and a pair of semi-detached dwellings along the northern boundary of this sub phase, facing the southern boundary of the 2C sub phase (Persimmon), have been amended increasing these 2 storey dwellings to 2 ½ storeys in height to reflect the increased height of the neighbouring apartments blocks to the north and east.
- Paths added through the parkland to the west across to the employment area
- Cycle storage facilities amended to provide additional storage and in improved locations.

- 5.17 In terms of the architectural detailing, individual design features are shown on the various house types and detailed information has been provided. However, for some units a different verge/eaves detail has been introduced which is not considered to be appropriate and a condition is suggested to require the submission of an alternative design approach to these details.
- 5.18 Overall it is considered that significant improvements have been made to the design approach and layout of this phase from the initial submission, resulting in an acceptable design and layout.
- 5.19 The layout is also considered to connect with the key linkages identified in the Master Plan, including the footpath and cycle links into adjacent parcels to the north (Phase 2C), to the east across to the central parkland and to the local centre in Phase 1 and those to the south connecting to Crawley Avenue. This sub phase has also been designed to integrate with details of the employment building sub phase (CR/2016/0858/ARM), which is considered elsewhere on this agenda. The details have also been assessed alongside the current details and layout for phase 2C (CR/2016/0083/ARM) to the north, which is still under consideration and will be the subject of a separate report to a subsequent Planning Committee.

Housing Mix and Affordable Housing

- 5.20 A total of 169 units are proposed, comprising a mix of houses and flats, divided between 100 private market units and 69 affordable dwellings.
- 5.21 In terms of the **private dwellings**, the mix is:
- 63 x 2 bed flats
 - 7 x 2 bed houses
 - 30 x 3 bed houses
- 5.22 This range of private market dwellings is considered to be acceptable and provides for an appropriate mix of dwelling sizes.
- 5.23 The provision of **affordable housing** is specifically covered by condition 62 of the outline permission, as well as policy H4 of the Local Plan.
- 5.24 Condition 62 requires 40% affordable housing provision in each phase of the Forge Wood development and a 70:30 split between social rented accommodation and intermediate affordable housing.
- 5.25 Of the 169 dwellings proposed, 69 are affordable and therefore the level of provision is 41% for this particular sub phase. Condition 62 requires the 40% to be achieved across whole phase. In the case of the approved parcels of Phase 2, sub phase 2A delivers 24% and sub phase 2D has 40%.
- 5.26 Thus whilst 2B would slightly overprovide, there would still be a shortfall on this phase as a whole and this would be required to be made up on the remaining parcel 2C. The draft plans and figures provided for 2C (though still under consideration) indicate that this would be able to be achieved.
- 5.27 A similar approach was taken in phase 1, where different levels of affordable housing on the sub phases were considered to be appropriate and have been/are to be reconciled on other sub phases.

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5.28 The mix of the affordable and market discount units provided is:

48 x 2 bed flats
11 x 2 bed houses
10 x 3 bed houses

5.29 The tenure split of these 69 affordable units is 48 units for affordable rent and 21 units for discount, which meets the 70:30 criteria.

5.30 The amendments that were requested by officers in relation to affordable housing concentrations have now been made and it is considered that there is now an acceptable mix of tenures across this sub-phase and the range and location of dwellings would be appropriate and policy compliant.

5.31 All the affordable houses within the layout will be for social rent and shown positioned along the western side of the 'Neighbourhood housing' character area. These properties are arranged in a linear formation, parallel to the proposed commercial area but with open space on the intervening land. The affordable housing is shown set back by approximately 50 metres from the commercial area and separated by a large area of open space and existing trees. It is not considered the positioning of the affordable units results in an unacceptable clustering of the dwellings, as the houses are dispersed linearly along the internal phase 2B road layout.

5.32 With regards to the flats, block 1 in the north eastern part of the site, provides 15 units for discount market sale. This block shows the same general massing, design, parking arrangements and internal layout as the private flats in blocks 2 – 6, all of which overlook the central parkland area.

5.33 In the southern part of the site is flat block 7 which provides 33 units, of which 27 are for affordable rent and 6 are for discount market sale. These units would have shared gardens to their immediate rear, together with communal grounds and would look across to a wooded area to the west.

5.34 Overall the general arrangement of affordable units is considered acceptable and the number of units and their position is not considered to result in an excessive or inappropriate cluster of affordable dwellings in this sub phase.

5.35 The design and detailing of the affordable dwellings is very similar to the market housing and it is considered the development will be tenure blind. The difference from the private market housing is that the affordable units do not have garages. Otherwise the level and form of detailing between the house types is consistent. The amendments to the layout have looked at the provision of adequate garden space and parking provision for the affordable units to ensure that the affordable units are assimilated into the overall layout in a sympathetic manner. There is now a degree of variety in the parking provision, and a reduction in the extent of frontage parking. This ensures that affordable housing is not an obviously different element of the development.

5.36 Overall it is considered that the dwelling mix would be appropriate, providing an adequate mix of dwelling sizes and styles to address the nature of the housing market, creating a varied form of development, both for this phase and taking into account the Forge Wood development as a whole.

Adequacy of the dwellings for future occupiers including parking and servicing

5.37 Internal dwelling sizes for all dwellings are in accordance with the National Space Standards and Policy CH5.

5.38 In respect of amenity space and garden sizes guidance contained within Policy CH5 and the Council's the Urban Design SPD outlines minimum floor area standards for private amenity space. It also states that '*external space standards are of particular importance to affordable housing. Since affordable housing tends to be fully occupied after construction, garden sizes for affordable housing should be met given the likely level of full occupancy*'.

5.39 With regard to the flats in this sub phase, the flat blocks are set in landscaped grounds, particularly the blocks in the eastern side of the site facing the central parkland. The flats in block 7, on the western side, have communal gardens and landscaped grounds and would have an outlook to a

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wooded area to the west. These arrangements have been revised during the consideration of this application to ensure an appropriate layout to the rear and to incorporate sympathetically the refuse stores, cycle stores and parking spaces as well as the garden areas. Overall these are considered to be attractive and spacious layouts for these units, except for flats in units 164 – 166, which currently would be the only units in block 7 without a shared garden. Amended plans have been requested to revise this aspect. An update will be given at the meeting.

- 5.40 With regards to the 58 houses in this sub phase, it is acknowledged that not all of the units would accord with the Councils Outdoor Space Standards. 31 of the houses do not meet the outdoor space standards, with 18 being within 10% of the standards and 13 being within 25% of the standards.
- 5.41 Officers acknowledge that the garden sizes for houses are not fully in accordance with the outdoor space standards. However, this application has been the subject of various revisions, each time including further improvements made to the sizes of the gardens, and in particular to those of the affordable housing units. As a result the garden sizes have significantly improved from the original submission. It should be noted however that the particular constraints that apply to this site mean that has not been possible to achieve further revisions to reach 100% compliance with garden sizes.
- 5.42 Of particular note for this sub phase is the relatively narrow width of this residential land parcel due to the need to be set away from the railway line and Goods Yard to the west, and to the east the Central Parkland and flood compensation area alongside the Gatwick Stream. In addition, within this parcel, the road layout and associated infrastructure (including drainage features) have had to be accommodated. Given the constraints of the site and the requirement to provide 1900 new dwellings across all phases, including affordable housing, it is considered that the proposed garden sizes would be acceptable.
- 5.43 Of the 31 dwellings that do not meet the standards the scheme has now been amended and redesigned to a point where the additional rear garden space for these could not be achieved without resulting in harm to the aesthetic urban environment, the public realm open space and soft landscaping. The applicant has provided a detailed explanation of why each specific plot cannot be amended further, without causing harm to other aspects of the development. In addition, given the location of the site and surrounding open space, in particular the close proximity of the central parkland and nearby woodland it is considered that the development would also benefit significantly from the additional nearby open space.
- 5.44 Overall when assessing the application as a whole and having regard to the delivery of the neighbourhood as a package, the significant areas of open space and landscaping and also taking into account that garden sizes are set out as guidance not policy, and the lesser weight that this affords, it is considered that the development will have an appropriate level of amenity space overall and officers are of the view that the scheme should be considered acceptable.
- 5.45 In respect of privacy and overlooking, it is considered that the layout generally has sufficient separation between dwellings to safeguard outlook and privacy, but it is acknowledged that it is very tight in places. The Urban Design SPD states a separation distance of at least 21m between rear windows of proposed dwellings is required unless an appropriate design solution is adopted. The amended plans have sought to improve the situation but this has not been possible in all cases.
- 5.46 Flat blocks 2 and 4 have a fairly close separation distance at approximately 6 metres at their closest point, but here the facing gables are blank with no windows. The separation between these blocks then widens out to 18.5m and 20m and there are 2 bedrooms on each floor of the blocks which would have windows on the facing elevations but this would be across the central parking courtyard area, and is considered to be an appropriate arrangement in these circumstances.
- 5.47 For flat blocks 2 and 3 there is a 14m separation distance at their closest point, with the access into the parking courtyard between them. Each has a lounge window on the facing gables, but these rooms are double aspect, with a larger window and juliette balcony looking to the front. There is also a bedroom window on these facing gables but they are slightly offset from each other and so there would be a diagonal aspect between them.

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- 5.48 Plots 121 and 107/108 have a separation distance of 19m, however plots 107/108 are set at a slight angle which does reduce to a certain extent any overbearing/overlooking impact on amenity. Plots 135/136 to 123/124 have a separation distance of 20.5m which on balance is acceptable.
- 5.49 While the layout is extremely tight and in a few places distances are below the SPD guidance, it is considered on balance acceptable. It should be noted that the privacy between the dwellings should not be worsened post construction as permitted development rights for roof alterations and extensions were removed by the outline permission and therefore future alterations to these dwellings are controlled (requiring planning permission).
- 5.50 With regards to parking provision parking spaces within the development are in accordance with standards and as revised are readily accessible. The requirements are 1.5 spaces per 2 bed house and 2-3 spaces for 3+ bed units. For the houses the parking provision proposed is in the form of garages or surface parking either to the front or side of the dwellings.
- 5.51 Parking for the flats is in the form of surface spaces in a courtyard arrangement in the immediate surrounds of the flats. The flats have one allocated parking space per unit, plus visitor spaces.
- 5.52 WSCC had requested amendments in relation to the locations of the visitor spaces, surfacing and details of the bus stop locations. The plans have been subsequently amended and WSCC latest comments advise that there is no highway objections in principle. Some alterations are required, but these and detailed constructional matters will all be dealt with as part of the highway adoption agreement process.
- 5.53 Cycle storage for the houses is either within the garages or by a storage shed in the garden. For the flats cycle stores are to be provided within the curtilage of the flat blocks or attached to the building. The Cycle Forum have commented on the layout of the cycle stores for the flats and have requested that they be provided with two cycle spaces per unit in accordance with the standard in the Urban Design SPD. It is considered that the storage can provide additional spaces internally and the details of this can be assessed by way of condition to ensure that they meet the cycle standards.
- 5.54 With regard to refuse and recycling arrangements, the amended layout now shows that individual houses have refuse storage facilities within curtilages and would have the usual kerbside collection point. Flats would have communal collection from the bin stores attached to the buildings or from the separate bin store buildings in their courtyards.
- 5.55 CBC Refuse & Recycling Team have raised comments regarding the revised bin store and collection point for flat block 2. It is considered that this could be re-sited to be in a more suitable location for the collection crews and amended plans have been requested. An update will be given at the meeting.

Noise considerations

- 5.56 Noise is a significant issue across Forge Wood and especially on phase 2 arising from the proximity of Gatwick Airport, plus the railway line and Goods Yard. Noise was a key consideration at the Planning Inquiries in respect of the original outline application, as well as the more recent s73 application. In addition, an earlier report for this particular Reserved Matters application was deleted from the agenda of the Planning Committee in April 2016 as noise issues and their appropriate mitigation at that time were not resolved.
- 5.57 The details of the reserved matters applications for the residential parcels therefore need to have regard to the noise environment in respect of the layout of that part of the site, including the positioning and orientation of the dwellings, and their internal layout and design. In addition, the outline planning permission under condition 34 requires a scheme to demonstrate the dwellings on a phase or sub phase have sufficient protection against aircraft, railway, road and industrial noise sources.
- 5.58 In respect of **aircraft noise** from both a single and two runway airport, GAL have commented that all the new dwellings are located outside of the area of the site that is predicted to be exposed to noise levels that would be unacceptable for dwellings (above 66dBALeq as set out in condition 33). They thus have no objection to the siting or layout of the dwellings. However, the dwellings would be

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located between the 57dBA – 63dBA noise contours, where dwellings are acceptable in principle from a noise perspective, but as they would be potentially be exposed to aircraft noise, specific measures to protect the dwellings would be needed and this would be submitted via condition 34.

- 5.59 With regard to **noise from the railway and Goods Yard**, this aspect was considered as part of the s73 application and the ES and a combination of mitigation measures are required. This includes the 100m noise exclusion zone/buffer where dwellings are not permitted and, within the residential parcel itself, the erection of a non-residential building to act as a barrier block to screen the dwellings from the industrial noise is required. Other measures necessary relate to the design, internal layout and siting of the new dwellings, together with sound insulation measures, and where necessary appropriate mechanical ventilation.
- 5.60 The dwellings on 2B are located outside of the 100m exclusion zone and the non-residential building which is to be the noise barrier along the western part of the site is formed by the commercial employment building. This was shown as such in the original Masterplan and so is part of the approved layout for the development in this part of Forge Wood. The erection of the commercial employment building has thus always formed part of the noise mitigation proposals that are required in this location, as otherwise residential development here would be unacceptable on environmental grounds.
- 5.61 Previously (April 2016) an application for the employment building had not been submitted and so the concern was that it could not be demonstrated that the submitted residential layout for 2B was acceptable from a noise point of view as details of the noise mitigation proposals were unknown.
- 5.62 Now details of the employment building are before the Local Planning Authority and the associated Reserved Matters application (CR/2016/0858/ARM) is considered elsewhere on this agenda. A decision on the details of that building will be made as part of that application, but in relation to the considerations for the Committee for this residential sub phase of 2B, the building meets the desired criteria in terms of its position, length, height and mass, in order to provide the effective noise mitigation and would safeguard future residents.
- 5.63 In addition, arising from the noise modelling undertaken for the s73 application and the ES, a requirement for further physical mitigation for phase 2B was identified to be provided within the layout of 2B itself. These are now incorporated into the revised application proposals in the form of a three storey block of flats to form a supplementary barrier at the southern end of the site (Block 7). In addition a 2 pairs of semi-detached dwellings have been increased in height to 3 storey - plots 113 - 116
- 5.64 Block 7 has been specifically designed for this sub phase, in terms of its position and footprint, scale and massing and the internal layout of the flats. The flats will be dual aspect, but with bedrooms facing east, away from the railway line and Goods Yard. Living rooms would face west, but this is considered to be a satisfactory arrangement as the specific noise issues arise during night time hours, when other background noise levels are lower and the rail and industrial noise sources would be more apparent. In addition, the flats would benefit from mechanical ventilation. There are 2 flats where the bedrooms cannot be positioned facing east, and in these specific instances, the windows would be sealed. This is shown on the amended plans. The houses on plots 113 – 116 have also been specifically designed for this sub phase, at 3 storeys high with bedrooms facing to the east.
- 5.65 The Environmental Health Officer has commented that ..

' ... a number of discussions with the applicant has resolved all outstanding issues with regards the layout and design of Phase 2B. This phase is totally reliant on the employment building to protect it for noise from the Goods Yard and the railway line. However the properties at the southern end of the development are not protected by noise from some of the night operations of the goods yard and therefore Block 7 at the southernmost end of the phase is acting as a barrier block to help protect residents to the north from those activities. The flats in this block have their bedroom windows on the protected side of the block, away from the noise, so protecting the future occupants from the noise of the goods yard. Except for flats TW 164 -169 where one of the bedrooms in each flat cannot be protected by either layout or design. These will have to have sealed windows, as the future occupants could

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suffer a Statutory Noise Nuisance from the Goods yard and the Council may then be force to take formal action against the Goods Yard. I would like to recommend a condition that ensures that at no point in the future that these windows are replaced with standard windows.

The buildings labelled PC32 just to the north of Block 7 are also exposed to the night time noise from the Goods Yard. They also act as barrier to the dwellings behind them and therefore the bedrooms are to the rear of the buildings. However there is a study on the first floor and I would like to recommend a condition to prevent the future use of this room as a bedroom. The reason being that the occupant could suffer a Statutory Noise Nuisance from the Goods Yard and the Council may then be force to take formal action against the Goods Yard.

The whole of Phase 2B the will still be affected by noise from the proposed wide-spaced second runway at Gatwick Airport, as it lies between the predicted 57dB and 63dB contours. The buildings will therefore require additional insulation and ventilation which has been agreed with the applicant as a part of discharging Condition 34 of the outline permission'.

- 5.66 The suggested condition for the flats in Block 7 is set out at the end of this report (condition 14) However, with regard to that suggested for the houses at plots 113 – 116, which would prevent the study being used as a bedroom, officers are concerned at the potential for the study to be readily used as a bedroom given its size and layout. Officers are therefore of the view that such a condition would be unenforceable. It is considered that a better approach would be to redesign the internal layout of the 1st floor, by placing the bathroom to the front and the study to the side or rear. This physical layout would therefore be less likely to be changed. Amended plans have been requested in this regard and an update will be given at the meeting.
- 5.67 In addition to these specific physical noise mitigations measures (the employment building, the flat barrier block and the 4 houses), noise mitigation measures are required for the dwellings themselves, which include the internal layout of the new dwellings, together with sound insulation measures, and where necessary appropriate mechanical ventilation. The outline planning permission under condition 34 requires a scheme to demonstrate the dwellings on a phase or sub phase have sufficient protection against aircraft, railway, road and industrial noise sources. The applicants have advised that this scheme is to be submitted shortly in association with this residential reserved matters application and is to include a construction/phasing sequence to ensure that the necessary mitigation is in place prior to occupation of the dwellings.
- 5.68 As the provision of the employment building, the flat barrier block and the 4 houses are so crucial to the residential environment for the dwellings on 2B, (and 2C) it is considered that a s106 legal agreement is required. This would link these separate commercial and residential applications together and restrict occupation of the dwellings until the employment building and barrier blocks have been constructed to a standard that provides the appropriate level of noise mitigation.

Sustainable design considerations

- 5.69 In respect of condition 23 this requires an assessment of the buildings to meet sustainable design and construction measures offsetting 10% of predicted carbon emissions (energy) through a combination of sustainable design and construction or on-site renewable energy. The sustainable construction or 'fabric first' approach would have no impact on the exterior of the buildings as designed however, the introduction of renewables most likely PV panels would have a visual impact on the design of the dwellings and it is proposed that in such circumstances details of any PV panels to be installed is controlled via a condition to safeguard the visual quality of the development.

Impact on ecology, existing trees / landscaping and ancient woodland

- 5.70 The Ecological report submitted with this application has concluded that the habitats within phase 2b are considered to be of some ecological value however there are habitats of comparatively greater value in the wider site area (i.e. Woodlands and Gatwick Stream to the east and west of the site). The site has been regularly surveyed for protected species to ensure existing habitats are protected and/or suitable mitigation is provided.

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- 5.71 None of the trees within and adjacent to the site were recorded as having potential to support roosting bats. The proposed felling of a small number of immature and semi-mature trees on the site was not considered to have a significant impact on the long-term foraging opportunities for bats. Importantly the new Sustainable Urban Drainage System including the swales with the associated planting and habitats will provide further enhancement for bats foraging opportunities as a suitable potential mitigation system.
- 5.72 The majority of the application site comprises habitats that are not suitable for common reptiles however a low number of Grass Snakes have been recorded on the site. Natural England's standing advice for reptiles has been considered in relation to the grass snakes, the loss of this habitat was accepted with the grant of outline permission and the proposed measures in the ecology report are for relocation of any species to areas within the wider site unaffected by development. This approach along with the precautions recommended during construction are considered adequate.
- 5.73 Regarding the presence of Great Crested Newts (GCN) within the site and wider area, a small population has been recorded within ponds P6 and P9b and ditch P8. The nearest waterbody is approximately 10m west of the application site. A total of four new ponds will be created in order to mitigate for the loss of ponds P6 and P9b. Therefore there will be an overall net gain in pond numbers post-development, as per Natural England's guidance. This mitigation was considered suitable in relation to the protection of the GCN population within the wider site area.
- 5.74 The advice received from the Ecology consultant concluded there are no biodiversity conservation grounds for refusal, subject to full implementation of the recommendations contained in the submitted Ecology report.
- 5.75 The layout for Phase 2B is buffered by the woodland which provides a separation distance of 75m to the designated ancient woodland area. There were no objections raised by the Arboricultural officer to the recommendations set out in the Arboricultural report subject to tree protection measures being in place during construction in line with the recommendations.
- 5.76 Policy CH6 states that where a development would result in a loss of trees, applicants must mitigate this loss through replacement or new tree planting in an appropriate location. The applicant is proposing to remove two trees of moderate (Cat B) quality and four trees of low (Cat C) quality. The loss of these trees is required to install the spine road and SUDS which bisect the application site. The like-for-like replacement trees on the Forge Wood development is not a viable solution due to the Greenfield nature of the site. The proposed tree planting schedule is considered acceptable and in general compliance with policy CH6, the proposed soft landscaping drawings show ample planting of semi-mature specimens around the development which will improve the street scene and compensate for this minimal loss of existing trees.
- 5.77 In conclusion, the principle of this loss of countryside and habitat was accepted by the outline permission and ecology study, the design and layout of the dwellings is considered to provide adequate mitigation for the protected species and safeguards are appropriate for the adjoining Ancient Woodland and retained trees /hedges.

Drainage

Surface Water

- 5.78 The drainage strategy submitted for the site pursuant to condition 16 shows the sewer alignments would be under the main roads and this is shown in the plans approved for the phase 2 spine roads under CR/2015/0628/ARM along with the agreed positioning of the swales as indicated on site wide strategy.
- 5.79 The Phase 2B application was initially submitted in October 2015 in parallel with phase 2A and the spine road applications with an identical drainage strategy supplied for each application. In order to determine the spine road application, the drainage strategy for phase 2 was subject to further

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discussion following the initial concerns raised by the Environment Agency and Drainage officer. An amended document was prepared and the overall drainage strategy was agreed for phase 2 as part of the spine road application. This agreed document was then submitted for phase 2B in March 2016. Phase 2B drains towards Swale 3 to the east of the site, this feature holding the water until its release into the Gatwick Stream.

- 5.80 Since that time the drainage strategy has been further amended to reflect the changes required and the revisions to the layout. The Environment Agency have however now objected to the approach taken as they consider that a Flood Risk Assessment is required. This objection has been put to the applicants who have replied that the outline planning application included a detailed Flood Risk Assessment and there is a site wide drainage strategy which is covered by condition 15. As this is a reserved matters application, it is not considered that a FRA is required at this latter stage. In addition, this reserved matters application is accompanied by a phase specific drainage strategy, which accords with the site wide strategy. This response has been relayed to the EA, but at the time of writing this report no further comments have been received. The CBC Drainage Officer comments that he has reviewed the process adopted by the developer and that this submission appears adequate and acceptable as a means of discharging the original drainage related conditions
- 5.81 The future long term maintenance and management of the drainage features and this is included in the site wide drainage strategy under condition 16. The approach is that the drainage would be the responsibility of a private management company and finalised details of the arrangements and financial safeguards have been submitted for this condition.

Foul drainage

- 5.82 Thames Water has consistently commented that the existing waste water infrastructure is unable to accommodate the needs of the development and have recommended that a 'Grampian Style' condition be imposed requiring an on and off-site drainage strategy for the proposed works. It is not appropriate to impose a condition relating to strategic infrastructure to a reserved matter application as such issues should have been conditioned at outline stage. The appeal Inspector did not impose a specific condition in respect of foul water drainage. The applicants are in any event required to make satisfactory provision for waste water and will have to reach agreement with Thames Water. This can be achieved outside of this reserved matters application.
- 5.83 The applicants have previously confirmed that they already have a foul drainage strategy and agreement with Thames Water which covers the whole development. More recently they have also advised that that under S106 of the Water Industry Act (WIA), Thames Water have previously granted the right to connect to the public foul sewer network in two locations, namely Radford Rd and the junction of Balcombe Rd/Steers Lane. Subsequent to that agreed position, GTC, the appointed drainage adopting body for this development have developed matters further with Thames Water including a potential new sewer to the sewage treatment works, all under the WIA.
- 5.84 Thames Water have subsequently confirmed that discussions are ongoing with the developers to agree a deliverable solution, with the preferred option being the construction of a rising main to discharge flows to Crawley Sewage Treatment Works.

CIL

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

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CONCLUSIONS:-

- 6.1 This application for Phase 2B at Forge Wood as amended is considered to have addressed the design parameters and relevant conditions imposed on the outline planning permission and is considered to be in substantial accordance with the Masterplan and Design Statement.
- 6.2 The design approach and layout is considered to follow the approach established in earlier phases in respect of house types / designs and would allow a continuation of the cohesive development pattern and distinctive character to Forge Wood. Some points of design detail remain outstanding and it is considered that these could be adequately addressed via condition, or amended plans. Members will be updated at the meeting, where necessary.
- 6.3 The dwellings are considered to comply with the adopted space standards, with generally adequate gardens in terms of size and an appropriate level of parking provision in line with adopted standards. The layout while tight in places is, in terms of its design, landscaping and materials considered to provide an attractive and legible layout and safeguards the privacy and amenities of future occupants. The layout and design is considered to appropriately address the environmental safeguards required through outline conditions in terms of ecology and drainage.
- 6.4 The key issue has been the acceptability of the residential layout proposed in relation to noise and the relationship with the activities at the Goods Yard. The application for the employment building has now been submitted and the precise details are included elsewhere in the agenda for the Committee to consider in parallel with this application. However, in overall terms of its relationship to this residential phase, the employment building meets the desired criteria in terms of its position, length, height and mass, in order to provide the effective noise mitigation and would safeguard future residents. In addition, the amended plans for Phase 2B now include a flat barrier block and 4 houses to provide further noise mitigation measures within the parcel itself.
- 6.5 As the employment building is so crucial to the delivery of the residential parcels, a s106 agreement is needed to link these separate applications together and to ensure that the employment building is constructed so that it provides the appropriate noise mitigation prior to occupation of the houses and flats. The s106 is to include the following obligations:
 - To restrict occupation of the flat barrier blocks unless and until the employment building has been substantially completed
 - and
 - To restrict occupation of any dwelling (apart from the flat barrier blocks) unless and until the employment building and the flat barrier block for that sub phase have been substantially completed

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RECOMMENDATION RE: CR/2015/0718/ARM

The recommendation is to **APPROVE** this reserved matters application, subject to completion of a s106 Agreement as set out in paragraph 6.5, the receipt of amended plans for the bin store for block 2, the floor plans for plots 113 – 116 and the garden layout for flats 164 – 166; and the imposition of the following conditions and informatives:

- 1 The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
2. Notwithstanding the elevational details provided no works comprising the erection of house types NA20, NA32, NB32 ,NA22 and PC32 shall commence until construction details of the roof verges and eaves to be used in those dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
REASON: To control the development in detail and to ensure a high quality development in the neighbourhood in with policy CH2 of the Crawley Borough Local Plan 2015-2030.
- 3 Provision shall be made for high speed broadband to serve all dwellings on the development in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
REASON: To ensure delivery of high quality communications in accordance with Policy IN2 of the Crawley Borough Local Plan 2015-2030.
- 4 Provision shall be made for combined aerial facilities to serve all flat development in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 5 Before the properties approved in this phase are occupied, details of the design and location of lighting to be provided in the forecourt and parking areas shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed details.
REASON: To safeguard the appearance of the development and the amenities of the area in accordance with Policies GD2 and CH3 of the Crawley Borough Local Plan 2015 -2030.
- 6 Notwithstanding the submitted details and prior to first occupation of the residential flats which they are to serve, details of the refuse stores and secure cycle stores for the flats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse stores and cycle stores for the houses and flats shall be constructed in accordance with the approved details and operational prior to the first occupation of the flats for which they are intended to serve.
REASON: To safeguard the appearance of the development and ensure the operational requirements of the development are met in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 -2030.
- 7 No solar panels or renewables which may be required pursuant to the discharge of condition 23 shall be installed unless and until full details of their design and location are submitted to and agreed by the Local Planning Authority in writing. The works shall thereafter be implemented in accordance with the agreed details.
REASON: To control the design of the development in detail in accordance with GD3 of the Crawley Borough Local Plan 2015 - 2030
- 8 No development, including site works of any description shall take place on the site unless and until all the trees/bushes/hedges to be retained on the site have been protected in accordance with the tree protection plan 7827/2B/02 and in accordance with measures in the submitted Arboricultural method statement 7827/Phase2B/so. Within the areas thereby fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning

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

- 9 The construction of the development shall be undertaken in accordance with the safeguards detailed within the submitted Ecological Assessment '4039.EcoAss.dv2'- Phase 2B Residential (September 2015) provided by Ecology Solutions.
REASON: To ensure that the ecology of the site is protected and enhanced in accordance with policy ENV2 of the Crawley Borough Local Plan 2015-2030 and Para 118 of the NPPF 2012.
- 10 All landscaping works shall be carried out in accordance with the approved soft landscaping specification scheme (667-187-C; 667-188-C; 667-189-C). No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of visual amenity and because the scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Gatwick Airport through the attraction of birds.
- 11 All planting, seeding or turfing comprised in the approved details of landscaping within Phase 2B shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
- 12 The dwellings hereby approved shall not be occupied until the SUDS drainage measures for the catchment area in which phase 2B is situated have been fully implemented in accordance with the details agreed under CR/2015/0628/ARM and this Reserved Matters application.
REASON: To ensure that the development is satisfactorily drained in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
- 13 Details of the design and location of external flues and gas pipes to be provided to serve the dwellings (including flats/apartments) shall be submitted to and approved in writing by the Local Planning Authority, and the external flues and gas pipes shall thereafter be implemented in accordance with the agreed details before first occupation.
REASON: To control the design of the development in detail and to ensure a satisfactory visual appearance in the interests of visual amenity in accordance with CH3 of the Crawley Borough Local Plan 2015 – 2030.
- 14 The following bedroom windows on the residential flats in block 7 shall be sealed shut at all times. No additional openings, doors or windows shall be installed unless permission is granted by the Local Planning Authority pursuant to an application for that purpose

Plot 164 north elevation
Plot 165 north elevation
Plot 166 north elevation
Plot 167 south elevation
Plot 168 south elevation
Plot 169 south elevation

REASON: In the interests of amenity and the noise environment of the locality in accordance with policy CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030

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INFORMATIVES

1. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL and associated forms visit www.crawley.gov.uk/cil, email development.control@crawley.gov.uk or telephone 01293 438644 or 438568. To avoid additional financial penalties the requirements of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Please also note that any reliefs or exemptions from CIL are subject to the correct procedures being followed as laid down in the regulations, including the following:
 - Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.
 - A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced.
 - Any event occurred during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefitting from the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from www.aoa.org.uk/policy-campaigns/operations-safety/)
3. The Gatwick Stream is a designated main river. The prior written consent of the Environment Agency is required under Section 109 Water Resources Act 1991 for any works in, over or under the change of the watercourse or on the banks within eight metres of the top off the bank. Any new outfall structure to the Gatwick Stream would require the Environment Agencies prior Consent.
4. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The development should demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquires should be direct to the Risk Management Team <tel:02035779483> or email wwriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality
5. The applicant's attention is drawn to the consultation responses from WSCC Highways, including that dated 10th September 2018 regarding shared surfaces.

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 through pre-application discussions/correspondence.
- Liaising with consultees/respondents/applicant/agent and discussing the proposal where considered appropriate during the course of the determination of the application.

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- Seeking amended plans/additional information to address identified issues during the course of the application.

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



NES CRAWLEY - SITE WIDE PLAN

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEACOCKGROUP.CO.UK | TEAMWORK BY HODGSON | APPROVED BY P.M. MCC | DATE 13/06/19 | SCALE 1:2000 EAI | SHEET 1.005 21-2 REV 1 CLIENT: TAYLOR WIMPEY / PERSHORE HOMES |

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - **25 September 2018**
REPORT NO: PES/285(b)

REFERENCE NO: CR/2016/0858/ARM

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

WARD: Pound Hill North

PROPOSAL: APPROVAL OF RESERVED MATTERS FOR PHASE 3 EMPLOYMENT BUILDING, CAR PARKING, INTERNAL ACCESS ROADS, FOOTPATHS, PARKING & CIRCULATION AREAS, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE & ENGINEERING WORKS PURSUANT TO OUTLINE PLANNING PERMISSION CR/2015/0552/NCC FOR A NEW MIXED USE NEIGHBOURHOOD

TARGET DECISION DATE: 11 January 2017

CASE OFFICER: Mrs V. Cheesman

APPLICANTS NAME: Persimmon Homes Ltd

AGENTS NAME: Pegasus Planning Group Limited

PLANS & DRAWINGS CONSIDERED:

T.0353_08, Site Location Plan
T.0353_01_2 , Site Layout
T.0353_06, Employment Block Elevations
T.0353_07, Employment Block Floor Plan
CSA/667/251, Detailed Landscape Proposals Sheet 1 of 3
CSA/667/252, Detailed Landscape Proposals Sheet 2 of 3
CSA/667/253, Detailed Landscape Proposals Sheet 3 of 3
7827/EMP-Ph/02 , Tree Protection Plan
T324/01, Vehicle Swept Path of Large Refuse Vehicle
T324/02, Vehicle Swept Path of Medium Size Car
T324/03, Vehicle Swept Path of Ridged Vehicle
T324/04, Street Lighting
T324/06, Drainage, Levels & Contours
T324/07, Construction Details
T324/08, Cellular Storage Tank Details
T.0353 14, Site Location Plan (Wider Context)
T.0364-16, Bin/Cycle Stores

CONSULTEE RESPONSES:-

- | | | |
|----|--------------------------------------|--|
| 1. | GAL - Planning Department | No comments to make |
| 2. | GAL - Aerodrome Safeguarding | No objections subject to conditions and a crane informative |
| 3. | National Air Traffic Services (NATS) | No safeguarding objection |
| 4. | WSCC - Highways | No objections |
| 5. | Cycle Forum | Comments on cycle parking provision, and connections to wider cycle network |
| 6. | West Sussex Fire Brigade | No comments received |
| 7. | Network Rail | Advice provided on the requirements for the safe operation of the railway – to be an informative |
| 8. | Environment Agency | No objection |

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9.	CBC - Drainage Officer	No objection
10.	Thames Water	Request a Grampian style condition be imposed as they consider there is inadequate sewerage capacity to accommodate the development. However, they advise that discussions are ongoing to agree a deliverable solution.
11.	Southern Water Ltd	Formal application for connection and on-site mains is required to be made by the developer
12.	WSCC - Surface Water Drainage (SWD)	No comments received
13.	Independent Water Networks Ltd	No comments received
14.	Sussex Building Control Partnership	No comments received
15.	Police	Comments on security issues
16.	UK Power Networks	No comments received
17.	Homes England	No comments received
18.	Ecology Officer	No objections subject to condition
19.	CBC - Planning Arboricultural Officer	No objections subject to conditions
20.	CBC - Environmental Health	No objections subject to conditions
21.	CBC - FP - Energy Efficiency & Sustainability	No objection
22.	CBC - FP - Retail & Employment	No objection
23.	CBC - Property Division	No comments to make

NEIGHBOUR NOTIFICATIONS:-

Application published via press and site notices.

RESPONSES RECEIVED:-

Objection received (2016) from First Plan on behalf of the Operators at Crawley Goods Yard regarding lack of information about the phasing and timing of the noise mitigation measures in relation to the dwellings, and that the proposals (at that time) did not adequately safeguard the Goods Yard operators. Note – this was submitted at the same time as comments on the s73 application when noise issues were being assessed.

REASON FOR REPORTING TO COMMITTEE:-

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

BACKGROUND:-

General

- 1.1 Outline planning permission for the North East Sector neighbourhood, now known as Forge Wood, was originally granted by the Secretary of State on 16th February 2011 under reference CR/1998/0039/OUT.
- 1.2 The outline planning permission established the principle of a mixed use neighbourhood to include up to 1,900 dwellings, 5,000 sq m of employment floorspace, 2,500 sq m of net retail space, a local centre/community centre, a primary school, recreational open space, landscaping, the relocation of a 132KV power line adjacent to the M23 and other associated works.
- 1.3 More recently a Section 73 - variation of conditions application CR/2015/0552/NCC (referred to in this report as the 's73 application') was permitted on 15th November 2016, which issued a new outline planning permission for Forge Wood with updated decision notice relating to an amended Master Plan, Design Statement and revised conditions.
- 1.4 The principle of the new neighbourhood, the quantum of development, as well as the access arrangements and principal road junctions have therefore been established. Various Reserved

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Matters applications have been considered by the Planning Committee for specific land parcels across the 4 phases of the development.

The western part of Forge Wood - Phase 2 and the Employment Building

- 1.5 The western part of the Neighbourhood (which lies to the west of the Central Parkland and the Gatwick Stream) comprises the residential parcels of Phase 2 and the employment building (part of Phase 3).
- 1.6 In respect of Phase 2, CR/2015/0628/ARM has been approved for the infrastructure works (roads and drainage). The residential sub phase 2A has been approved under CR/2015/0740/ARM and has been constructed. Sub phase 2D was approved under CR/2016/0114/ARM and is under construction. The remaining elements are thus the employment building and the residential sub phases 2B and 2C.
- 1.7 With regard to sub phase 2B, application CR/2016/0718/ARM was due to be considered at the April 2016 Planning Committee, but the item was deleted from the agenda as the noise aspects required further consideration.
- 1.8 Since then and during the consideration of the s73 application, there were concerns over noise issues for Phases 2B and 2C, and specifically the relationship between the railway line, Crawley Goods Yard and the new dwellings. It was decided that a revised and updated noise report and chapter for the Environmental Statement (ES) was required. This was needed to inform the s73 application. It was also decided that the overarching approach to noise at this level needed to be resolved before detailed consideration could be given to the individual reserved matters applications.
- 1.9 The revised ES and s73 details set out that a combination of mitigation measures that would be required for the residential phases 2B and 2C including a 100m noise exclusion zone/buffer at the western boundary where dwellings are not permitted due to noise and air quality issues, and the erection of non-residential building to act as a barrier to screen the dwellings from the industrial noise. Other measures also required were an appropriate layout of the residential parcels themselves and the design, internal layout and siting of the individual dwellings, sound insulation measures and where necessary appropriate mechanical ventilation.
- 1.10 Furthermore, condition 34 on the original outline permission (CR/1998/0039/OUT) which required the submission of a scheme to protect the dwellings from noise, needed to be re-worded as part of the s73 application. The condition 34 details would then be subsequently submitted as a conditions discharge request and this would be considered alongside the relevant reserved matters applications.
- 1.11 Thus, more recently, and since the issuing of the s73 permission, the approach to this part of the Forge Wood development has been reassessed in the light of these requirements. The residential parcels of sub phases 2B and 2C (CR/2016/0083/ARM) and this subject application for the employment building (CR/2016/0858/ARM) have been revisited and the revised plans have been considered as a whole. This report deals with the employment building – that for sub phase 2B is considered elsewhere on this agenda. The details of sub phase 2C are still under assessment and will be brought to a subsequent Planning Committee. In addition the applicants have advised that a conditions discharge application for condition 34 (noise mitigation) is to be submitted imminently. An update on this position will be given at the meeting.

THE APPLICATION SITE:-

- 2.1 The application site of 2.74ha is located on the far western side of Forge Wood, adjacent with the London-Brighton railway line along the western boundary of the neighbourhood, beyond which is the Crawley Good Yard.

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- 2.2 The eastern part of the application site includes an area of mature trees. The eastern boundary of the application site adjoins the residential parcels of 2B and 2C, with the spine road for Phase 2 running centrally through them and the Central Parkland is set further to the east. The Gatwick stream runs from south to north through Central Parkland area.
- 2.3 Phase 2C wraps round the northern boundary of the application site, with phase 2A beyond. The site borders onto the existing fishing lake to the south which is used by a local fishing club.
- 2.4 The topography of the site and surrounding area is broadly flat and slightly higher towards the western side of the site. The railway line is set at a higher level.

THE PROPOSED DEVELOPMENT:-

- 3.1 The application seeks the Approval of Reserved Matters for the employment building and associated parking and landscaping arrangements. The building is to be located on the western part of the application site, parallel to the railway line with the parking facilities and landscaped area set to the front (east). The landscaped grounds incorporate the retained mature trees in the eastern part of the site.
- 3.2 The building would be 350m long and 10m deep, with a total floorspace of 3572sqm. It would have a flat roof design with an average height of 10m along all of its length, with taller sections at 10.7m high.
- 3.3 The details of the building have been revised during the consideration of the application. Previously the drawings showed the building to be predominantly brick and the floorspace was laid out as open plan offices, with smaller ancillary cores. The revised plans now show the building to be constructed of red stock brick to the lower part of the walls with blue cladding above. The plans show it divided into 14 units, each with an 8m high roller shutter door and an entrance door on the eastern elevation. For flexibility, the internal arrangements are shown as 'open plan' to the ground floor, with no 1st floor layouts submitted, although the elevations show windows at ground floor and 1st floor level. Those windows at the higher level would allow light into the building and are shown to articulate the elevations and to avoid blank façades. On the rear (west) elevation the windows would be sealed and the doors are for emergency exit purposes only.
- 3.4 To the front (east) of the building, the layout incorporates parking facilities beyond which the land is to be laid out to provide landscaped grounds, including the retained trees with paths through to link to the adjoining residential parcels.

PLANNING POLICY:-

The National Planning Policy Framework July 2018 (NPPF)

- 4.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives - economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. At the heart of the Framework is presumption in favour of sustainable development.
- 4.2 Relevant paragraphs are:
 - Paragraph 11: presumption in favour of sustainable development – this means that development proposals that accord with an up – to – date development plan should be approved without delay.
 - Section 5: delivering a sufficient supply of homes – this seeks to significantly boost the supply of housing.
 - Section 6: Building a strong, competitive economy – significant weight should be placed on the need to support economic growth and productivity.

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- Section 11: Making effective use of land – decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 : Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Section 15: Conserving and enhancing the natural environment – decisions should prevent new and existing development from contributing to, being put at risk from , or being adversely affected by, unacceptable levels of pollution including air and noise. Potential adverse impacts on health and quality of life are to be taken into account. In respect of noise, decisions should mitigate and reduce to a minimum potential adverse impacts and avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse impact on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 4.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise.
- 4.4 The Plan was adopted on 16th December 2015.
- 4.5 Housing policy H2 identifies Forge Wood as a key deliverable housing site for up to 1,900 dwellings within the period to 2020.
- 4.6 Overarching policy SD1 sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population and policy CH1 supports development in line with the neighbourhood principle (of which this sub-phase of Forge Wood complies with).
- 4.7 Policy CH2 sets out the principles for good urban design and states:

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

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

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

- 4.8 Policy CH3 sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate

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

- 4.9 Policy CH4 requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 4.10 Policy CH7 identifies the central parkland area to the east of the application site as structural landscaping and an important feature that should be protected and enhanced. This aspect has been considered and identified as an integral landscape feature in the overall masterplanning of Forge Wood.
- 4.11 Policy CH12 seeks to protect heritage assets. The site has been identified as an archaeologically sensitive area and condition 19 on the s73 application covers these requirements.
- 4.12 Policy EC1 relates to Sustainable Economic Growth and requires all suitable opportunities to be fully explored to enable existing and new businesses to grow and prosper and to meet future economic growth needs.
- 4.13 Policy EC4: Employment Development and Residential Amenity seeks to ensure that economic functions of areas are not constrained by inappropriate residential development and equally that no adverse effect to the amenity of residential areas occurs from economic development.
- 4.14 Policy ENV2 requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 4.15 Policy ENV6 sets out the requirement for all development to maximise carbon efficiency and sustainability objectives, with new non-domestic buildings to be assessed against BREEAM standards. For Forge Wood it should be noted that the requirement is covered by condition 22 and is to achieve a 'very good' rating.
- 4.16 Policy ENV8 seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere. The suitability of this site was considered as part of the outline application, through the overall masterplan layout and via the site wide drainage strategy covered by condition 16. The reserved matters applications are required to include the specific drainage details for the relevant phase/sub phase.
- 4.17 Policy ENV9 seeks to ensure development is planned and designed to minimise the impact on water resources and promote water efficiency.
- 4.18 Policy ENV11 seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Residential and other noise sensitive development in areas that are exposed to significant noise from existing or future industrial, commercial or transport noise sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users of the development will be made acceptable. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the

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amenity of existing and future users. Proposals will be required to appropriately mitigate noise through careful planning, layout and design.

- 4.19 Policy IN1 seeks to satisfactory infrastructure provision on and off site and where necessary mitigation (this site was considered as part of the outline application, through the overall masterplan layout and via planning conditions).
- 4.20 Policy IN4 requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.

Supplementary Planning Guidance and Documents

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

PLANNING CONSIDERATIONS:-

- 5.1 The principle of the new neighbourhood, the quantum of development and the main access arrangements have been established with the grant of the original outline planning permission (CR/1998/0039/OUT) and the subsequent s73 application (CR/2015/0552/NCC) which resulted in the issue of a new outline planning permission for Forge Wood.
- 5.2 This application is for the approval of Reserved Matters, that is, for the detailed design and layout only and the LPA cannot refuse it on grounds which go to the principle of the development. It can only consider detail relevant to that particular application.
- 5.3 The key issues to consider in determining this application are:
- Is the proposal in substantial accordance with the approved Masterplan and Design Statement?
 - Design of the building and layout
 - Noise considerations
 - Highway safety, access and parking issues
 - Sustainable design considerations
 - Ecology, trees and landscaping
 - Drainage

Is the proposal in substantial accordance with the approved Masterplan?

- 5.4 The outline planning permission for Forge Wood includes provision for employment floorspace as a key component of the new neighbourhood. Its location is shown on the Masterplan. In addition, the outline permission and associated ES requires the building to serve as a noise mitigation barrier for the new dwellings immediately to the east in phases 2B and 2C in order to protect the occupants from

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noise from the railway line and the Goods Yard. Thus the principle of an employment building, in this location and of this scale has been established at outline stage.

- 5.5 Given the significant need for office and particularly industrial land in Crawley, this application would contribute significantly to the overall supply of business land in the Borough. Furthermore, by showing a flexible floorspace for the B class business uses, the application has the potential to help address under-supply for both office and industrial land uses.
- 5.6 The detail of the approved Masterplan shows the overarching arrangements of this part of Forge Wood, with an employment building running north/south adjacent to the railway line that is to the west, and with a retained treeline separating the building from the residential parcels of phase 2B and 2C to the east. The general road arrangements correspond with that shown on the Masterplan, with access to be obtained from the main spine road, which runs through Phase 2. Thus the details of this reserved matters application are consistent with the approved Masterplan.

Design of the building and layout

- 5.7 The approved Design Statement identifies this location as a separate character area - the Western Employment Area. The design objectives are:
- Building form to provide a near-continuous barrier to mitigate the effects of railway noise
 - Provide high quality façade along the highway frontage which is compatible with the character and quality of the residential area to the east
 - Retain the majority of the mature trees
 - Provide a flexible layout which can accommodate a range of potential end users
- 5.8 The design of the building and the associated layout of the site is constrained by the application site area and shape (which is long and relatively narrow), its relationship to the adjacent residential parcels and the railway line and Goods Yard, plus the function that the building has to perform in terms of its noise mitigation role.
- 5.9 The site is 2.74ha in area, being 370m long and between 65 – 85m wide. The building is 350m long and 10m deep, with a total floorspace of 3572sqm. It would have flat roof with an average height of 10m, along all of its length, with taller sections at 10.7m high. The noise assessment that accompanied the outline application and the ES established that this height and length was required to maximise the acoustic function of the building.
- 5.10 The building is single aspect with access into the front (eastern) elevation only. This elevation overlooks the adjacent parking area and the landscaped grounds, which incorporate the retained mature trees. The proposed materials are red stock brick to the lower part of the walls with blue cladding above. Precise details of the materials including samples would be required to be submitted as part of a conditions discharge application for subsequent consideration.
- 5.11 The building is shown to be divided into 14 units. Each would have an 8m high roller shutter door and an entrance door on the eastern elevation. For flexibility, the internal arrangements are shown as 'open plan' to the ground floor, with no 1st floor layouts submitted, although the elevations show windows at ground floor and 1st floor level. The higher level windows are proposed to allow light to enter the building. Accommodation (such as offices) could subsequently be provided at first floor level to meet the requirements of potential occupants, but this would have implications for parking and so a condition is recommended in this respect. On the rear (west) elevation the windows would be sealed and the doors are fire doors for emergency exit purposes only.
- 5.12 To the front (east) of the building, the layout incorporates the landscaped parking facilities, which include 120 car spaces, 6 lorry parking spaces and cycle storage facilities. The front of the site is also laid out to provide landscaped grounds, including the retained trees. Centrally a landscaped square of communal space is shown, with benches for employees to use and gives a focal point to the site. Paths through this landscaped area are incorporated to link to the adjoining residential parcels.

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- 5.13 Sussex Police have commented that the landscaped areas should not impede natural surveillance and access control to the site would assist in creating a safe and secure environment. Security fencing to the perimeter of the site and controlled access gates are suggested.
- 5.14 The landscaping is an integral part of the development and the layout has sought to retain and enhance the existing landscaping that lies between the employment building and the houses in phase 2. The landscaping would be maintained by the management company for the neighbourhood. The use of security mesh fencing around the perimeter of the site would not be supported as it would be visually unattractive and would artificially separate these two parts of the neighbourhood. However, security of the site is important and so it is recommended that a condition be imposed requiring details of security measures, including fencing.
- 5.15 Whilst the scale and massing of the building is large, and the footprint is very substantial, this unique approach is required in order to provide the noise barrier that will enable the residential sub phases of 2B and 2C to come forward, as without it, the dwellings would be subject to unacceptable noise levels from the railway and the established commercial activities at the Goods Yard.
- 5.16 By setting the building over to the far west side of the site, this allows for the maximum retention of the existing trees, which incorporate a number of mature trees and which would then provide an attractive landscaped area and setting for the building and would break up the view of the building from the residential parcels to the east.
- 5.17 In these circumstances, the design and layout of the proposals are considered to be acceptable and conform to the criteria set out at outline stage including the approved Design Statement.

Noise considerations

- 5.18 Noise is a significant issue across Forge Wood and especially on the western part of the neighbourhood arising from the proximity of Gatwick Airport, plus the railway line and Goods Yard. Noise was a key consideration at the Planning Inquiries in respect of the original outline application, as well as the more recent s73 application.
- 5.19 As set out in the Planning History section of this report, this application has been submitted, and subsequently refined, to address the specific noise considerations that arise from the close proximity of the railway line and Goods Yard and the need to provide a suitable noise environment for the future residential occupiers of sub phases 2B and 2C. In addition, and as now required in the updated NPPF, it is necessary to protect the rights of the existing businesses such as those in the Goods Yard and allow them to continue to operate, without unreasonable restrictions being placed upon them as a result of the new dwellings.
- 5.20 It was established during the consideration of the s73 application and the ES that the building is required to form part of a combination of noise mitigation measures. These include a 100m exclusion zone/buffer where dwellings are not permitted and, adjacent to the residential parcels themselves, the erection of this non-residential building which will act as a barrier block to screen the dwellings from the industrial noise. Other measures necessary relate to the design, internal layout and siting of the new dwellings, together with sound insulation measures, and where necessary appropriate mechanical ventilation.
- 5.21 Thus the building serves a dual purpose - as well as providing employment floor space, it will act as a noise screen. Its position, footprint and height, as well as its design and layout, are all derived from the noise attenuation properties that are required. Such a building was shown as such in the original Masterplan, the details of which were developed further at the s73 stage. The erection of the commercial employment building is an integral part of the noise mitigation proposals that are required in this location, as otherwise residential development here would be unacceptable on environmental grounds.
- 5.22 The Environmental Health Officer has commented that..

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'...a number of discussions with the applicant has resolved all outstanding issues with regards the employment building. This is an integral part of the Forge Wood development as it acts as a noise barrier to both the railway line and more importantly to the Goods Yard, whose day and night time activities have the potential to cause significant disturbance to future residents. The block has to be continuous and without gaps to maintain the integrity of the block as a noise barrier. The windows on the western elevation are sealed to protect future employees and also maintain that acoustic integrity. There is no indication of the proposed level of noise insulation ability of the building fabric (including the windows) to protect future users and also to prevent unreasonable levels of noise transmission between the units.

- 5.23 He therefore recommends a condition relating to the sealed windows and emergency exit doors, plus a condition requiring a sound insulation scheme for the internal environment of the building.
- 5.24 Officers would also suggest that conditions restricting future alterations or extensions to the building or changes of use are necessary in control future changes and to ensure the acoustic properties are retained and that the principal of a commercial building in this location is not undermined.
- 5.25 With regard to the relationship of the commercial use of the building itself and adjacent residential uses, the outline permission allows for the building to be used for B1, B2 and B8 uses. Whilst B1 includes light industrial which are uses that can take place in residential areas, potentially B2 (general industrial) and B8 (storage and distribution) uses could give rise to noise impacts. However, condition 37 on the outline permission controls noise levels from the activities in relation to background noise levels.
- 5.26 In addition, for the dwellings themselves, the outline planning permission under condition 34 requires a scheme to demonstrate the dwellings on a phase or sub phase have sufficient protection against aircraft, railway, road and industrial noise sources. The applicants have advised that this is to be submitted shortly in association with those residential reserved matters and will include a construction/phasing sequence to ensure that the necessary mitigation is in place prior to occupation of the dwellings
- 5.27 As the provision of the employment building is crucial to the residential environment for the dwellings on 2B and 2C, it is considered that a s106 legal agreement is required. This would link the commercial and residential applications together and restrict occupation of the dwellings until the employment building has been constructed to a standard that provides the appropriate level of noise mitigation.

Highway safety, access and parking issues

- 5.28 Vehicular access into the building is via the spine road serving Phase 2 with two access points leading direct to the building and parking areas. This arrangement is shown on the Masterplan. Pedestrian access is via the pavements along these access roads or by footpaths that lead from the residential areas across the landscaped frontage to the building. Cycle access and connection to the wider network would be achieved.
- 5.29 120 car parking spaces and 6 lorry parking bays are shown, which accords with the relevant parking standards for the floorspace shown. As set out above, should future occupiers require 1st floor accommodation, such as offices, this would give rise to the need for extra parking, so a condition is recommended to control this aspect.
- 5.30 Cycle parking for staff is to be provided in 4 secure storage buildings, adjacent to the car parking areas, which could accommodate 48 cycles. It is envisaged that cycle parking stands for visitors would be provided at the front of the building, one between the entrance doors on each pair of units. The details of these can be controlled via a condition.
- 5.31 WSCC Highways have no objections. Their initial comments regarding cycle parking have been addressed. In respect of the latest plans which show lorry manoeuvring and parking, the details are considered to be acceptable.

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- 5.32 The Cycle Forum have commented on staff and visitor cycle parking facilities, the links to the wider cycle network and provision of additional paths to link to the employment building. These have been taken into account in the revised plans.

Sustainable design considerations

- 5.33 Sustainable design considerations are covered by condition 22 which set out the BREEAM standards that apply. The details of the construction in this regard will thus need to be the subject of a conditions discharge request application.

Ecology, trees and landscaping

- 5.34 The Ecological report submitted with this application has concluded that the habitats within this application site are considered to be of limited ecological value however there are habitats of comparatively greater value in the wider site area (ie. Woodlands and Gatwick Stream to the east and south of the site). The site has been regularly surveyed for protected species to ensure existing habitats are protected and/or suitable mitigation is provided.
- 5.35 The trees within and adjacent to the site were assessed for their potential to support roosting bats and none were recorded as having potential to support roosting bats. However bat boxes will be placed within the woodlands on the wider site. Where trees are to be felled to facilitate the development, it was not considered to have a significant impact on the long-term foraging opportunities for bats. Importantly the landscape scheme for the wider site includes new areas of hedgerow and tree planting that will compensate for any losses that occur and will help to maintain connectivity and foraging opportunities for bats. In addition, the improved management of the woodlands within the wider site, such as the removal of invasive species and the provision of new native planting, will help to increase biodiversity in the long term.
- 5.36 No evidence of badgers were recorded on the site during the surveys and all badger setts within the wider site were inactive.
- 5.37 A small population of Great Crested Newts (GKN) within the site and wider area has been recorded and the habitats present provide potential terrestrial opportunities for this species. All GKN and amphibians within the site have been removed as part of the translocation exercise carried out under a licence from Natural England and four new ponds have been created in the wider site to mitigate for the loss of 2 ponds.
- 5.38 The majority of the application site comprises habitats that are not suitable for common reptiles, but those present were translocated to suitable retained habitats in the wider site.
- 5.39 The advice received from the Ecology Consultant concluded that protected species issues are adequately addressed by the actions that have already taken place as indicated in the Ecology Report or by the further recommendations in the Report.
- 5.40 The proposals require the removal of a section of a wooded adjacent to the railway line and other trees to facilitate the placing of the building and associated facilities. However, the majority of trees on the site are to be retained, especially those that would lie between the building and the new residential areas to the east, and new tree planting is proposed. Most of the loss is from the low quality category and those unsuited to retention due to poor condition. Some of the proposed parking and footpaths lie within the outer extremities of the roof protection areas of the retained trees. To minimise harm to these trees, the areas are to be provided via the no-dig form of construction. This can be addressed via a condition. There were no objections raised by the Arboricultural Officer to the recommendations set out in the Arboricultural report subject to tree protection measures being in place during construction in line with the recommendations.
- 5.41 In conclusion, the principle of this loss of countryside and habitat was accepted by the outline permission and ecology study, and the proposals for this site and the wider area overall are

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considered to provide adequate mitigation for the protected species and safeguards are appropriate for the adjoining Ancient Woodland and retained trees /hedges.

Drainage

Surface Water

- 5.42 The drainage strategy submitted for Phase 2 pursuant to condition 16 shows the sewer alignments under the main roads and this is shown in the plans approved for the phase 2 spine roads under CR/2015/0628/ARM along with the agreed positioning of the swales as indicated on site wide strategy.
- 5.43 The drainage strategy has been updated to relate to these current proposals, which are in Phase 3, but immediately adjacent to Phase 2. The employment building site incorporates two areas of cellular storage tanks, under the car parking areas, and which would connect to the sewer system in Phase 2. The site would drain towards the swales to the east of the site, these features holding the water until its release into the Gatwick Stream.
- 5.44 The future long term maintenance and management of the drainage features is included in the site wide drainage strategy under condition 16. The approach is that the drainage would be the responsibility of a private management company and finalised details of the arrangements have been submitted for this condition.

Foul drainage

- 5.45 Thames Water has consistently commented that the existing waste water infrastructure is unable to accommodate the needs of the development and have recommended that a 'Grampian Style' condition be imposed requiring an on and off-site drainage strategy for the proposed works. It is not appropriate to impose a condition relating to strategic infrastructure to a reserved matter application as such issues should have been conditioned at outline stage. The appeal Inspector did not impose a specific condition in respect of foul water drainage. The applicants are in any event required to make satisfactory provision for waste water and will have to reach agreement with Thames Water. This can be achieved outside of this reserved matters application.
- 5.46 The applicants have previously confirmed that they already have a foul drainage strategy and agreement with Thames Water which covers the whole development. More recently they have also advised that that under S106 of the Water Industry Act (WIA), Thames Water have previously granted the right to connect to the public foul sewer network in two locations, namely Radford Rd and the junction of Balcombe Rd/Steers Lane. Subsequent to that agreed position, GTC (the appointed drainage adopting body for this development) have developed matters further with Thames Water including a potential new sewer to the sewage treatment works, all under the WIA.
- 5.47 Thames Water have subsequently confirmed that discussions are ongoing with the developers to agree a deliverable solution, with the preferred option being the construction of a rising main to discharge flows to Crawley Sewage Treatment Works.

CONCLUSIONS:-

- 6.1 This application is for a further element of the Forge Wood development and seeks agreement on the design and layout of the employment building, which also acts as the major aspect of the noise mitigation measures that are required for this part of the site. It is considered that this application has addressed the noise and design parameters and relevant conditions imposed on the outline planning permission and is considered to be in substantial accordance with the Masterplan and Design Statement.
- 6.2 It is acknowledged that the overall scale of the structure, especially its length and height is substantial, but it is recognised that a building of these dimensions is essential to address the noise environment that arises from the close proximity to the railway line and Crawley Goods Yard. It therefore unlocks the development of the two adjacent residential parcels in 2B and 2C and allows

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them to proceed. Without such a building, the residential development would be unacceptable on environmental grounds.

- 6.3 In these circumstances, the detail of the design, layout, access arrangements and landscaping proposals are considered to address the requirements of the outline permission and relevant policy criteria.
- 6.4 As the employment building is so crucial to the delivery of the residential parcels, a s106 agreement is needed to link the applications together and to ensure that the employment building is constructed so that it provides the appropriate noise mitigation prior to occupation of the houses and flats. The s106 is include the following obligations:
- To restrict occupation of the flat barrier blocks unless and until the employment building has been substantially completed
- and
- To restrict occupation of any dwelling (apart from the flat barrier blocks) unless and until the employment building and flat barrier block for that sub phase have been substantially completed.

RECOMMENDATION RE: CR/2016/0858/ARM

The recommendation is to **APPROVE** this Reserved Matters application, subject to the completion of a S106 Agreement as set out at paragraph 6.4 above and the imposition of the following conditions:

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall not be occupied until the accesses, parking spaces and turning facilities shown on the submitted plans have been provided and constructed in accordance with the approved details. The areas of land so provided shall not thereafter be used other than for the purposes for which it is provided.
REASON: In the interests of road safety and to accord with approved policy in accordance with policies CH3 of the Crawley Borough Local Plan 2015-2030.
3. Before the commercial building hereby approved is occupied, provision for the parking of cycles for staff shall be made in accordance with the approved planning drawings details and details of the visitor cycle stands shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.
REASON: To safeguard the appearance of the development and to ensure the operational requirements of the development are met in accordance with Policy CH3 and IN4 of the Crawley Borough Local Plan 2015 -2030.
4. Prior to commencement of development details of lighting required during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be implemented in accordance with the agreed details. The lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.
REASON: To safeguard the appearance of the development, the visual and ecological amenities of the area and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare in accordance with Policies CH3 and ENV2 of the Crawley Borough Local Plan 2015 -2030.
5. Before the commercial building hereby approved is occupied, details of the design and location of lighting to be provided for the building and in the forecourt and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be implemented in accordance with the agreed details. The lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

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REASON: To safeguard the appearance of the development, the visual and ecological amenities of the area and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare in accordance with Policies CH3 and ENV2 of the Crawley Borough Local Plan 2015 -2030.

6. No development, including site works of any description shall take place on the site unless and until all the trees/bushes/hedges to be retained on the site have been protected in accordance with the Tree Protection Plan 7827 EMP- Ph /02 Rev B and in accordance with measures in the submitted Arboricultural Impact Assessment JTK/ 7827EMP Phase/so Revision B May 2018. Within the areas thereby fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots with a diameter of 25mm or more shall be left un-severed
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
7. The construction of the development shall be undertaken in accordance with the safeguards detailed within the submitted Ecological Assessment '4039.EcoAss.vf1'- North East Sector, Crawley – Employment (August 2016) by Ecology Solutions.
REASON: To ensure that the ecology of the site is protected and enhanced in accordance with policy ENV2 of the Crawley Borough Local Plan 2015-2030 and Para 174 of the NPPF 2018.
8. All landscaping works shall be carried out in accordance with the approved soft landscaping specification scheme (CSA/667/251 Rev E, 252 Rev E and 253 Rev E). No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of visual amenity and because the scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Gatwick Airport through the attraction of birds in accordance with policy CH3 the Crawley Borough Local Plan 2015-2030.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
10. Before the commercial building hereby approved is occupied, details of security measures including fencing shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
11. The windows on the west elevation of the employment building hereby permitted shall be sealed shut at all times and the fire doors shall be for emergency use only. No additional openings, doors or windows shall be installed unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.
REASON: In the interests of amenity and the noise environment of the locality in accordance with policy CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
12. Prior to the commencement of the development, written proposals for the sound insulation scheme for the building (“the scheme”) shall be submitted to the Local Planning Authority (the “LPA”) for approval. The scheme shall include full details of all proposed sound insulation, predictive

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calculations, assumptions and measurements made. Development shall not commence until written approval of the scheme has been given by the Local Planning Authority.

The Scheme shall include the envelope of the building and the partitions between business units with reference to the standards set down in BS8233:2014 Internal Noise Levels.

REASON: To ensure a reasonable standard of sound insulation for the building in accordance with Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (as amended), the employment building hereby permitted shall not be used for any purpose other than for purposes within Classes B1, B2 or B8 in the Schedule to the Town and Country Planning (Use Classes) Order 2005 (as amended).
REASON: In order to accord with the approved Master Plan for the Forge Wood development and because changes of use are not considered appropriate due to the noise environment of the locality in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (as amended), no additional floorspace to the employment building hereby permitted shall be provided by extensions or alterations unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.
REASON: In order to control the development in detail and to ensure satisfactory facilities for access and parking are provided in accordance with policy CH3 and IN4 of the Crawley Borough Local Plan 2015-2030
15. The Bird Hazard Management Plan dated September 2016 ref LHU/P.0571, shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the Plan are to take place unless first submitted to and approved by the Local Planning Authority.
REASON: It is necessary to manage the roof 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, in accordance with policy CH3 the Crawley Borough Local Plan 2015-2030.

INFORMATIVES

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirements of the British Standard Code of Practice of the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4 'Cranes and Other Construction Issues' available at www.aoa.org.uk/policy-campaigns/operations-safety/
2. For conditions 4 and 5 further information regarding lighting can be found in Advice Note 2 'Lighting Near Aerodromes' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>
3. Southern Water requires a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel 0330 303 0119) or www.southernwater.co.uk
4. The applicant's attention is drawn to the consultation response from Network Rail dated 8th November 2016 regarding the requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

NPPF Statement

1. In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:
 - Providing advice through pre-application discussions/correspondence.

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

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

KEY:
SITE APPLICATION BOUNDARY (2.74Ha)



NES CRAWLEY: EMPLOYMENT - SITE LOCATION PLAN (WIDER CONTEXT)



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 25 September 2018
REPORT NO: PES/285(c)

REFERENCE NO: CR/2018/0128/OUT

LOCATION: [LAND ADJACENT TO 3 CORONET CLOSE, POUND HILL, CRAWLEY](#)
WARD: Pound Hill South and Worth
PROPOSAL: OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE TO BE DETERMINED WITH APPEARANCE AND LANDSCAPING RESERVED) FOR 2NO. 3 BED SEMI-DETACHED DWELLINGS AND 3NO. 4 BED DETACHED DWELLINGS (AMENDED PLANS RECEIVED).

TARGET DECISION DATE: 23 May 2018

CASE OFFICER: Ms Z. Brown

APPLICANTS NAME: 3242 Investments Ltd
AGENTS NAME: Cogito Consulting Ltd

PLANS & DRAWINGS CONSIDERED:

CBC 001, Tree Constraints Plan
CBC 002, Tree Protection Plan (received 14/08/2018)
459CR01, Level Survey
18045/R/TK03, Swept path analysis large refuse vehicle for residential scheme
L201, Location Plan
SK2.201, Housing Scheme Block Plan
SK2.202, Housing Scheme Site Layout
SK2.203, Housing Scheme Street Scenes

CONSULTEE NOTIFICATIONS & RESPONSES:-

1.	GAL Aerodrome Safeguarding	No objection
2.	WSCC Highways	No objection subject to informative
3.	Thames Water	No response received
4.	Sussex Building Control Partnership	No response received
5.	Natural England	Objection refer to standing advice
6.	CBC Planning Arboricultural Officer	Objection in principle
7.	The Woodland Trust	No response received
8.	CBC Refuse & Recycling Team	No objection
9.	CBC Energy Efficiency & Sustainability	No objection subject to conditions
10.	Ecology Officer	Objection in principle
11.	CBC Countryside & Open Space	Objection in principle
12.	CBC Housing Enabling & Development Manager	No comments received
13.	CBC Environmental Health	Comments
14.	Forestry Commission	Objection refer to standing advice
15.	National Air Traffic Services (NATS)	No objection

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NEIGHBOUR NOTIFICATIONS:-

2, 4, 6, 8A, 8B Byerley Way;
1 to 8, and 12 Coronet Close;
10 to 12 Sedgefield Close.

RESPONSES RECEIVED:-

Sixty-four letters of representation were received objecting to the proposal. The main concerns raised were as follows under key themes:

The loss of the woodland:

- The loss of Ancient Woodland which has a historical significance
- The loss of protected trees
- The loss of biodiversity and abundance of wildlife including the White Squirrel, owls and woodpeckers
- Impact on the visual amenity of the site
- Concerns over the validity of the Ecological Report, which states that the proposal does not require the removal of any trees. However, only two days before the survey there were trees on the site.

Impact on highways

- Increased traffic and cars on the road particularly during rush hours which could lead to an increased risk of accidents
- Concerns about whether large vehicles will fit down and be able to turn in Coronet Close

Impact on residents

- Loss of open space for the community and has ruined the character of the residential area
- Increased noise from the motorway due to the loss of trees
- Not enough local facilities for the existing and new residents
- Disruption from construction
- Would represent unnecessary development
- Increased flooding risk due to the removal of the trees
- Will set a precedent for other development on remaining green space.
- Impact on existing residents by virtue of loss of privacy, light and overbearing impact
- The proposed solar panels on the dwellings would require additional trees to be removed
- Impact on the residents of Byerley Way as a footpath will be constructed to the rear of the properties resulting in loss of privacy

Other

- The proposal to sell the land is disingenuous and a bargaining tool
- There is a sewer pipe running through the application site which should be considered
- The site should be replanted
- No landscaping scheme has been provided or information regarding replacement trees
- No details or materials for the finishes of the new dwellings

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REASON FOR REPORTING TO COMMITTEE:-

The application has been called in by Councillor Peter Smith.

THE APPLICATION SITE:-

- 1.1 The application site is located to the east of Coronet Close, south of Byerley Way, north of Sedgfield Close and forms part of an area of woodland which borders the M23. The woodland is known as Burleys Wood. The site area is 1988 sqm. The area of woodland in which the site belongs is designated as Ancient Woodland.
- 1.2 It is evident from historic maps (Yeakell and Gream Map, dated 1795), that the application site was part of the historic parkland of Crabbet Park. In the 1960s, the construction of the M23 bisected the site, and much of the woodland to the west of the M23 was then cleared in the 1970s for residential development. Despite the significant clearance of the surrounding area, two areas of Ancient Woodland have remained. This includes the application site with the attached areas of woodland to the east and west and a second parcel of woodland located to the south-west owned by Crawley Borough Council.
- 1.3 The site is designated within the Local Plan as Structural Landscaping (Policy CH7). There is a narrow site entrance at the north-west corner for pedestrians between Nos. 2 Byerley Way and 1 Coronet Close. There are also informal networks of footpaths linking the site to the wider area of woodland to the west. There is currently no formal vehicular access to the site, and there are no public rights of way within the site.
- 1.4 The site is surrounded on its northern, western and southern sides by residential properties. The properties on Byerley Way to the north and Sedgfield Close to the south are predominantly detached, and those on Coronet Close are a mixture of semi-detached and detached properties. The site lies approximately 240m to the west of the M23 motorway, with an area of woodland and open space between the site and the motorway, a contrast to residential properties on The Canter and Sedgfield Close which are located significantly closer to the motorway.
- 1.5 On the 13th February 2018, the site was almost entirely cleared of trees and vegetation. The site now contains two large piles of felled trees and regenerating woodland.
- 1.6 The site has a number of designations and constraints:
 - The site is formally designated as Semi-Natural Ancient Woodland. The site was formally recognised in 2000, and is designated in 'A revision of the Ancient Woodland Inventory for West Sussex (January 2010). Subsequently the site was identified as Ancient Woodland in the Crawley Borough Local Plan (2015-2030) (Policy ENV2)
 - Structural Landscaping (Policy CH7) of the Crawley Borough Local Plan (2015-2030)
 - The site is within the Built Up Area Boundary (Policy SD1)
 - The site is close to a Landscape Character Area: Tilgate/Worth Forest Rural Fringe (Policy CH9)
 - Gatwick Safeguarding Zone requiring Gatwick Airport Safeguarding and NATS to be consulted on proposal for the erection of more than three new dwellings
 - There is one individual Tree Preservation Order on site, and a wider Tree Preservation Order area has been confirmed for the whole application site (PES 300 02/2018).

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THE PROPOSED DEVELOPMENT:-

- 2.1 The application is for outline planning permission for the erection of 2no. 3 bedroom semi-detached dwellings and 3no. 4 bedroom detached dwellings. As the application is for Outline Planning Permission, the applicant requests that only access, layout and scale are assessed and all other matters are to be considered at the Reserved Matters stage.
- 2.2 A location plan, block plan, an indicative site layout plan and indicative streetscene have been submitted which illustrate the proposed layout, site access and indicative elevations of the proposed dwellings.
- 2.3 In support of the application, the applicant has submitted:
- Arboricultural assessment; including a Tree Constraints Plan and Tree Protection Plan
 - Addendum arboricultural report (regarding Ancient Woodland)
 - Affordable Housing Statement (Rev 1) 10/08/2018
 - Design and Access Statement (Rev 2) 10/08/2018
 - Ecological Assessment dated 6th March 2018
 - Flood Planning Map
 - Housing Space Standards table
 - Investigation report into Historic file relevant to the status of woodland at Coronet Close, Crawley July 2018.
 - Management Proposals 10th August 2018
 - Open Space Statement (Rev 1) 10/08/2018
 - Planning Statement Rev 05/04/2018
 - Sustainability Statement 05/04/2018
 - Topographic Survey
 - Transport Statement Rev A March 2018

PLANNING HISTORY:-

- 3.1 The most relevant planning history is as follows:

CR/2018/0242/OUT – OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE) FOR A CHILDREN'S DAY NURSERY (USE CLASS D1) (AMENDED PLANS RECEIVED). **UNDER CONSIDERATION**

This application proposes alternative development within the current application site and is reported elsewhere on this committee agenda.

02/2018 – TREE PRESERVATION ORDER LAND PARCEL ADJ TO CORONET CLOSE, POUND HILL.
CONFIRMED 30TH JULY 2018

This is a group TPO covering the entire application site

CR/2000/0358/FUL – ERECTION OF 24 TWO STOREY DWELLINGS

The applicant withdrew this application as objections to the principle of the development on the site for a residential scheme were raised by Natural England and the Forest Commission. It was stated in letters dated 31st November 2000 from the Forestry Commission Woodland Officer and a letter dated 26th October 2000 from English Nature that the site was designated as Ancient Woodland.

- 3.2 An Enforcement complaint was received on 13th February 2018 from residents in the local area alerting the Council that the trees within Burleys Wood had been felled. Following a site visit by the Arboricultural and Enforcement Officers at approximately 11:00 a.m. a woodland TPO was served on the site.

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3.3 The Forestry Commission was informed of the tree felling and have undertaken its own investigations. It was established that the trees were felled on the land without a felling license being obtained under the provisions of the Forestry Act 1967. A restocking notice was subsequently served on 25/07/2018. This requires that before 30th June 2019 the felled area must be restocked with broadleaf species to achieve no less than 1,600 equally spaced stems per hectare. This equates to 240 trees at this site. The trees must not be planted closer than 7 metres to the boundary of any residential property.

3.4 Several planning applications have been submitted in the surrounding area which make reference to the application site. The most relevant are:

Land off Byerley Way, Pound Hill (Now known as Coronet Close)

CR/290/86 – Erection of 12 houses. Permitted.

Within this 1986 application, the current application site is identified outside of the application site for a school. However correspondence between the Planning Officer and agent state that there are no approved plans and a school scheme may never be carried out.

Site 4, Crabbet Park, Pound hill

WP/36/81 – Erection of 70 homes with garages. Permitted.

Phase 4, Crabbet Park, Pound Hill Crawley

WP/123/79 – Erection of 151 Houses with associated estate roads and sewers. Permitted.

Crabbet Park, Pound Hill

WP/98/75 – Approval to details reserved in conditions 8 and 9 of WP/55/74. Permitted.

This application highlights sites for community use.

Crabbet park, Bounded by the A264, B2036/A264, Turners Hill Road and the M23, Pound Hill

WP/55/74 – Outline application for erection of one, two and three storey houses at average density of 10 dwellings/acre together with estate roads and sewers, primary school and public open space provision. Permitted.

Within this application drawings identify the current application site as a potential location for a school. It is of note that planning permission was not granted for a school on this site, and a condition was attached (Condition 13) that “no residential development shall be permitted on an area of 2.5 acres which shall be made available for a 2 form entry primary school in such a location shall have been approved by the Local Planning Authority.

There have been no subsequent reserved matters or full applications submitted for the proposed school and this element of the proposal has therefore expired. The identification of the site as potentially suitable for a school in 1974 is no longer valid and there has never been a planning permission for such development.

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PLANNING POLICY:-

4.1 National Planning Policy Framework (2018):

The National Planning Policy Framework (NPPF) published in 2018 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

- Section 2 – Sustainable Development – This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective- to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
- Section 5 – Delivering a sufficient supply of homes. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Section 8 – Promoting healthy and safe communities – this section discusses the importance of achieving healthy, inclusive and safe places which promote social interaction, are safe and accessible and support healthy lifestyles.
 - Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.
- Section 9 – Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued.
- Section 11 – Making effective use of land – this section promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use of possible of previously-developed or ‘brownfield’ land.
 - Paragraph 118 (b) states that planning decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
- Section 12 – Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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- Section 15 – Conserving and enhancing the natural environment. Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and soils.
 - Paragraph 175 states that to protect and enhance biodiversity when determining applications local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated or as a last resort compensated for then planning permission should be refused.
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. For example exceptional reasons would include infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat.

4.2 Crawley Borough Local Plan 2015-2030 (Adopted December 2015):

- Policy SD1 (Presumption in Favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features. Higher density development may be compatible with existing neighbourhood structure.
- Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site. Proposals should comply with internal standards for new dwellings as set out in policy CH5. Retain individual groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity. Sufficient space should also be provided in private gardens that would not be overshadowed by tree canopies; and proposals should ensure that rooms within buildings would receive adequate daylight.
- Policy CH5 (Standards for All New Dwellings) states that all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents, and sets out minimum standards.
- Policy CH6 (Tree Planting and Replacement Standards) states that landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate

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location. Where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies.

- Policy CH7 (Structural Landscaping) states that areas of soft landscaping that make an important contribution to the town and its neighbourhoods, in terms of character and appearance, structure, screening or softening, have been identified on the Local Plan Map. Development that affects this role should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate.
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- Policy H4 (Affordable and Low Cost Housing) 40% affordable housing will be required from all residential developments. The council will expect a minimum of 70% of the affordable housing to be Affordable Rent or Social rent where other forms of subsidy exist, and up to 30% intermediate rent. For sites of 5 dwellings or less or sites less than 0.2ha in size, a commuted sum towards off-site affordable housing provision will be sought.
- Policy ENV1 (Green Infrastructure) Crawley's multi-functional green infrastructure network will be conserved and enhanced through the following measures. Development which protects and enhances green infrastructure will be supported. Development proposals should take a positive approach to designing green infrastructure utilising the Council's supplementary planning documents to integrate and enhance the green infrastructure network. Proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified, and mitigate against any loss or impact or, as a last resort, compensate to ensure the integrity of the green infrastructure network is maintained.
- Policy ENV2 (Biodiversity) states that all development proposals will be expected to incorporate features to encourage biodiversity where appropriate and where possible enhance existing features of nature conservation value within and around the development. Planning permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of, the development in that location clearly outweigh the loss. A buffer zone between the development and Ancient Woodland would be required in line with Natural England Standing Advice. Proposals which would result in significant harm to biodiversity will be refused unless this can be avoided by locating on an alternative site with less harmful impact or the harm can be adequately mitigated or at last resort compensated for.
- Policy ENV4 (Open Space, Sport and Recreation) Proposals that remove or affect the continued use of existing open space will not be permitted unless an assessment of the needs for open space clearly show the site to be a surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- Policy ENV5 (Provision of Open Space and Recreational Facilities) The impact of the increased population from residential development on open space and recreational facilities across the borough will be mitigated by the use of the Community Infrastructure Levy which will be used to

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enhance existing areas of open space. This Policy requires development to make provision for open space and recreational facilities.

- Policy ENV6 (Sustainable Design and Construction) in order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations and demonstrate carbon saving and water efficiency measures.
- Policy ENV8 (Development and Flood Risk) Development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere.
- Policy ENV9 (Tackling Water Stress) requires all new dwellings to achieve the new 'optional' water efficiency standard introduced into part G of the Building Regulations in 2015, subject to viability and technical feasibility.
- Policy ENV11 (Development and Noise) People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable.
- Policy IN1 (Infrastructure Provision) Development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires high quality communications infrastructure to each residential unit.
- Policy IN4 (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is being assessed against the borough council's car and cycle parking standards.

4.3 Supplementary Planning Documents

The Supplementary Planning Documents are non-statutory documents which supplement the policies of the Local Plan. Those applicable to this application are:

Urban Design SPD 2016:

The SPD includes further design guidance and examples on residential development and sets out further guidance on minimum rear window to window distances (21 metres for two storeys) and outdoor amenity space standards: for a dwelling for 5 or 6 occupants the external private amenity space standards are 90 sqm, an additional 5sqm is required for each additional occupant.

It also includes the Crawley Borough Parking Standards which are minimum standards based on likely demand in terms of car ownership, taking into account the accessibility of the area by modes of transport other than the car. The minimum standards are 2-3 spaces for 3+ bed dwellings. Regarding cycle parking it is stated that: 'All cycle parking must be sheltered and secure and in accordance with local guidance and best practice design. For 3-4 bed dwellings 2 spaces are required per dwelling, and 1 space per 8 dwellings for visitors will be required.

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Green Infrastructure SPD 2016:

This SPD provides clear guidance on how to meet the requirements of Local Plan Policies in relation to Crawley's Green Infrastructure assets. It provides further guidance on Policy CH6: Tree Planting and Replacement Standards, Ancient Woodland sites within Crawley and Structural Landscaping (Policy CH7)

Planning and Climate Change SPD 2016:

This SPD includes further guidance on sustainability policies within the Local Plan (Policies ENV6, ENV7, ENV8, ENV9 and IN3).

Affordable Housing SPD 2017

The Council has recently adopted the Supplementary Planning Document which provides guidance, examples of good practice and the expectations of the Council in relation to the interpretation of the Local Plan policy requirements for the provision of affordable housing (Policies H3 and H4).

Crawley Community Infrastructure Levy Charging Schedule 2016

The Crawley CIL Charging Schedule is in effect from 17th of August 2016 and is also relevant to this application. It is applicable to all development which either creates 100 sqm or more of new build floor space or which creates new dwellings of any size. The charges include a 'zero' charge for anything other than residential or retail development.

PLANNING CONSIDERATIONS:-

The main considerations in the determination of this application are:

- The principle of the loss of Ancient Woodland and Structural Landscaping
- The principle of the loss of Open Space
- The principle of the development of the site for residential use.
- The layout, design and appearance of the proposal and its impact on visual amenity
- Impact upon neighbouring residential amenity
- The adequacy of accommodation and amenity space for future occupiers
- Impact on highways and parking provision
- Impact of noise
- Impact of drainage and increased flood risk
- Sustainability
- Provision of infrastructure contributions

The principle of the loss of Ancient Woodland and Structural Landscaping

- 5.1 One of the key planning considerations in the determination of this application is the loss of Ancient Woodland and Structural Landscaping.
- 5.2 Natural England and the Forestry Commission define Ancient Woodland as an area that has been wooded continuously since at least 1600 AD. Ancient Woodland is divided into ancient semi-natural woodland and plantations on Ancient Woodland sites. Both types of stand are classed as Ancient woods.'
- 5.3 This definition is also reaffirmed in the recently published NPPF (2018) which describes Ancient Woodlands as "an area that has been wooded continuously since at least 1600 AD. It includes Ancient Semi-Natural Woodland and plantations of Ancient Woodland sites (PAWS)."

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- 5.4 The Natural England inventory identifies Ancient Woodland sites in England and was initially compiled in the 1980s. It is an evidence-based tool for the conservation of Ancient Woodland. The inventory for West Sussex was first produced in 1984, and a new inventory revision began in 2004 expanding across the South-East region. The application site is identified within the Revision of Ancient Woodland Inventory for West Sussex (2010) as a Semi-natural Ancient Woodland. The trees and shrubs in a Semi-Natural Ancient Woodland may have been felled or cut for coppice at various times since 1600 but, as long as the area has remained as woodland, then it still qualifies for the designation.
- 5.5 Historical mapping shows that the site has been wooded since at least the late 18th Century, when it formed part of the Crabbet Park Estate. Likewise historic aerial images also show that the site as entirely wooded in 1947. The application site was partially cleared during the late 1960's and early 1970's when the residential estate was being built, with some vegetation/trees remaining along the eastern and southern sides of the site. However no development of the site took place, and trees quickly re-established on the site. As a result, by 1981, the application site was entirely covered in trees and wooded again, until the recent clearance of the site in February 2018.
- 5.6 The Forestry Commission within their Standing Advice states that the trees within a Semi-Natural Ancient Woodland may have been felled at various times since the 1600s, however they would still remain Ancient Woodland up until the soils have been removed or significantly changed in content. Similarly wooded continuously does not mean there has been continuous tree cover across the whole site. Not all trees in the woodland need to be old, as open space (both temporary and permanent) are important components of Ancient Woodland. The Natural England and Forestry Commission Standing Advice confirms that the existing condition of the Ancient Woodland (if this is poor) should not be taken as a factor in favour of the development proposal, as its condition can often be improved with good management proposals.
- 5.7 The Council's Ecology Consultant has confirmed that the soils, associated organisms, seeds and bulbs are a critical part of the Ancient Woodland, and even where there has been felling of trees and disturbance of soils, regeneration is still possible. As highlighted above the site was partly cleared in the late 1960s/early 1970s, however trees quickly re-established on the site. Likewise, since the clearance of the site in February 2018, saplings have grown significantly from seeds within the ancient soil, and the felled stumps. The site still has significant ecological value and it should be reaffirmed that despite the site being cleared prior to the planning application being submitted, the value of the Ancient Woodland remains a critical factor in the decision making process.
- 5.8 Policy ENV2 is the primary Local Plan Policy in determining whether the principle of development should be considered favourably on an Ancient Woodland site. It clearly states that all development proposals will be expected to incorporate features to encourage biodiversity where appropriate and where possible enhance existing features of nature conservation value within and around the development. To ensure a net gain in biodiversity, Ancient Woodland sites will be conserved and enhanced where possible and the council will support their designation and management. Notably, permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of the development in that location clearly outweigh the loss.
- 5.9 Policy SD1 states that in accordance with the presumption in favour of sustainable development, development will be supported where it meets the strategic objectives, including that which protects, enhances and creates opportunities for Crawley's unique Green Infrastructure. As highlighted above Paragraph 3.4 of the Crawley Borough Local Plan confirms that Ancient Woodland areas are some of the sites with the strongest weight against development.

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- 5.10 In addition to Policy ENV2, the recently published revised NPPF (2018) has increased the weight afforded to the protection of Ancient Woodland. It is now included in the definition of an irreplaceable habitat (those which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed). In addition Paragraph 175 (c) confirms that development resulting in the loss or deterioration of these habitats, and which explicitly refers to Ancient Woodland, should be refused unless there are wholly exceptional reasons for development. Stated examples of this include nationally significant infrastructure projects, and a suitable compensation strategy exists.
- 5.11 Strong objections to the development of the site have been received from the Forestry Commission, Natural England, the Council's Ecological Consultant and the Council's Arboricultural Officer, as the clearing of the site has resulted in the significant loss of flora and detrimentally impacted the complex community of fauna, fungi and other micro-organisms
- 5.12 The Ecological Report submitted as part of the application suggests that the classification of the site as Ancient Woodland is inaccurate. The Ecological Survey completed on 16th February 2018 states that the site had recently been cleared and as such was dominated by bare ground, therefore only a few plant species remained and the remaining stumps and felled timber were of limited age. Likewise the Tree Report (dated 26th March 2018) identified that two trees and two groups of trees were present when the tree survey was carried out on 5th March 2018, and that the trees on site were all immature or semi-mature specimens. Although the Addendum Arboricultural Report and Investigation in to Historic Files (July 2018) discusses the designation of the site as Ancient Woodland, any challenge to the site's designation is not part of the consideration of this planning application. As highlighted to the agent on 15th May 2018, if the applicant or agent wishes to challenge the Burleys Wood designation then they would need to provide evidence to support their position directly to Natural England.
- 5.13 It has been highlighted by the Ecological Officer that the site may well have supported legally protected species or those that are otherwise of conservation concern. A video submitted as part of a neighbour representation (footage recorded 15/7/2018 and 17/8/2018 from the rear garden of No. 1 Sedgfield Close) shows bats flying over the site. Given that the Ecological Survey conducted by AAe Environmental Consultants was undertaken on 16th February 2018 after the site had been cleared, it is not considered that sufficient information has been submitted to substantiate the conclusion of the Ecological Report dated 6th March 2018 that there was no evidence of protected species.
- 5.14 There are major concerns with the accuracy and thoroughness of the submitted Arboricultural Report. The survey was carried out on the 5th March 2018 after the site had been cleared on 13th February 2018. The report concluded that the proposal does not require the removal of any trees, and no pruning work is required to facilitate the proposed development. It should be noted that the Ancient Woodland had already been cleared prior to this date, therefore trees were felled to facilitate the proposed development. The Forestry Commission has identified that a felling license was required and on 25th July 2018 issued a restocking notice for the site.
- 5.15 The Natural England and Forestry Commission refer to the 'Standing Advice for Ancient Woodland and Trees,' which states that "as Ancient Woodland and veteran trees are irreplaceable, discussion of compensation should not form part of the assessment of the merits of the development proposal". The information submitted alongside the application within the 'Management Proposal' states that it is intended to protect and enhance the remaining woodland to the east of the proposed development site by improving its wildlife, amenity and recreational value. The applicant has also indicated its intension to carry out significant work to the woodland to improve its condition which would include constructing new footpaths through the woodland to the east to better serve the

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surrounding residents, and replanting trees in the remaining area of woodland. Although this could be an amenity benefit for local residents, it does not mitigate the ecological loss of Ancient Woodland, and is not considered to be an exceptional reason for developing the site, given its national designation and ecological value as an important natural habitat.

- 5.16 Local Plan Policy CH6 aims to ensure that all felled trees are replaced and additional trees are planted for each new dwelling. Given the comments received from our Ecological Officer, Arboriculturalist, Natural England and the Forestry Commission, the proposed management scheme would not mitigate the felling of the many trees on the application site. It is considered that the restoration of the applicant site as woodland would be the only suitable remedy given the importance of the site and scale of the recent felling.
- 5.17 The Natural England and Forestry Commission Standing Advice also requires any development close to Ancient Woodland to include a minimum 15m buffer zone of semi-natural habitat between the development and Ancient Woodland, as well as connecting woodland that would be separated by development with green bridges or tunnels. Although Officers do not accept the loss of Ancient Woodland on site, even if the loss of Ancient Woodland was acceptable, an appropriate buffer zone has not been included from the remaining area of Ancient Woodland to the east or the south-west. Such a buffer zones would significantly reduce the width of the site if provided.
- 5.18 The application site also makes a significant contribution to the amenity of the local area, and is still an important green space within the neighbourhood of Pound Hill. It is an important space for flora and fauna, and a natural barrier to the M23 motorway to the east. This is formally recognised within the Local Plan as the site is designated as Structural Landscaping, therefore Policy CH7 applies.
- 5.19 This policy confirms that development proposals that affect the site's role in contributing to the character, appearance, structure, screening or softening of the town and neighbourhood should demonstrate the visual impact of the proposal and should protect and/or enhance the structural landscaping. As this is an Outline Application, information has not been submitted in regards to landscaping, beyond the suggestion in the Design and Access Statement that "the general intention...to protect, retain and enhance the adjoining woodland to provide an attractive setting for new development" and that "small scale informal planting will be provided to each of the individual plots". The site has recently been cleared which has significantly changed the character and visual appearance of the site in the short term. This has harmed the Structural Landscaping, and it is not considered from the information submitted that the proposal would protect and/or enhance the Structural Landscaping. The loss of this substantial area of Structural Landscaping has not been justified, and the development of the site would result in the loss of an important recovering landscape feature and green space within the dense residential estate.
- 5.20 Until early 2018 the application site was a significant undeveloped tree covered area which provided a landscaped backdrop to the nearby residential estate. The Arboricultural Officer raises an objection in principle to the development of the site, highlighting the amenity value of the site and its historic significance as an area of Ancient Woodland. The importance of the woodland and the amenity provided has been confirmed in the recent Tree Protection Order which covers the application site (02/2018). Similarly concerns were raised by neighbours in regards to the significant loss of trees and the impact on the amenity of the area. The trees on the site were visible from the nearby roads and the most mature specimens above the top of the nearby houses. The loss of the trees on the site has detrimentally impacted the visual amenity of the surrounding area. The substantial value attributed to the site by local residents and their concerns about the proposal should be given significant weight in determining this application.

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- 5.21 Overall the site is not deemed to be suitable for any form of development as it would result in the loss of an important Ancient Woodland and an area of Structural Landscaping. The site is an important Ancient Woodland with a significant biodiversity and ecological value and it is not considered that there are wholly exceptional reasons for developing the site. Development would result in the loss of a very important natural habitat and would be contrary to Local Plan Policies SD1, CH2, CH3, CH6 CH7, ENV1, ENV2 and the National Planning Policy Framework (2018).

The principle of the loss of open space

- 5.22 The application site is also an important open space within the dense residential area of Pound Hill. Policies ENV1 and ENV4 relate to the consideration of principle development on the site and the loss of open space. Policy ENV1 states that Crawley's multi-functional green infrastructure network will be conserved and enhanced, and proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified and mitigate against any loss of impact, or as a last resort compensate, to ensure the integrity of the green infrastructure network is maintained. Policy ENV4 confirms that proposals that remove existing open space will not be permitted unless the Open Space Assessment clearly shows the site to be surplus to requirements, or the loss will be replaced with equivalent or better provision, in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreation (where the needs for which clearly outweigh the loss).
- 5.23 The proposal includes maintaining open access to the area of woodland to the east which is owned by the applicant, in order to better serve the surrounding residents (Planning Statement Rev and Management Proposals Report).
- 5.24 The Crawley Open Space, Sport and Recreation Study (2014) prepared to support the Local Plan preparation and examination confirms that by 2030 Pound Hill neighbourhood will be deficient against all of the open space typology standards, including 'Natural Green Space'. It is noted that the application site and the adjacent area of woodland (which are both under the same ownership by the applicant) were included in this study. The 2014 study recommends that any proposed development within the neighbourhood should provide new open space in line with the recommended standards as part of the development proposals. Given the deficiency of open space in Pound Hill, it is considered that development of the site would worsen the situation in relation to the quantity open space. Likewise while public access and long term management and maintenance for the purposes of recreation and biodiversity would be welcomed, it would not offset the loss of an irreplaceable Ancient Woodland site and important open space.
- 5.25 This issue has also been highlighted within comments received from neighbours during the consultation period, whereby the loss of green space would detrimentally impact the health and wellbeing of the community, and would adversely impact the character of the area.
- 5.26 Overall it is considered that the proposal would involve the loss of an important open space in an area which is expected to be deficient of such space by 2030. The proposed development of the site would adversely affect the amenity enjoyed by local residents and the character of the area, contrary to Policies CH3, ENV1, and ENV4 of the Crawley Borough Local Plan (2015-2030), and the National Planning Policy Framework (2018).

The principle of the development of the site for residential use.

- 5.27 The proposal would seek to provide 5no. residential dwellings and associated parking and access road.

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- 5.28 In regards to the principle of the development of the site for residential use, the NPPF (2018) objectives seek to promote and encourage residential development on appropriate sites. However Paragraph 175 (c) of the NPPF (2018) strongly affirms that:

Development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists.

- 5.29 Policy ENV2 of the Crawley Borough Local Plan confirms that permission will not be granted for development that results in the loss or deterioration of Ancient Woodland, unless the need for and benefits, of the development in that location clearly outweigh the loss. When considering whether the need for, and benefits of, the proposal for housing development clearly outweighs the loss of the Ancient Woodland, Policy H1 of the Crawley Borough Local Plan is applicable. Although the Borough has acknowledged a supply-constrained position against a high objectively assessed housing need, the policy confirms that the Council will positively consider proposals for the provision of housing to meet local needs. However, this will not be at the expense of town-cramming or unacceptable impact on the planned character of existing neighbourhoods or on residential amenity, and opportunities will only be considered where it would be consistent with the other policies in the Local Plan and the principle of sustainable development.
- 5.30 The Forward Planning Officer has highlighted that Policy H1 provides a minimum delivery figure of 5,100 dwellings to be provided within the Borough over the Plan period. Annual monitoring (AMR 2016-2017) is currently indicating that the Borough is on track to meet this level of delivery and, as a result, the Borough cannot be said to have an immediate unmet housing need, which could justify the use of the NPPF's presumption in favour of sustainable development or suggest that there are wholly exceptional reasons which outweigh the loss of the Ancient Woodland.
- 5.31 Although outline planning permission was granted in 1974 for the Crabbet Estate (WP/55/74) which identified the site as a possible strategic location for a primary school, a condition was attached, stating "no residential development shall be permitted on an area of 2.5 acres which shall be made available for a 2 form entry primary school in such a location shall have been approved by the Local Planning Authority." No such development has taken place, and there have been no subsequent Reserved Matters or planning applications submitted or approved covering the application site and there is no extant planning permission to develop it. As a result the identification of the site as potentially suitable in 1974 is no longer relevant, particularly as the site has since been formally designated as Ancient Woodland in 2010 and designated as Structural Landscaping in the Crawley Borough Local Plan (2015-2030). The claim therefore from the applicant that the site is previously developed land is totally unsubstantiated and Officers consider this to be a greenfield site.
- 5.32 Overall it is considered that the principle of residential development on the application site is totally unacceptable. The site is not allocated for development within the Crawley Local Plan, is not included within the Housing Trajectory and is not identified as suitable for housing through the Strategic Housing Land Availability Assessment. The Council can demonstrate a five year housing supply and the development of the site would result in the loss of a valuable area of Ancient Woodland contrary to Local and National Policies, including Policy SD1, CH1, CH2, CH3, and H1 of the Crawley Borough Local Plan (2015-2030) and Paragraph 175 (c) of the National Planning Policy Framework (2018)

The layout, design and appearance of the proposal and its impact on visual amenity

- 5.33 The application site is located to the east of No. 2, 3 and 4 Coronet Close, south of Nos 2, 4 and 6 Byerley Way and north of 11 Sedgfield. The surrounding area contains medium density residential

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development, characterised by a range of modest detached, semi-detached and terraced dwellings. The properties along the southern side of Coronet Close are semi-detached, with detached properties to the north and north-west on Sedgefield Close and Byerley Way.

- 5.34 The proposal includes 2no. 3 bedroom semi-detached dwellings and 3no. 4 bedroom detached dwellings. Two semi-detached dwellings and one detached dwelling would be located on the southern side of the site, and the remaining two detached properties would be located on the northern side. It is proposed that the access road would run through the middle of the site extending from Coronet Close. The proposed dwellings would be located approximately 4m from the eastern side boundary of the site which adjoins the woodland to the east.
- 5.35 Coronet Close has a strong front building line. The semi-detached dwellings on the southern side of the site would follow this established line, with their front elevations broadly in line with No. 3 Coronet Close. The dwellings on the northern side of the site would be set back approximately 4m from the southern side elevation of No. 2 Coronet Close.
- 5.36 Policy CH2 (Principles of Good Urban Design) of the Crawley Borough Local Plan (2015-2030) states that all development proposals should respond to and reinforce local distinctive patterns of development and landscape character. Policy CH3 (Normal Requirements of All New Development) of the Crawley Borough Local Plan (2015-2030) requests that all proposals for development in Crawley will be required to make a positive contribution to the area, be of a high quality design and should relate sympathetically to their surroundings in terms of scale, density and layout. They should also retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet their own operational requirements necessary for the safe and proper use of the site.
- 5.37 The detached dwellings would have footprints of 85/86sqm. According to the illustrative scheme, they would feature a single storey front projection with a pitched roof. Each property would have two parking spaces in the front driveway area and one space down the side of the property. There would be a gap of 3m between plots 1 and 2, and a gap of 3m between Plots 3 and 4.
- 5.38 The semi-detached dwellings would have footprints of 108m. From the indicative street layout, they would be brick built, with pitched roofs and pitched roof canopies over the main entrances. They would be a similar size to the existing semi-detached dwellings on Coronet Close.
- 5.39 Although Officers do not accept the loss of Ancient Woodland on site, the Natural England and Forestry Commission Standing advice states a minimum 15m buffer zone should be included to act as a semi-natural habitat between the development and the Ancient Woodland. Even if the loss of Ancient Woodland was considered acceptable on the site, the required buffer zone has not been shown in the proposed layout. If provided it would reduce the developable area of the site by almost half, resulting in Plots 2 and 3 being undevelopable.
- 5.40 Overall, despite the design and scale of the proposed dwellings being acceptable, the proposed layout would detrimentally change the character of the site, resulting in there being on a gap of 4m between the proposed dwellings and the woodland to the east, with no buffer zone being provided. It is therefore considered to be contrary to Local Plan Policies CH2, CH3 and ENV2, the Natural England and Forestry Commission Standing advice, and relevant paragraphs of the NPPF (2018).

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Impact upon neighbouring residential amenity

- 5.41 In terms of impact on neighbour amenity, Nos. 1, 2 and Coronet Close, Nos. 2, 4 and 6 Byerley Way and No. 11 Sedgefield are the residential properties most affected as they adjoin the application site.
- 5.42 In regards to the impact of Plot 1 on the neighbouring properties, there would be a gap of 1m between the eastern boundary and the proposed dwelling, 9m between the rear elevation and northern boundary and 4.7m between the proposed dwelling and western boundary. The Urban Design SPD states that there should be a gap of at least 10.5m between a blank gable and the rear of an adjacent dwelling to prevent cramping. As proposed there would be a gap of approximately 10m between Plot 1 and No. 1 Coronet Close and a gap of 12m between Plot 1 and No. 2 Coronet Close. It is considered that the proposed dwelling would have an overbearing impact on the rear gardens of Nos. 1 and 2, which would detrimentally impact the amenity enjoyed by the occupants of Nos 1 and 2.
- 5.43 The Urban Design SPD states that a gap of at least 21 metres should be retained between two storey houses and the rear windows of an opposing dwelling. In regards to No. 2 Byerley Way located to the north of Plot 1, the gap would only measure 15.5m between No. 2 and Plot 1. As a result the proposed dwelling would cause some overlooking and loss of privacy on the amenity enjoyed by the occupants of No. 2 Byerley Way.
- 5.44 In terms of the impact of Plot 2 on No. 4 and 6 Byerley Way to the north, there would be a gap of only 16.5m between the rear elevation, which again is below the Urban Design SPD guidance of 21m. As a result the proposed dwelling would cause some overlooking and loss of privacy over the rear gardens and rear elevations of Nos. 4 and 6 Byerley Way to the detriment of the amenity enjoyed by the occupants.
- 5.45 The proposed dwelling on Plot 3 is not considered to have any significant impact on the amenity enjoyed by the occupants of No. 11 Sedgefield to the south. There would be a gap of 10.5m between the rear elevation of the proposed dwelling and side elevation of No.11. In addition there is also a change in the levels of the site whereby the site slopes down towards the south-east. As No. 11 is set higher than Plot 3, and there is a high retaining wall along the northern boundary of the garden of No. 11, the proposed dwelling is not considered to have a detrimental overbearing impact on the amenity enjoyed by the neighbouring occupants.
- 5.46 Plots 4 and 5 are not considered to have any significant impact on the neighbouring dwellings due to their small footprint and positioning inline with No. 3 Coronet Close.
- 5.47 Overall the proposal is of fairly high density, with large houses on relatively small plots. Although somewhat cramped Officers do not consider this to be significantly out of character with the surrounding area. Plots 1 and 2 would have a detrimental impact on the amenity enjoyed by the neighbouring properties No. 1 and 2 Coronet Close and Nos. 2, 4, and 6 Byerley Way. The proposed dwellings would have a significant overbearing impact on these neighbouring properties which would result in a loss of privacy and overlooking, contrary to Policy CH3 of the Crawley Borough Local Plan, and the guidance contained within the Urban Design Supplementary Planning Guidance in regards to neighbour amenity.

The adequacy of accommodation and amenity space for future occupiers

- 5.48 Policy CH5 provides the Council's adopted requirements for internal space standards and confirms that external space should be adequate to provide privacy, amenity and usability requirements,

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suitable for the level of occupancy. The internal space standards for a two storey 3 bedroom dwelling 93sqm and a two storey 4 bedroom dwelling is 106sqm. The Urban Design Supplementary Planning Document provides the expected standards relating to external space which for 5-6 occupants is 90sqm. It is noted that the Outline Application provides measurements of the internal floorspace and amenity spaces. However it has not been possible to fully assess the internal space standards, as detailed internal floorplans have not been provided. Despite this it is likely that the dwellings would meet the internal floor space requirements of Policy CH5.

- 5.49 The Urban Design Supplementary Planning Document states that a minimum garden depth for dwellings should be 10.5m, and is measured from the rear external wall to the property's rear boundary. None of the gardens of the proposed dwellings would meet this guidance. In particular the relatively small rear gardens of plots 4 and 5 would be further reduced by the group of mixed species trees along the southern boundary of the site. Despite this all of the private amenity areas would exceed the minimum area standards contained within the Urban Design SPD.
- 5.50 In regards to Plot 3 and the usability of the garden, the site slopes down towards the south-eastern corner. From the site visit it was evident that the properties on Sedgefield Close are located considerably higher than the application site. Although a detailed section drawing has not been provided to demonstrate that level changes, and the resultant relationship between No. 11 Sedgefield Close and the proposed Plot 3, it is considered that No. 11 could cause some overshadowing and dominance on the rear garden of Plot 3.
- 5.51 Overall the dwellings would be tightly crammed into the site, and the garden of Plot 3 would also be overshadowed by the neighbouring property No. 11 Sedgefield Close. Despite this it is considered on balance that, although the garden depths would be below the 10.5m recommended in the Urban Design SPD, adequate outdoor amenity space for future occupants would be provided, and on balance therefore it is considered acceptable.

Impact on Highways and Parking Provision

- 5.52 Access to the development would be provided from the eastern end of Coronet Close, an access road would run through the centre of the site with a T-shaped turning head at the eastern end. Initial comments from West Sussex County Council requested that additional information was provided outlining the ability for refuse and emergency vehicles to use the turning head. A swept-path analysis diagram for large refuse vehicles was subsequently submitted and is considered to demonstrate that there would be adequate turning space for large vehicles at the eastern end of the new access road serving the development.
- 5.53 WSCC Highways also queried whether the new road would be offered for adoption or whether it would remain a private road. It was confirmed by the agent in an email dated 20th July 2018 that it is not intended to offer the new road for adoption. It will remain a private road and each house will own half of the road width, along its respective frontage, with collective management and maintenance obligations.
- 5.54 Policy IN4 states that development will be permitted where it provides the appropriate amount of car and cycle parking to meets its needs when assessed against the borough council's car and cycle parking standards. The Crawley Borough Parking Standards as set out in the Urban Design SPD require a minimum of 2 parking spaces per 3+ bedroom dwelling. In regards to cycle parking, the dwellings must provide 2 cycle parking spaces and 1 space per 8 dwellings for visitors.
- 5.55 Each property would have 2 off street parking spaces. The two semi-detached dwellings would have their parking spaces on driveways in front of the properties. The detached properties would have

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one parking space in front of the property and one on the site. All of the dwellings would have a shed within their rear gardens for storage of cycles. The sheds would measure 4m in length, 1.2m in width. As a result the proposal would be in accordance with Policy IN4 of the Local Plan and the Crawley Borough Council Parking Standards.

- 5.56 In regards to refuse and recycling arrangements, comments from Refuse and Recycling and WSCC Highways have confirmed that the provisions and collection arrangements would be acceptable.
- 5.57 Comments have been received from neighbours that the proposal would increase traffic and vehicle movement to and from the site. Although there would be an increase in vehicles, it is not considered by the Local Highway Authority that the proposed residential development would have a 'severe' impact on the operation of the highway network. As a result it is not considered that a refusal could be justified on highway safety grounds given that it would only be an increase of 5no. dwellings on the site and that the surrounding area is already a residential estate. Despite this it has been requested by WSCC Highways that a construction management plan is submitted to address access, deliveries, and parking during construction. It is considered that this could be required via a condition if the scheme was otherwise acceptable.
- 5.58 Overall the proposal is considered to be acceptable in terms of highway safety, and adequate vehicular and cycle parking would be provided in accordance with Policy IN4 and the Crawley Borough Parking Standards.

Impact of noise

- 5.59 Policy ENV11 states that residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future users. The surrounding area is already residential, therefore given that the proposal would be for additional residential properties it is not considered to result in an unacceptable noise disturbance and would not expose existing or future residential properties to unacceptable noise levels.
- 5.60 Comments from neighbours have highlighted that felling of the trees and clearance of the site has increased noise pollution from the M23 to the existing residential properties. There is still a substantial area of woodland to the east, and the application site is 240m to the west of the motorway. Therefore in this instance given the location of the site and the proposed development, a noise impact assessment is not considered to be required, particularly as there are other residential properties located significantly closer to the M23 on The Canter, Kelso Close, Hexham Close and Ticehurst Close.

Impact of drainage and increased flood risk

- 5.61 In regards to the drainage impacts of the change of use and potential increased flood risk, comments have been received from neighbours stating that since the removal of the trees, the site has become significantly more waterlogged. The Drainage Officer has been consulted and states that although the proposal has substantially changed the use of the site, it does not lie within a Flood Zone. Therefore a flood risk assessment is not required. However the proposal would involve a significant change of use of the site and would include a large area of hardstanding. If the scheme was considered to be acceptable a condition could be attached to ensure that runoff from the site will be no greater than the existing rate.

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Sustainability

5.62 The applicants have sought to address the requirements of Policies ENV6 and ENV9 by providing a Sustainability Statement. The Council's Energy Efficiency and Sustainability Officer has provided comments on this, stating that the details provided represent an improvement on Building Regulations Part L requirements and are acceptable in terms of Policy ENV6. Likewise it is proposed that the development would meet the water efficiency standard required by Policy ENV9. Conditions could be attached to secure the implementation of these approaches in accordance with Policies ENV6 and ENV9 if the scheme was approved.

Provision of Infrastructure Contributions

- 5.63 Policy IN1 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will seek to implement a Community Infrastructure Levy (CIL). The Crawley CIL Charging Schedule is in effect from 17th of August 2016 and is also relevant to this application since the proposal is for 5 new dwellings. According to the CIL Charging Schedule 2016 the charge for residential within the borough wide zone is £100 per sqm subject to indexation. Should planning permission be granted, an informative should be attached to the decision notice to inform that this development constitutes Community Infrastructure Levy 'CIL' liable development which is a mandatory financial charge on development.
- 5.64 Crawley Borough Council Local Plan Policy H4 states that 40% affordable housing will be required from all residential developments. As the proposal is for 5 dwellings, the principle of a financial contribution is acceptable. An Affordable Housing Statement has been submitted as part of the application, the contribution calculated is in accordance with the Affordable Housing Calculator and would meet the requirements of Policy H4. The applicant has confirmed a willingness to make the required contribution, but a legal agreement has not been completed.
- 5.65 Policy CH6 states that at least one new tree for each new dwelling should be provided of an appropriate species and planted in an appropriate location. Similarly where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of tree canopies. The proposal has involved the clearance of numerous trees from the site. There is no accurate information as to the exact number or size of trees that have been felled. Following comments from Forward Planning, the Ecologist and the Arboricultural Officer that the only appropriate mitigation would be to replant the woodland.
- 5.66 Policies ENV4 and ENV5 establish the key planning considerations in relation to the provision of open space, sport and recreation facilities. Given that the proposal is for only 5no. dwellings, a financial contribution towards open space is not required by Policy ENV5. However, the proposal would result in the direct loss of an open space. Policy ENV4 states that proposals that remove or affect an open space will not be permitted unless the loss from the proposed development would be replaced by the equivalent or better provision in terms of quantity or quality in a suitable location. It is considered that the proposed mitigation within the Management Proposal to the adjoining woodland and surrounding area are insufficient to address this.

CONCLUSION:-

- 6.1 The application is for outline permission to consider access, layout and scale, with appearance and landscaping to be reserved, for the erection of 5no. dwellings, comprising of 2no. 3 bedroom semi-detached dwellings and 3no. 4 bedroom detached dwellings. The application site is designated as

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Ancient Woodland forming part of the wider Burleys Wood area, and is also designated as Structural Landscaping in Local Plan Policy CH7.

- 6.2 The main planning considerations in the determination of this application are the loss of Ancient Woodland, Structural Landscaping and open space and its development for residential use. The loss of the Ancient Woodland would be contrary to the objectives of Policy ENV2 which commits to protecting biodiversity and states that planning permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of the development in that location clearly outweigh the loss. Similarly the proposal would be contrary to paragraph 175 (c) of the NPPF (2018) which has a related aim to protect and enhance biodiversity and reaffirms that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland) should be refused unless there are wholly exceptional reasons. The development of the site would result in the loss of an important area of Ancient Woodland which has a significant biodiversity and ecological value. The proposal would also result in the loss of an area of Structural Landscaping which makes a significant contribution to the character and visual amenity of the residential area.
- 6.3 The development of the site would result in the loss of an important open space in Pound Hill, which by 2030 is expected to be deficient of such space (Crawley Open Space, Sport and Recreation Study 2014). The loss of the open space would detrimentally impact the local resident's quality of life and the environment in which they live. The proposed mitigation and management proposal is also not considered to adequately address the requirement for replacement open space provision under Policy ENV4.
- 6.4 The principle of development of the site for residential use is also not considered to be acceptable, given that Crawley Borough can demonstrate a five year housing supply and the Annual Monitoring Report (2016-2017) indicates that the Borough is on track to meet the delivery figure set out in Policy H1, it cannot be said to have an immediate unmet housing need which would justify the loss of the Ancient Woodland. The proposal would therefore be contrary to Policies SD1, H1, CH1, CH2 and CH3 of the Crawley Borough Local Plan.
- 6.5 Although the loss of Ancient Woodland is not considered to be acceptable, the proposed dwellings would be extremely close to the remaining Ancient Woodland and a 15m buffer zone has not been provided within the site layout to mitigate the impact on the trees to the east. It is also considered that insufficient evidence has been provided to substantiate the conclusion of the Ecological Report dated 6th March 2018 that there was no evidence of protected species on the site.
- 6.6 In regards to the impact on neighbouring properties, Plots 1 and 2 would have some overbearing impact and loss of privacy on the rear gardens and rear windows of Nos. Nos 1 and 2 Coronet Close, and Nos, 2, 4 and 6 Byerley Way.
- 6.7 There is also no agreement to secure the appropriate contribution towards affordable housing and additional/replacement planting required by Policies H4 and CH6.
- 6.8 Based on the above matters, it is recommended to refuse outline planning permission for this application.

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RECOMMENDATION RE: CR/2018/0128/OUT

REFUSE - For the following reason(s):-

1. The proposal would result in the loss of an important Ancient Woodland site and an area of Structural Landscaping. The site has a significant biodiversity and ecological value, has a significant amenity value in the local area and there are not considered to be wholly exceptional reasons which justify the development of the site, contrary to Policies SD1, CH2, CH3, CH7, ENV1 and ENV2 of the Crawley Borough Local Plan (2015-2030) and the relevant sections of the National Planning Policy Framework (2018).
2. The development of the site would result in the loss of an important open space in Pound Hill, which by 2030 is expected to be deficient of such space. The loss of the open space would detrimentally impact the local resident's quality of life and the environment in which they live, contrary to Policies CH3 and ENV5 of the Crawley Borough Local Plan (2015-2030), the Green Infrastructure SPD (2016), and the NPPF (2018).
3. The principle of redevelopment of the site for residential is not considered acceptable, given that Crawley Borough can demonstrate a five year housing supply and that the proposal would result in the loss of a nationally designated Ancient Woodland site, contrary to Policies SD1, CH1, CH2, CH3 and H1 of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the National Planning Policy Framework (2018).
4. The proposed development by reason of its layout and scale would result in an adverse impact on the amenities enjoyed by the occupants of neighbouring properties by way of loss of privacy, overlooking and an overbearing presence, contrary to policy CH3 of the Crawley Borough Local Plan (2015-2030) and the Urban Design Supplementary Planning Document (2016).
5. Notwithstanding the loss of Ancient Woodland is considered to be unacceptable in principle, the principle of development was considered to be acceptable the proposal by reason of its layout and close proximity to the area of Ancient Woodland to the east, would result in an unacceptable relationship with the trees and fails to include a 15m buffer zone to the Ancient Woodland, contrary to Policies CH2, CH3 and ENV2 of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the National Planning Policy Framework (2018).
6. Given the designation of the site as Ancient Woodland which is an important habitat for fauna, it is considered that it has not been demonstrated to the satisfaction of the Council that there are no legally protected species on the application site, contrary to Policies SD1 and ENV2 of the Crawley Borough Local Plan 2015-2030, and the relevant paragraphs of the National Planning Policy Framework (2018).
7. An agreement is not in place to ensure that the appropriate contributions for affordable housing, tree replacement and additional tree planting are secured. The development is therefore contrary to Policies CH6 and H4 of the Crawley Borough Local Plan 2015-2030, the Affordable Housing SPD (2017), the Green Infrastructure SPD (2016) and the relevant paragraphs of the National Planning Policy Framework (2018).

1. NPPF Statement

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

- Liaising with members/consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.

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- Seeking amended plans/additional information to address identified issues during the course of the application.
- Informing the applicant of identified issues that are so fundamental that it has not been/would not be possible to negotiate a satisfactory way forward due to the harm that would be/has been caused.

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

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ArcGIS Web Map



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1:1,000



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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 25 September 2018
REPORT NO: PES/285(d)

REFERENCE NO: CR/2018/0242/OUT

LOCATION: [LAND ADJACENT TO 3 CORONET CLOSE, POUND HILL, CRAWLEY](#)
WARD: Pound Hill South and Worth
PROPOSAL: OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE TO BE DETERMINED WITH APPEARANCE AND LANDSCAPING RESERVED) FOR A CHILDREN'S DAY NURSERY (USE CLASS D1) (AMENDED PLANS RECEIVED)

TARGET DECISION DATE: 23 May 2018

CASE OFFICER: Ms Z. Brown

APPLICANTS NAME: 3242 Investments Ltd
AGENTS NAME: Cogito Consulting

PLANS & DRAWINGS CONSIDERED:

SK1.201, Block plan - nursery scheme
SK1.202, Nursery scheme - Proposed Site Layout
CBC 002, Rev July Tree protection Plan - nursery scheme
SK1.204, Nursery scheme - Indicative Street Scenes
SK1.203, Nursery Scheme - indicative plans, elevations and sections
SK1, Location Plan
459CR01 , Level Survey

CONSULTEE NOTIFICATIONS & RESPONSES:-

1.	GAL Aerodrome Safeguarding	No objection
2.	WSCC Highways	No objection, subject to condition
3.	Thames Water	No response received
4.	Sussex Building Control Partnership	No response received
5.	Natural England	Objection, refer to standing advice
6.	CBC Planning Arboricultural Officer	Objection in principle
7.	The Woodland Trust	No response received
8.	CBC Refuse & Recycling Team	No objection
9.	CBC Energy Efficiency & Sustainability	No objection, subject to conditions
10.	Ecology Officer	Objection in principle
11.	CBC Countryside & Open Space	Objection in principle
12.	CBC Environmental Health	Objection
13.	Forestry Commission	Objection, refer to standing advice
14.	National Air Traffic Services (NATS)	No objection

NEIGHBOUR NOTIFICATIONS:-

2, 4, 6, 8A, 8B Byerley Way;
1 to 8 and 12 Coronet Close;
10, 11, and 12 Sedgefield Close.

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RESPONSES RECEIVED:-

Fifty-five letters from the occupiers of nearby properties have been received raising objections to the proposal. The main issues raised were as follows under key themes:

The loss of the woodlands

- Greater need for local greenspace than a nursery
- Will result in the loss of an Ancient Woodland site
- No regard for wildlife or natural greenspaces
- Inaccuracy in the report which states that there are no trees on the land
- Should replant trees
- The site provides an important element in the Structural Landscaping and a break in the densely packed urban area

Impact on highways

- Increased parking and traffic
- Unlikely to use public transport therefore will rely on cars to get to the nursery
- Inadequacy of the existing road network
- Not enough parking on the proposal site
- Issues of access for emergency vehicles
- Increased potential for collisions or accidents from the increased traffic
- Coronet Close was not designed to accommodate a nursery

Impact on residents

- Increased noise from the nursery as there could potentially be 60 children
- Loss of privacy and noise impact, detrimental impact on the living conditions of nearby residents
- The trees provide physical and mental well-being for nearby residents

The proposed nursery

- Increased noise from the children
- Enough nurseries in the local area
- No information regarding delivery hours
- No benefit to the local community

Other

- Increased air pollution as more cars will be using the roads
- Increased flood risk
- Will set a precedent for future development
- In appropriate development

Re-consultation letters were sent to neighbouring properties on 30/07/2018 for a period of 14 days to 13/08/2018 allowing neighbours to comment on the revised proposal and site layout. Nine additional representations were received. No new issues were highlighted.

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REASON FOR REPORTING TO COMMITTEE:-

The application has been called in by Councillor Peter Smith.

THE APPLICATION SITE:-

- 1.1 The application site is located to the east of Coronet Close, south of Byerley Way, north of Sedgefield Close and forms part of an area of woodland which borders the M23. The woodland is known as Burleys Wood. The site area is 1988 sqm. The area of woodland in which the site belongs is designated as Ancient Woodland.
- 1.2 It is evident from historic maps (Yeakell and Gream Map, dated 1795), that the application site was part of the historic parkland of Crabbet Park. In the 1960s, the construction of the M23 bisected the site, and much of the woodland to the west of the M23 was then cleared in the 1970s for residential development. Despite the significant clearance of the surrounding area, two areas of Ancient Woodland have remained. This includes the application site with the attached areas of woodland to the east and west and a second parcel of woodland located to the south-west owned by Crawley Borough Council.
- 1.3 The site is designated within the Local Plan as Structural Landscaping (Policy CH7). There is a narrow site entrance at the north-west corner for pedestrians between Nos. 2 Byerley Way and 1 Coronet Close. There are also informal networks of footpaths linking the site to the wider area of woodland to the west. There is currently no formal vehicular access to the site, and there are no public rights of way within the site.
- 1.4 The site is surrounded on its northern, western and southern sides by residential properties. The properties on Byerley Way to the north and Sedgefield Close to the south are predominantly detached, and those on Coronet Close are a mixture of semi-detached and detached properties. The site lies approximately 240m to the west of the M23 motorway, with an area of woodland and open space between the site and the motorway, a contrast to residential properties on The Canter and Sedgefield Close which are located significantly closer to the motorway.
- 1.5 On the 13th February 2018, the site was almost entirely cleared of trees and vegetation. The site now contains two large piles of felled trees and regenerating woodland.
- 1.6 The site has a number of designations and constraints:
 - The site is formally designated as Semi-Natural Ancient Woodland. The site was formally recognised in 2000, and is designated in 'A revision of the Ancient Woodland Inventory for West Sussex (January 2010). Subsequently the site was identified as Ancient Woodland in the Crawley Borough Local Plan (2015-2030) (Policy ENV2)
 - Structural Landscaping (Policy CH7) of the Crawley Borough Local Plan (2015-2030)
 - The site is within the Built Up Area Boundary (Policy SD1)
 - The site is close to a Landscape Character Area: Tilgate/Worth Forest Rural Fringe (Policy CH9)
 - Gatwick Safeguarding Zone requiring Gatwick Airport Safeguarding and NATS to be consulted on proposal for the erection of more than three new dwellings and all other development.
 - There is one individual Tree Preservation Order on site, and a wider Tree Preservation Order area has been confirmed for the whole application site (PES 300 02/2018).

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THE PROPOSED DEVELOPMENT:-

- 2.1 The application is for outline planning permission for the erection of a children's day nursery for 60 children and 18 staff. As the application is for Outline Planning Permission, the applicant requests that only access, layout and scale are assessed and all other matters are to be considered at the Reserved Matters stage.
- 2.2 A location plan, block plan, site layout, indicative plans, elevations sections and streetscenes have been submitted which illustrate the proposed layout, site access and indicative elevations of the proposed nursery. Amended plans have been received during the course of the application whereby the parking layout was amended, the location of the playgrounds were also moved from the northern and southern sides of the building, to the centre underneath a canopy to the rear of the building.

In support of the application, the applicant has submitted:

- Arboricultural assessment (amended 14/08/2018)
- Addendum arboricultural report (regarding Ancient Woodland)
- Design and Access Statement Rev 1 10/08/2018
- Ecological assessment dated 6th March 2018
- Flood Planning Map
- Investigation report into Historic file relevant to the status of woodland at Coronet Close, Crawley July 2018.
- Management Proposals 10th August 2018
- Noise Impact Assessment Rev B 13841-NIA-01 02/08/2018
- Open Space statement
- Planning statement Rev 1 10/08/2018
- Sustainability Statement 28/03/2018
- Topographic survey
- Transport Statement Rev A
- Travel Plan July 2018
- Road Safety Audit Report Issue 3 June 2018

PLANNING HISTORY:-

- 3.1 The most relevant planning history is as follows:

CR/2018/0128/OUT – OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE TO BE DETERMINED WITH APPEARANCE AND LANDSCAPING RESERVED) FOR 2NO. 3 BED SEMI-DETACHED DWELLINGS AND 3NO. 4 BED DETACHED DWELLINGS (AMENDED PLANS RECEIVED). **UNDER CONSIDERATION**

This application proposes alternative development within the current application site and is reported elsewhere on this committee agenda.

02/2018 – TREE PRESERVATION ORDER LAND PARCEL ADJ TO CORONET CLOSE, POUND HILL. **CONFIRMED 30TH JULY 2018**

This is a group TPO covering the entire application site

CR/2000/0358/FUL – ERECTION OF 24 TWO STOREY DWELLINGS

The applicant withdrew this application as objections to the principle of the development on the site for a residential scheme were raised by Natural England and the Forest Commission. It was stated in letters

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dated 31st November 2000 from the Forestry Commission Woodland Officer and a letter dated 26th October 2000 from English Nature that the site was designated as Ancient Woodland.

- 3.2 An Enforcement complaint was received on 13th February 2018 from residents in the local area alerting the Council that the trees within Burleys Wood had been felled. Following a site visit by the Arboricultural and Enforcement Officers at approximately 11:00 a.m. a woodland TPO was served on the site.
- 3.3 The Forestry Commission was informed of the tree felling and have undertaken its own investigations. It was established that the trees were felled on the land without a felling license being obtained under the provisions of the Forestry Act 1967. A restocking notice was subsequently served on 25/07/2018. This requires that before 30th June 2019 the felled area must be restocked with broadleaf species to achieve no less than 1,600 equally spaced stems per hectare. This equates to 240 trees at this site. The trees must not be planted closer than 7 metres to the boundary of any residential property.
- 3.4 Several planning applications have been submitted in the surrounding area which make reference to the application site. The most relevant are:

Land off Byerley Way, Pound Hill (Now known as Coronet Close)

CR/290/86 – Erection of 12 houses. Permitted.

Within this 1986 application, the current application site is identified outside of the application site for a school. However correspondence between the Planning Officer and agent state that there are no approved plans and a school scheme may never be carried out.

Site 4, Crabbet Park, Pound hill

WP/36/81 – Erection of 70 homes with garages. Permitted.

Phase 4, Crabbet Park, Pound Hill Crawley

WP/123/79 – Erection of 151 Houses with associated estate roads and sewers. Permitted.

Crabbet Park, Pound Hill

WP/98/75 – Approval to details reserved in conditions 8 and 9 of WP/55/74. Permitted.

This application highlights sites for community use.

Crabbet park, Bounded by the A264, B2036/A264, Turners Hill Road and the M23, Pound Hill

WP/55/74 – Outline application for erection of one, two and three storey houses at average density of 10 dwellings/acre together with estate roads and sewers, primary school and public open space provision. Permitted.

Within this application drawings identify the current application site as a potential location for a school. It is of note that planning permission was not granted for a school on this site, and a condition was attached (Condition 13) that “no residential development shall be permitted on an area of 2.5 acres which shall be made available for a 2 form entry primary school in such a location shall have been approved by the Local Planning Authority.

There have been no subsequent reserved matters or full applications submitted for the proposed school and this element of the proposal has therefore expired. The identification of the site as potentially suitable for a school in 1974 is no longer valid and there has never been a planning permission for such development.

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PLANNING POLICY:-

4.1 National Planning Policy Framework (2018):

The National Planning Policy Framework (NPPF) published in 2018 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

- Section 2 – Sustainable Development – This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective- to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
- Section 8 – Promoting healthy and safe communities – this section discusses the importance of achieving healthy, inclusive and safe places which promote social interaction, are safe and accessible and support healthy lifestyles.
 - Paragraph 92 states that planning decisions should provide social, recreational and cultural facilities and services, and decision should:
 - a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
 - Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.
- Section 9 – Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued.
- Section 11 – Making effective use of land – this section promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use of possible of previously-developed or 'brownfield' land.
 - Paragraph 118 (b) states that planning decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
- Section 12 – Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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- Section 15 – Conserving and enhancing the natural environment. Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and soils.
 - Paragraph 175 states that to protect and enhance biodiversity when determining applications local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated or as a last resort compensated for then planning permission should be refused.
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. For example exceptional reasons would include infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat.
 - Paragraph 180 states that planning decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

4.2 Crawley Borough Local Plan 2015-2030 (Adopted December 2015):

- Policy SD1 (Presumption in Favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features. Higher density development may be compatible with existing neighbourhood structure.
- Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site. Retain individual groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity. Sufficient space should also be provided in private

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gardens that would not be overshadowed by tree canopies; and proposals should ensure that rooms within buildings would receive adequate daylight.

- Policy CH6 (Tree Planting and Replacement Standards) states where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies.
- Policy CH7 (Structural Landscaping) states that areas of soft landscaping that make an important contribution to the town and its neighbourhoods, in terms of character and appearance, structure, screening or softening, have been identified on the Local Plan Map. Development that affects this role should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate.
- Policy ENV1 (Green Infrastructure) Crawley's multi-functional green infrastructure network will be conserved and enhanced through the following measures. Development which protects and enhances green infrastructure will be supported. Development proposals should take a positive approach to designing green infrastructure utilising the Council's supplementary planning documents to integrate and enhance the green infrastructure network. Proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified, and mitigate against any loss or impact or, as a last resort, compensate to ensure the integrity of the green infrastructure network is maintained.
- Policy ENV2 (Biodiversity) states that all development proposals will be expected to incorporate features to encourage biodiversity where appropriate and where possible enhance existing features of nature conservation value within and around the development. Planning permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of, the development in that location clearly outweigh the loss. A buffer zone between the development and ancient woodland would be required in line with Natural England Standing Advice. Proposals which would result in significant harm to biodiversity will be refused unless this can be avoided by locating on an alternative site with less harmful impact or the harm can be adequately mitigated or at last resort compensated for.
- Policy ENV4 (Open Space, Sport and Recreation) Proposals that remove or affect the continued use of existing open space will not be permitted unless an assessment of the needs for open space clearly show the site to be a surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- Policy ENV5 (Provision of Open Space and Recreational Facilities) The impact of the increased population from residential development on open space and recreational facilities across the borough will be mitigated by the use of the Community Infrastructure Levy which will be used to enhance existing areas of open space. This Policy requires development to make provision for open space and recreational facilities.
- Policy ENV6 (Sustainable Design and Construction) in order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations and demonstrate carbon saving and water efficiency measures.
- Policy ENV 8 (Development and Flood Risk) Development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere.

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- Policy ENV9 (Tackling Water Stress) for non-residential development, where technically feasible and viable development should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits. Should BREEAM be replaced, or any national standards increased then this requirement will be replaced by any tighter standard appropriate to an area of serious water stress.
- Policy ENV11 (Development and Noise) People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable.
- Policy IN1 (Infrastructure Provision) Development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- Policy IN4 (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is being assessed against the borough council's car and cycle parking standards.
- Policy IN5 (The Location and provision of New infrastructure) 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. Local community facilities should be located close to neighbourhood centres.

4.3 Supplementary Planning Documents

The Supplementary Planning Documents are non-statutory documents which supplement the policies of the Local Plan. Those applicable to this application are:

Urban Design SPD 2016:

With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity.

It also includes the Crawley Borough Parking Standards which are minimum standards for Children's Nurseries which is assessed individually using 1 space per 2 staff as a guidance with provision for dropping off.

Green Infrastructure SPD 2016:

Sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for open space, sport and recreation provision under Policies ENV4 and ENV5 and for tree replacement under Policy CH6.

Planning and Climate Change SPD 2016:

Planning and Climate Change (adopted October 2016) – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, , tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport. (Policies ENV6, ENV7, ENV8, ENV9, and IN3).

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PLANNING CONSIDERATIONS:-

The main considerations in the determination of this application are:

- The principle of the loss of Ancient Woodland and Structural Landscaping
- The principle of the loss of Open Space
- The principle of the development of the site for a children's day nursery
- The layout, design and appearance of the proposal and its impact on visual amenity
- Impact upon neighbouring properties and amenities and noise
- Impact on Highways and Parking Provision
- Impact of drainage and increased flood risk
- Sustainability

The principle of the loss of Ancient Woodland and Structural Landscaping

- 5.1 One of the key planning considerations in the determination of this application is the loss of Ancient Woodland and Structural Landscaping.
- 5.2 Natural England and the Forestry Commission define Ancient Woodland as an area that has been wooded continuously since at least 1600 AD. Ancient Woodland is divided into ancient semi-natural woodland and plantations on Ancient Woodland sites. Both types of stand are classed as Ancient woods.'
- 5.3 This definition is also reaffirmed in the recently published NPPF (2018) which describes Ancient Woodlands as "an area that has been wooded continuously since at least 1600 AD. It includes Ancient Semi-Natural Woodland and plantations of Ancient Woodland sites (PAWS)."
- 5.4 The Natural England inventory identifies Ancient Woodland sites in England and was initially compiled in the 1980s. It is an evidence-based tool for the conservation of Ancient Woodland. The inventory for West Sussex was first produced in 1984, and a new inventory revision began in 2004 expanding across the South-East region. The application site is identified within the Revision of Ancient Woodland Inventory for West Sussex (2010) as a Semi-natural Ancient Woodland. The trees and shrubs in a Semi-Natural Ancient Woodland may have been felled or cut for coppice at various times since 1600 but, as long as the area has remained as woodland, then it still qualifies for the designation.
- 5.5 Historical mapping shows that the site has been wooded since at least the late 18th Century, when it formed part of the Crabbet Park Estate. Likewise historic aerial images also show that the site as entirely wooded in 1947. The application site was partially cleared during the late 1960's and early 1970's when the residential estate was being built, with some vegetation/trees remaining along the eastern and southern sides of the site. However no development of the site took place, and trees quickly re-established on the site. As a result, by 1981, the application site was entirely covered in trees and wooded again, until the recent clearance of the site in February 2018.
- 5.6 The Forestry Commission within their Standing Advice states that the trees within a Semi-Natural Ancient Woodland may have been felled at various times since the 1600s, however they would still remain Ancient Woodland up until the soils have been removed or significantly changed in content. Similarly wooded continuously does not mean there has been continuous tree cover across the whole site. Not all trees in the woodland need to be old, as open space (both temporary and permanent) are important components of Ancient Woodland. The Natural England and Forestry Commission Standing Advice confirms that the existing condition of the Ancient Woodland (if this is

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poor) should not be taken as a factor in favour of the development proposal, as its condition can often be improved with good management proposals.

- 5.7 The Council's Ecology Consultant has confirmed that the soils, associated organisms, seeds and bulbs are a critical part of the Ancient Woodland, and even where there has been felling of trees and disturbance of soils, regeneration is still possible. As highlighted above the site was partly cleared in the late 1960s/early 1970s, however trees quickly re-established on the site. Likewise, since the clearance of the site in February 2018, saplings have grown significantly from seeds within the ancient soil and the stumps of felled trees. The site still has significant ecological value and it should be reaffirmed that despite the site being cleared prior to the planning application being submitted, the value of the Ancient Woodland remains a critical factor in the decision making process.
- 5.8 Policy ENV2 is the primary Local Plan Policy in determining whether the principle of development should be considered favourably on an Ancient Woodland site. It clearly states that all development proposals will be expected to incorporate features to encourage biodiversity where appropriate and where possible enhance existing features of nature conservation value within and around the development. To ensure a net gain in biodiversity, Ancient Woodland sites will be conserved and enhanced where possible and the council will support their designation and management. Notably, permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of the development in that location clearly outweigh the loss.
- 5.9 Policy SD1 states that in accordance with the presumption in favour of sustainable development, development will be supported where it meets the strategic objectives, including that protects, enhances and creates opportunities for Crawley's unique Green Infrastructure. As highlighted above Paragraph 3.4 of the Crawley Borough Local Plan confirms that Ancient Woodland areas are some of the sites with the strongest weight against development.
- 5.10 In addition to Policy ENV2, the recently published revised NPPF (2018) has increased the weight afforded to the protection of Ancient Woodland. It is now included in the definition of an irreplaceable habitat (those which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed). In addition Paragraph 175 (c) confirms that development resulting in the loss or deterioration of these habitats, and which explicitly refers to Ancient Woodland, should be refused unless there are wholly exceptional reasons for development. Stated examples of this include nationally significant infrastructure projects, and a suitable compensation strategy exists.
- 5.11 Strong objections to the development of the site have been received from the Forestry Commission, Natural England, the Council's Ecological Consultant and the Council's Arboricultural Officer, as the clearing of the site has resulted in the significant loss of flora and detrimentally impacted the complex community of fauna, fungi and other micro-organisms
- 5.12 The Ecological Report submitted as part of the application suggests that the classification of the site as Ancient Woodland is inaccurate. The Ecological Survey completed on 16th February 2018 states that the site had recently been cleared and as such was dominated by bare ground, therefore only a few plant species remained and the remaining stumps and felled timber were of limited age. Likewise the Tree Report (dated 26th March 2018) identified that two trees and two groups of trees were present when the tree survey was carried out on 5th March 2018, and that the trees on site were all immature or semi-mature specimens. Although the Addendum Arboricultural Report and Investigation in to Historic Files (July 2018) discusses the designation of the site as Ancient Woodland, any challenge to the site's designation is not part of the consideration of this planning application. As highlighted to the agent on 15th May 2018, if the applicant or agent wishes to

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challenge the Burleys Wood designation then they would need to provide evidence to support their position directly to Natural England.

- 5.13 It has been highlighted by the Ecological Officer that the site may well have supported legally protected species or those that are otherwise of conservation concern. A video submitted as part of a neighbour representation (footage recorded 15/7/2018 and 17/8/2018 from the rear garden of No. 1 Sedgefield Close) shows bats flying over the site. Given that the Ecological Survey conducted by AAe Environmental Consultants was undertaken on 16th February 2018 after the site had been cleared, it is not considered that sufficient information has been submitted to substantiate the conclusion of the Ecological Report dated 6th March 2018 that there was no evidence of protected species.
- 5.14 There are major concerns with the accuracy and thoroughness of the submitted Arboricultural Report. The survey was carried out on the 5th March 2018 after the site had been cleared on 13th February 2018. The report concluded that the proposal does not require the removal of any trees, and no pruning work is required to facilitate the proposed development. It should be noted that the Ancient Woodland had already been cleared prior to this date, therefore trees were felled to facilitate the proposed development. The Forestry Commission has identified that a felling license was required and on 25th July 2018 issued a restocking notice for the site.
- 5.15 The Natural England and Forestry Commission refer to the 'Standing Advice for Ancient Woodland and Trees,' which states that "as Ancient Woodland and veteran trees are irreplaceable, discussion of compensation should not form part of the assessment of the merits of the development proposal". The information submitted alongside the application within the 'Management Proposal' states that it is intended to protect and enhance the remaining woodland to the east of the proposed development site by improving its wildlife, amenity and recreational value. The applicant has also indicated its intention to carry out significant work to the woodland to improve its condition which would include constructing new footpaths through the woodland to the east to better serve the surrounding residents, and replanting trees in the remaining area of woodland. Although this could be an amenity benefit for local residents, it does not mitigate the ecological loss of Ancient Woodland, and is not considered to be an exceptional reason for developing the site, given its national designation and ecological value as an important natural habitat.
- 5.16 Local Plan Policy CH6 aims to ensure that all felled trees are replaced. Given the comments received from our Ecological Officer, Arboriculturalist, Natural England and the Forestry Commission, the proposed management scheme would not mitigate the felling of the many trees on the application site. It is considered that the restoration of the applicant site as woodland would be the only suitable remedy given the importance of the site and scale of the recent felling.
- 5.17 The Natural England and Forestry Commission Standing Advice also requires any development close to Ancient Woodland to include a minimum 15m buffer zone of semi-natural habitat between the development and Ancient Woodland, as well as connecting woodland that would be separated by development with green bridges or tunnels. Although Officers do not accept the loss of Ancient Woodland on site, even if the loss of Ancient Woodland was acceptable, an appropriate buffer zone has not been included from the remaining area of Ancient Woodland to the east or the south-west. Such a buffer zones would significantly reduce the width of the site if provided.
- 5.18 The application site also makes a significant contribution to the amenity of the local area, and is still an important green space within the neighbourhood of Pound Hill. It is an important space for flora and fauna, and a natural barrier to the M23 motorway to the east. This is formally recognised within the Local Plan as the site is designated as Structural Landscaping, therefore Policy CH7 applies.

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- 5.19 This policy confirms that development proposals that affect the site's role in contributing to the character, appearance, structure, screening or softening of the town and neighbourhood should demonstrate the visual impact of the proposal and should protect and/or enhance the structural landscaping. As this is an Outline Application, information has not been submitted in regards to landscaping, beyond the suggestion in the Design and Access Statement that "the general intention...to protect, retain and enhance the adjoining woodland to provide an attractive setting for new development" and that "small scale informal planting will be provided to each of the individual plots". The site has recently been cleared which has significantly changed the character and visual appearance of the site in the short term. This has harmed the Structural Landscaping, and it is not considered from the information submitted that the proposal would protect and/or enhance the Structural Landscaping. The loss of this substantial area of Structural Landscaping has not been justified, and the development of the site would result in the loss of an important recovering landscape feature and green space within the dense residential estate.
- 5.20 Until early 2018 the application site was a significant undeveloped tree covered area which provided a landscaped backdrop to the nearby residential estate. The Arboricultural Officer raises an objection in principle to the development of the site, highlighting the amenity value of the site and its historic significance as an area of Ancient Woodland. The importance of the woodland and the amenity provided has been confirmed in the recent Tree Protection Order which covers the application site (02/2018). Similarly concerns were raised by neighbours in regards to the significant loss of trees and the impact on the amenity of the area. The trees on the site were visible from the nearby roads and the most mature specimens above the top of the nearby houses. The loss of the trees on the site has detrimentally impacted the visual amenity of the surrounding area. The substantial value attributed to the site by local residents and their concerns about the proposal should be given significant weight in determining this application.
- 5.21 Overall the site is not deemed to be suitable for any form of development as it would result in the loss of an important Ancient Woodland and an area of Structural Landscaping. The site is an important Ancient Woodland with a significant biodiversity and ecological value and it is not considered that there are wholly exceptional reasons for developing the site. Development would result in the loss of a very important natural habitat and would be contrary to Local Plan Policies SD1, CH2, CH3, CH6 CH7, ENV1, ENV2 and the National Planning Policy Framework (2018).

The principle of the loss of open space

- 5.22 The application site is also an important open space within the dense residential area of Pound Hill. Policies ENV1 and ENV4 relate to the consideration of principle development on the site and the loss of open space. Policy ENV1 states that Crawley's multi-functional green infrastructure network will be conserved and enhanced, and proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified and mitigate against any loss of impact, or as a last resort compensate, to ensure the integrity of the green infrastructure network is maintained. Policy ENV4 confirms that proposals that remove existing open space will not be permitted unless the Open Space Assessment clearly shows the site to be surplus to requirements, or the loss will be replaced with equivalent or better provision, in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreation (where the needs for which clearly outweigh the loss).
- 5.23 The proposal includes maintaining open access to the area of woodland to the east which is owned by the applicant, in order to better serve the surrounding residents (Planning Statement Rev and Management Proposals Report).

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- 5.24 The Crawley Open Space, Sport and Recreation Study (2014) prepared to support the Local Plan preparation and examination confirms that by 2030 Pound Hill neighbourhood will be deficient against all of the open space typology standards, including 'Natural Green Space'. It is noted that the application site and the adjacent area of woodland (which are both under the same ownership by the applicant) were included in this study. The 2014 study recommends that any proposed development within the neighbourhood should provide new open space in line with the recommended standards as part of the development proposals. Given the deficiency of open space in Pound Hill, it is considered that development of the site would worsen the situation in relation to the quantity open space. Likewise while public access and long term management and maintenance for the purposes of recreation and biodiversity would be welcomed, it would not offset the loss of an irreplaceable Ancient Woodland site and important open space.
- 5.25 This issue has also been highlighted within comments received from neighbours during the consultation period, whereby the loss of green space would detrimentally impact the health and wellbeing of the community, and would adversely impact the character of the area.
- 5.26 Overall it is considered that the proposal would involve the loss of an important open space in an area which is expected to be deficient of such space by 2030. The proposed development of the site would adversely affect the amenity enjoyed by local residents and the character of the area, contrary to Policies CH3, ENV1, and ENV4 of the Crawley Borough Local Plan (2015-2030), and the National Planning Policy Framework (2018).

The principle of the development of the site for a children's day nursery

- 5.27 The proposal would seek to provide a children's day nursery to accommodate 60 children and 18 staff with associated parking.
- 5.28 In regards to the principle of the development of the site for a nursery, the NPPF (2018) objectives seek to provide social, recreational and cultural facilities and services the community needs, however Paragraph 175 (c) of the NPPF (2018) strongly affirms that:
- Development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists.*
- 5.29 Likewise Policy ENV2 of the Crawley Borough Local Plan confirms that permission will not be granted for development that results in the loss or deterioration of Ancient Woodland, unless the need for and benefits, of the development in that location clearly outweigh the loss.
- 5.30 When considering whether the need for, and benefits of the proposal for a children's day nursery clearly outweighs the loss of the Ancient Woodland, Policy IN5 of the Crawley Borough Local Plan is applicable. This policy confirms that Council will support the provision of new or improved infrastructure in appropriate locations where the facilities are required to support development of will add to the range and quality of facilities in the town. As a local community facility such as a children's day nursery, the policy further suggests that these should be located close to neighbourhood centres.
- 5.31 Although the application site is located close to the Shire Parade neighbourhood centre. The site is not allocated for development within the Crawley Local Plan. There was no need identified for such a facility in the Infrastructure Delivery Plan, which accompanied the preparation of the Local Plan, nor has it been subsequently identified as a critical infrastructure need through the Community

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Infrastructure Levy Regulation 123 list. In addition within the submitted information there is no justification provided as to why there is a critical need for a nursery in this location.

- 5.32 Although outline planning permission was granted in 1974 for the Crabbet Estate (WP/55/74) which identified the site as a possible strategic location for a primary school, a condition was attached, stating “no residential development shall be permitted on an area of 2.5 acres which shall be made available for a 2 form entry primary school in such a location shall have been approved by the Local Planning Authority.” No such development has taken place, and there have been no subsequent Reserved Matters or planning applications submitted or approved covering the application site and there is no extant planning permission to develop it. As a result the identification of the site as potentially suitable in 1974 is no longer relevant, particularly as the site has since been formally designated as Ancient Woodland in 2010 and designated as Structural Landscaping in the Crawley Borough Local Plan (2015-2030). The claim therefore from the applicant that the site is previously developed land is totally unsubstantiated and Officers consider this to be a greenfield site.
- 5.33 Overall it is considered that the principle of the development of the site and erection of a children’s day nursery is unacceptable. The site is not allocated for development and there is no demonstrable critical need for a children’s day nursery in this location. The proposal would result in the loss of a valuable area of Ancient Woodland and it is not considered that there are exceptional circumstances to consider development of the site for a children’s nursery would be acceptable. As a result the proposal would be contrary to Local and National Policies, including Policies SD1, CH1, CH2, CH3 and IN5 of the Crawley Borough Local Plan (2015-2030), and Paragraph 175 (c) of the National Planning Policy Framework (2018).

The layout, design and appearance of the proposal and its impact on visual amenity

- 5.34 The application site is located to the east of No. 2, 3 and 4, and south of Nos 2, 4 and 6 Byerley Way and north of 11 Sedgfield. The surrounding area is higher-density residential development, characterised by a range of modest detached, semi-detached and terraced dwellings. The properties along the southern side of Coronet Close are semi-detached with detached properties to the north and north-west.
- 5.35 Policy CH2 (Principles of Good Urban Design) of the Crawley Borough Local Plan (2015-2030) states that all development proposals should respond to and reinforce local distinctive patterns of development and landscape character. Policy CH3 (Normal Requirements of All New Development) of the Crawley Borough Local Plan (2015-2030) requests that all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design and should relate sympathetically to their surroundings in terms of scale, density and layout. They should also retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- 5.36 The proposed nursery building would be single storey. The footprint would be H shaped with two projecting ends on the front and rear elevations, and an indicative glazed canopy between them, which would create a covered playground area. The nursery building would have a total footprint of 437.2 sqm, and would measure 34.5m in width, and 18m in length. The nursery building would be located 0.8m from the eastern boundary (which is adjacent to the remaining area of Ancient Woodland), 16.8m from the southern boundary, 13.5m from the western boundary and 7.8m from the northern boundary of the site.
- 5.37 Parking would be provided for drop-off and staff in front of the building, a refuse enclosure, and cycle store would be located on the southern side of the building. A buggy store would be provided

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on the northern side of the main entrance underneath a roof canopy which would extend from the main roof.

- 5.38 The building would be of a significant footprint filling almost the entirety of the site with only a gap of 0.8m between the building and the eastern side boundary of the site. Although the building would only be single storey, when viewed from the west on Coronet Close the building would appear to fill almost the entirety of the site due to its significant width. Although appearance is a reserved matter, from the indicative drawings it is evident that the proposal would significantly change the appearance of the site, with very limited soft landscaping and instead a proliferation of hardstanding and buildings a significant contrast to the current woodland site, and would result in the site feeling overly developed and cramped with limited space between the proposal, the adjacent woodland and neighbouring residential properties.
- 5.39 Although Officers do not accept the loss of Ancient Woodland on site, The Natural England and Forestry Commission Standing advice states that developers should look for ways to avoid the development affecting Ancient Woodland or veteran trees. A minimum 15m buffer zone should be included to act as a semi-natural habitat between the development and the Ancient Woodland. Even if the loss of Ancient Woodland was considered to be acceptable on this site, the required buffer zone has not been shown in the proposed layout, and if provided it would reduce the developable area of the site by almost half, and the space for the nursery building would be reduced significantly.
- 5.40 Overall, it is considered that the siting, scale and size of the proposed nursery would appear overly cramped, resulting almost the entirety of the site being built upon. The proposed building would be located only 0.8m from the adjacent woodland, with no mitigation buffer strip. The proposal would fail to accord with the policies contained within the Crawley Borough Local Plan (2015-2030), the Urban Design SPD (2016), the Natural England and Forestry Commission Standing Advice, or the NPPF (2018).

Impact upon neighbouring properties and amenities and noise

- 5.41 In terms of impact on neighbour amenity, Nos. 1, 2 and Coronet Close, Nos. 2, 4 and 6 Byerley Way and No. 11 Sedgefield are the residential properties most affected as they adjoin the application site. The Urban Design SPD provide specific guidance in regards to impact on residential amenity, although the guidance is primarily for residential extensions and new dwellings, given that there are surrounding residential properties it is considered appropriate to ensure that the proposal accords with this guidance.
- 5.42 The building would be located 7.8m from the northern boundary of the site, 19m from the rear elevation of the Nos. 4 and 6 Byerley Way and 17m from the rear elevation of No. 2 Byerley Way. There would be a gap of 21m between the rear elevation of No. 1 Coronet Close and 24m between the rear elevation of No. 2 Coronet Close and the front elevation of the nursery. A gap of 20.5m would be retained between the side elevation of No. 11 Sedgefield and the southern elevation of the nursery, likewise there is also a level change whereby No. 11 Sedgefield is positioned higher than the application site, as a section drawing has not been provided the exact height difference is unknown. Given that the nursery building would be single storey it is not considered to have a significant overbearing or overlooking impact on the amenity enjoyed by the occupants of Nos. 2, 4, or 6 Byerley Way located to the north of the application site, Nos 1, 2 or 3 Coronet Close located to the east of the application site, or No. 11 Sedgefield Close located to the south of the application site.
- 5.43 Local Plan Policy ENV11 states that noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive receptors will not be exposed to noise impact that

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will adversely affect the amenity of existing and future users. Similarly Paragraph 180 of the NPPF (2018) states that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 5.44 An objection has been received from Environmental Health in regards to the impact of the proposed development and its use on neighbouring properties. A noise assessment was requested as there is likely to be increased noise, nuisance and disturbance generated by the proposed development given that there could potentially be 60 children on the site.
- 5.45 The layout of the proposed nursery building has been amended, whereby the main play areas have been moved from the northern and southern ends of the building to the centre of the building under a glazed canopy, it is of note that there would still be some space on the northern and southern side of the building which could be used for play space in the future. Comments have been received from Environmental Health on the submitted noise assessment and revised layout. An objection is still raised, as there are a number of concerns with the proposed development, and the data provided within the report. There is no indication within the applicants report to advise where the noise equipment was set up in relation to the sample nursery setting, nor are any details provided on the location, measurement period and activities of the children. The noise report bases its assessment on only 30 children. However the proposal could potentially accommodate up to 60 children (as identified in the Planning Statement), who during periods of play could generate significant levels of noise, which could detrimentally impact the amenity for surrounding residents. Although a restricted access to the play area is proposed by the applicant between 09:00-16:30 for only 20 children at any one time, Environmental Health has commented that this would still be a significant potential noise source which would impact surrounding residents.
- 5.46 In regards to noise from vehicles and car park activity, the report addresses the peak period between 08:00-0900, yet fails to consider other potential peak periods, for example at lunch time (whereby it is likely there would be a session change over point from children only attending mornings/afternoons) and at collecting times which are likely to be between 16:30-18:00. As a result there are in fact three busy periods during the day, which are likely to result in increased noise and disturbance for those living in the vicinity. Environmental Health have commented that the suggestion of 30 arrivals and departures is somewhat conservative given that site could accommodate 18 staff and 60 children. Although some acoustic screening is proposed, the nearby residents are still likely to experience unreasonable levels of traffic noise and disturbance. Particularly as Coronet Close is a cul-de-sac therefore each vehicle would pass each Coronet Close house twice per visit.
- 5.47 Despite the buildings itself not having any significant impact in terms of overbearing impact, overlooking or loss of light on the surrounding residents, the proposed use would have an adverse detrimental impact on the amenity enjoyed by the residents of the surrounding area. There are significant concerns regarding the noise and nuisance that could be generated by the site, which is proposed to accommodate 60 children, and the applicant has failed to demonstrate that this could be satisfactory mitigated. In addition the arrivals and departures of the children and staff is also likely to give rise to further unreasonable levels of noise and disturbance. As a result the proposal is considered to be contrary to Policy CH3, and ENV11 of the Crawley Borough Local Plan (2015-2030), and Paragraph 180 of the NPPF (2018).

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Impact on Highways and Parking Provision

- 5.48 A key issue is whether there would be an impact on highway safety and whether there would be sufficient onsite vehicular and cycle parking to meet the demands and operational requirements of the proposed nursery. Policy CH3 'Normal Requirements of All New Development' states that all proposal for development will be required to meet the requirements necessary for their safe and proper use, in particularly access, circulation and manoeuvring. Policy IN3 'Development and requirements for sustainable transport' states that developments should meet the access needs they generate and not cause an unacceptable impact in terms of increased traffic congestion or highway safety. Policy IN4 'Car and cycle parking standards' states that development will only be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs.
- 5.49 Access to the development would be provided from the eastern end of Coronet Close, which is a narrow residential cul-de-sac serving 12 dwellings. Although many of the houses have driveways, the proliferation of dropped kerbs mean there is limited street-parking availability. As a result there is often no on-street parking available. The proposed access road to the site would lead into a parking area, which would be positioned in front of the nursery building. The parking area would extend almost the entire length of the site.
- 5.50 Initial comments from West Sussex County Council Highways requested a Stage 1 Road Safety Audit (RSA) for the site access, and additional information on parking and a Travel Plan. An RSA was subsequently submitted and WSCC Highways were re-consulted. On 09/07/2018 it was confirmed that the RSA was sufficient. The new access road would measure 5.7m in width. This is considered to be sufficient to allow two vehicles to safely pass one another. It has been demonstrated that cars and larger vehicles such as refuse collection vehicles would be able to safely turn within the parking area, and that deliveries will be organised to avoid peak drop off/pick up times. Overall the WSCC Highways have raised no objection to the proposal on highway safety grounds for deliveries and refuse collection.
- 5.51 Despite this, given the scale of the proposal, the use of this narrow cul-de-sac would be intensified. Coronet Close was never intended to be used to serve a day nursery, and comments submitted by neighbours have raised the impact the proposal would have on the surrounding roads. The proposal would result in a significant increase of vehicular movements, particularly due to the number of children and staff that could be arriving each day and leaving each night. This would detrimentally impact the residents of Coronet Close and also the surrounding roads as it is likely that Byerley Way would also be used for drop off parking.
- 5.52 Policy IN4 states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meets its needs when assessed against the Borough Council's car and cycle parking standards. The Crawley Borough Parking Standards as set out in the Urban Design SPD would require 1 space per 2 staff as a guide, with provision for dropping off. Nine staff parking spaces are shown on the site layout (which is in accordance with the parking standards), and six drop off spaces for parents. Very limited parking would be provided for parent dropping off children. As 60 children could be attending the nursery it is likely that the surrounding roads would be used for drop off parking, and it would further reduce the available parking for residents of the area at peak times.
- 5.53 In regards to cycle parking, although there are no specific cycle parking standards for children nurseries, the most appropriate standards would be those for D2 use, which require 1 space to be provided for every 4 members of staff, and visitor cycle parking to be assessed individually. It is important that adequate cycle parking provision is provided for staff and parents using the site.

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Following the comments from WSCC Highways who highlighted that the initial cycle parking provision was insufficient (comments 30/07/2018) an additional 3 spaces have been provided, as a result 6 cycle parking spaces would be provided on site. It is considered on balance that this provision would be adequate, however this should also be monitored through the Travel Plan.

- 5.54 To conclude on this issue, despite adequate onsite staff parking being provided to meet the requirements of the Crawley Borough Parking Standards, the number of drop-off spaces is not considered to be adequate and would increase traffic and demand for on-street parking spaces in the surrounding area to the detriment of the amenity of surrounding residential properties. In regards to cycle parking only six spaces would be provided, it is considered that a condition could be attached to review this provision if the scheme was considered to be acceptable. For the reasons above the proposed development would fail to accord with Policies CH3, IN3 and IN4 of the Crawley Borough Local Plan (2015-2030).

Impact of drainage and increased flood risk

- 5.55 In regards to the drainage impacts of the change of use and potential increased flood risk, comments have been received from neighbours stating that since the removal of the trees, the site has become significantly more waterlogged. The Drainage Officer has been consulted and states that although the proposal has substantially changed the use of the site, it does not lie within a Flood Zone. Therefore a flood risk assessment is not required. However the proposal would involve a significant change of use of the site and would include a large area of hardstanding. If the scheme was considered to be acceptable a condition could be attached to ensure that runoff from the site will be no greater than the existing rate.

Sustainability

- 5.56 Policies ENV6 and ENV9 of the Crawley Borough Local Plan are relevant to this proposal from the perspective of environmental sustainability. Policy ENV6 requires that applications involving the creation of 100sqm or more of internal floor space submit a Sustainability Statement detailing how the proposal will pursue the sustainability objectives set out in the policy. Policies ENV6 and ENV9 also require new non-residential building, where feasible and viable, to meet the minimum requirements for BREEAM 'excellent' in the Energy and Water categories. A Sustainability Statement has been submitted however does not address the requirements of Policies ENV6 and ENV9, therefore it has not been possible to assess the proposal in regards to these requirements, it is considered appropriate that additional information could be requested via condition if the scheme was approved.

Provision of Infrastructure Contributions

- 5.57 Policy CH6 states that where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of tree canopies. The proposal has involved the clearance of the site, however there is no accurate information as to exact number of trees that have been felled. Following comments from Forward Planning, the Ecology Officer and Arboricultural Officer that the only appropriate mitigation would be to replant the woodland, as the principle of the loss of Ancient Woodland is not considered to be acceptable.

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CONCLUSIONS:-

- 6.1 The application is for outline permission to consider access, layout and scale at this stage, (with appearance, and landscaping to be reserved) for the erection of a children's day nursery catering for up to 60 children and 18 staff. The application site is designated as Ancient Woodland and forms part of the wider Burleys Wood area, and is also designated as Structural Landscaping in Local Plan Policy CH7.
- 6.2 The main planning considerations in the determination of this application are the loss of Ancient Woodland, Structural Landscaping and open space and its development for day nursery use. The loss of the Ancient Woodland would be contrary to the objectives of Policy ENV2 which commits to protecting biodiversity and states that planning permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of the development in that location clearly outweigh the loss. Similarly the proposal would be contrary to paragraph 175 (c) of the NPPF (2018) which has a related aim to protect and enhance biodiversity and reaffirms that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland) should be refused unless there are wholly exceptional reasons. The development of the site would result in the loss of an important area of Ancient Woodland which has a significant biodiversity and ecological value. The proposal would also result in the loss of an area of Structural Landscaping which makes a significant contribution to the character and visual amenity of the residential area.
- 6.3 The development of the site would result in the loss of an important open space in Pound Hill, which by 2030 is expected to be deficient of such space (Crawley Open Space, Sport and Recreation Study 2014). The loss of the open space would detrimentally impact the local resident's quality of life and the environment in which they live. The proposed mitigation and management proposal is also not considered to adequately address the requirement for replacement open space provision under Policy ENV4.
- 6.4 The principle of development of the site for a children's day nursery is not considered to be acceptable. The site has not been allocated for development, and there is no demonstrable need for such a facility identified in the Infrastructure Delivery Plan, nor has a critical infrastructure need been identified through the Community Infrastructure Levy Regulation 123 List. As a result there are not considered to be exceptional circumstance which justify the loss of the Ancient Woodland for the development of the site for a children's day nursery.
- 6.5 The submitted layout would appear overly cramped with the proposed nursery building being located only 0.8m from the edge of the woodland to the east. The scale of the building and associated hardstanding would result in almost the entirety of the site being built upon, and would represent overdevelopment of the site. The building would fail to accord with the styles of properties/buildings within the vicinity. Although the loss of Ancient Woodland is not considered to be acceptable, the proposed development would be extremely close to the remaining Ancient Woodland and a 15m buffer zone has not been provided within the site layout to mitigate the impact on the Ancient Woodland to the east. It is also considered that insufficient evidence has been provided to substantiate the conclusion of the Ecological Report dated 6th March 2018 that there was no evidence of protected species on the site.
- 6.6 In regards to the operational requirements of the development, although adequate on-site staff parking would be provided, only six spaces would be available for parents to drop-off children. It is considered that this would increase demand for on-street parking spaces in the surrounding area, to the detriment of the amenity of surrounding residential properties.

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- 6.7 The proposed development would accommodate up to 60 children and would give rise to unacceptable noise and nuisance which would detrimentally impact the amenity enjoyed by the occupants of nearby residential properties, and the noise from vehicles and car park activity during the three busy periods of the day would further increase the noise and disturbance for those living in the vicinity.
- 6.8 Therefore it is recommended to refuse outline planning permission for this application.

RECOMMENDATION RE: CR/2018/0242/OUT

REFUSE for the following reasons.

1. The proposal would result in the loss of an important Ancient Woodland site and an area of Structural Landscaping. The site has a significant biodiversity and ecological value, has a significant amenity value in the local area and there are not considered to be wholly exceptional reasons which justify the development of the site, contrary to Policies SD1, CH2, CH3, CH7, ENV1 and ENV2 of the Crawley Borough Local Plan (2015-2030) and the relevant sections of the National Planning Policy Framework (2018).
2. The development of the site would result in the loss of an important open space in Pound Hill, which by 2030 is expected to be deficient of such space. The loss of the open space would detrimentally impact the local resident's quality of life and the environment in which they live, contrary to Policies CH3 and ENV5 of the Crawley Borough Local Plan (2015-2030), the Green Infrastructure SPD (2016), and the NPPF (2018).
3. The principle of development of the site for a children's day nursery is not considered to be acceptable. The site has not been allocated for development, and there is no demonstrable need for such a facility identified in the Infrastructure Delivery Plan, nor has a critical infrastructure need been identified through the Community Infrastructure Levy Regulation 123 List. As a result there are not considered to be exceptional circumstances which justify the loss of the Ancient Woodland for the development of the site for a children's day nursery, contrary to Policies SD1, CH2, CH3 and IN5 of the Crawley Borough Local Plan (2015-2030) and the National Planning Policy Framework (2018).
4. The proposed development, by reason of its layout, building footprint and extensive car parking and hardstanding, would constitute overdevelopment of the site which would be harmful to the visual amenities and character of the area. The building would fail to accord with properties/buildings within the vicinity. It would therefore conflict with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030, the Urban Design SPD (2016) and the relevant paragraphs of the National Planning Policy Framework (2018).
5. The proposed nursery would have an adverse impact upon the amenities of the occupiers of neighbouring residential properties by virtue of noise and disturbance from the intensity of the use which could accommodate 60 children, with increased traffic and vehicular movements. The proposal would give rise to significant levels of noise and nuisance, and would be contrary to the Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030 and the National Planning Policy Framework (2018).
6. Notwithstanding the loss of Ancient Woodland is considered to be unacceptable in principle, the principle of development was considered to be acceptable the proposal by reason of its layout and close proximity to the area of Ancient Woodland to the east, would result in an unacceptable relationship with the trees and fails to include a 15m buffer zone to the Ancient Woodland, contrary to Policies CH2, CH3 and ENV2 of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the National Planning Policy Framework (2018).
7. Given the designation of the site as Ancient Woodland which is an important habitat for fauna, it is considered that it has not been demonstrated to the satisfaction of the Council that there are no legally protected species on the application site, contrary to Policies SD1 and ENV2 of the Crawley Borough

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Local Plan 2015-2030, and the relevant paragraphs of the National Planning Policy Framework (2018).

8. Adequate drop-off space for vehicles cannot be made on site in a satisfactory manner to the standard required by the Local Planning Authority for the use of the site as a children's day nursery and it is therefore likely to create additional traffic and parking demands in this locality to the detriment of the amenity enjoyed by surrounding residential properties. The proposal therefore conflicts with Policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and Crawley Borough Park Standards contained within the Urban Design SPD (2016), and the National Planning Policy Framework (2018).

1. NPPF Statement

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

- Liaising with members/consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking amended plans/additional information to address identified issues during the course of the application.
- Informing the applicant of identified issues that are so fundamental that it has not been/would not be possible to negotiate a satisfactory way forward due to the harm that would be/has been caused.

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

1. Given the designation of the site as Ancient Woodland which is an important habitat for fauna, it is considered that it has not been demonstrated to the satisfaction of the Council that there are no legally protected species on the application site, contrary to Policies SD1 and ENV2 of the Crawley Borough Local Plan 2015-2030, and the relevant paragraphs of the National Planning Policy Framework (2018).

Agenda Item 8



ArcGIS Web Map



Crawley Borough Council
Town Hall, The Boulevard,
Crawley, West Sussex,
RH10 1UZ
Tel: 01293 438000

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 25 September 2018
REPORT NO: PES/285(e)

REFERENCE NO: CR/2018/0177/FUL

LOCATION: [FORMER DEPOT ADJ TO SW CORNER OF GOFFS PARK, OLD HORSHAM ROAD, SOUTHGATE, CRAWLEY](#)

WARD: Southgate

PROPOSAL: INSTALLATION OF SUBSTATION AND CLOSE BOARDED FENCING ENCLOSURE

TARGET DECISION DATE: 27 April 2018

CASE OFFICER: Mrs V. Cheesman

APPLICANTS NAME: Crawley Borough Council

AGENTS NAME: Westridge Construction Ltd.

PLANS & DRAWINGS CONSIDERED:

52, Sub Station - Site Plan, Elevations and Sections
53, 053 Substation Landscaping Proposal

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | | |
|----|------------------------------|---|
| 1. | Environment Agency | No comment received |
| 2. | UK Power Networks | No comment received |
| 3. | WSCC - Highways | No objection |
| 4. | Environmental Health | No objections subject to condition |
| 5. | CBC – Arboricultural Officer | Verbal response – details of surfacing/foundations required |

NEIGHBOUR NOTIFICATIONS:-

A site notice was displayed on 3rd April 2018.

RESPONSES RECEIVED:-

There have been no responses received.

REASON FOR REPORTING TO COMMITTEE:-

The applicant is Crawley Borough Council.

THE APPLICATION SITE:-

- 1.1 The application site is located to the north of Old Horsham Road, a short distance from the junction with Horsham Road (A2220). The site is owned by the Council and was previously used as a depot for the Council and as a nursery with glasshouse for the adjacent open space of Goffs Park.
- 1.2 Policy H2 of the Crawley Local Plan allocates the site as a Key Housing Site. On 24th August 2017, planning permission was granted on the site for the construction of 22 flats in four blocks and 22 houses in five terraces (CR/2016/1053/FUL). Construction of these units is now underway. To the north of the application site is Goffs Park which is designated as a Historic Park and Garden (Policy CH12), and also designated an area of Structural Landscaping (Policy CH7). To the east of the application site is Goffs Manor public house as well as designated parking. To the west of the site is Goffs

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Park Social Club and large detached and semi-detached dwellings, set back from the highway. To the south of the site and on the opposite side of Old Horsham Road is a church, with residential properties to the west and east. To the north west of the site is St Wilfred Catholic School.

THE PROPOSED DEVELOPMENT:-

- 2.1 This planning application as amended seeks permission for an electricity substation, 2.55m high, with a footprint of 3m x 3m which is proposed to be surrounded by a 2.6 metre high close boarded acoustic fence enclosure, measuring 4.225m x 6.045m. The substation would be accessed from a set of timber double doors on the western elevation of the fencing enclosure.
- 2.2 The structure would be placed along the eastern boundary of the site, adjacent to the cycle store and bin store area that will serve the flats in Block 1. It would be sited approximately 3.8 metres away from the east elevation of the flats. The area for the substation is proposed to be hand dug, with tree root protection cellweb or similar, on geotextile over undisturbed sub-soil. A concrete slab would be placed on top of this to take the substation itself.

PLANNING HISTORY:-

- 3.1 CR/2017/0469/FUL: GOFFS PARK SOCIAL CLUB, OLD HORSHAM ROAD, SOUTHGATE, CRAWLEY: SINGLE STOREY EXTENSION TO EXISTING CLUB HOUSE BUILDING TO FORM ACOUSTIC LOBBY AND RE-LOCATION OF FIRE ESCAPE. GRANTED 29/08/17.
- 3.2 CR/2016/1053/FUL- CONSTRUCTION OF 22 FLATS IN FOUR BLOCKS AND 22 HOUSES IN FIVE TERRACES. GRANTED 24/08/17 FOLLOWING COMPLETION OF S106 AGREEMENT.
- 3.3 CR/2011/0675/DEM: PRIOR NOTIFICATION OF PROPOSED DEMOLITION- Prior Approval Not Required
- 3.4 CR/2009/0114/RG3: OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DEPOT AND CONSTRUCTION OF NEW DEPOT INCORPORATING OFFICES, MAINTENANCE BAYS, VEHICLE STORAGE, CREATION OF NEW SITE ACCESS AND REVISED PARKING LAYOUT AND 4 DWELLINGS WITH ACCESS OFF OLD HORSHAM ROAD- Permitted
- 3.5 CR/2002/0350/RG3: ERECTION OF 2.4M HIGH SECURITY FENCING- Permitted
- 3.6 Prior to these applications, there had been a number of applications submitted in connection with the Council depot and nursery on the site for numerous building and structures.

PLANNING POLICY:-

National Planning Policy Framework (NPPF) July 2018

- 4.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives - economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. At the heart of the Framework is the presumption in favour of sustainable development.
- 4.2 Relevant paragraphs are:
 - Paragraph 11: presumption in favour of sustainable development – this means that development proposals that accord with an up-to-date development plan should be approved without delay.
 - Section 5: delivering a sufficient supply of homes – this seeks to significantly boost the supply of housing.
 - Section 12: Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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- Section 15: Conserving and enhancing the natural environment – decisions should prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of pollution including air and noise. Potential adverse impacts on health and quality of life are to be taken into account. Decisions should be on whether proposed development is an acceptable user of land, rather than the control of processes or emissions (where these are subject to separate pollution control measures).

Crawley Borough Local Plan (2015-2030)

- 4.3 Policy SD1: (Presumption in Favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- 4.4 Policy CH1: (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern land uses and arrangement of open spaces and landscape features.
- 4.5 Policy CH2: (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- 4.6 Policy CH3: (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- 4.7 Policy ENV11: (Development and Noise) states that people's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources.
- 4.8 Policy H2: (Key Housing Sites) identifies the site as a part of a key deliverable housing site to deliver a mixed use, primarily of housing.

Supplementary Planning Document

- 4.9 Urban Design Guide (2016): With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document also sets out the car and cycle parking standards for the Borough.

PLANNING CONSIDERATIONS:-

- 5.1 It is considered that following issues are relevant in the determination of this planning application:
- The impact on visual amenity, the street scene and the character of the area
 - The impact on adjacent trees
 - The impact on neighbouring occupiers amenities including noise impact

The impact on visual amenity, the street scene and the character of the area,

- 5.2 The sub-station would be single storey and would be read against the backdrop of the three storey apartment block (building one) within approved scheme CR/2016/1053/FUL. The enclosure would not impact on the principal elevations of the residential building and is a relatively small structure when viewed in the context of the surrounding development. It would be set back from the road

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frontage to Old Horsham Road by 15m and would be around 26m from the access road to Goffs Park. It would be screened by the proposed acoustic fence. It would also be located to the immediate rear (south) of a proposed cycle store and refuse storage area. Along its south elevation, shrubs would be planted to soften its impact when viewed from the amenity area of the flats. It would therefore be largely screened and would result in the structure not having any notable impact on the wider street scene.

- 5.3 It has been designed as a basic, inconspicuous feature having the appearance of an outbuilding, to facilitate the development in which it would be located. It would therefore not be visually prominent and it is considered that, in relation to its future context, there would not be harm to the streetscene, wider visual amenity or the design principles of the new development as approved. Subject therefore to a condition to control the materials used, it is considered the development would be acceptable in this regard and accord with Local Plan 2015- 2030 Policies CH2, CH3 and the NPPF.

The impact on adjacent trees

- 5.4 The substation and fencing would be positioned in close proximity to trees shown to be retained as part of the wider development. The Arboricultural Officer has verbally requested details of how these elements would be constructed, including clarification regarding any foundations or surfacing.
- 5.5 The submitted details now confirm that the sub-station would be placed on a concrete slab, which would be on a tree protection cellular confinement system on the existing undisturbed ground. All works would be hand dug. This can be controlled by a condition. The comments of the Arboricultural Officer on these details will be verbally reported at the meeting.

The impact on neighbouring occupier's amenities,

- 5.6 The structure would be a single storey low level construction and would not be directly located in front of any ground floor windows of the flats on block 1. The nearest windows on the east elevation would be approximately 4 metres away and these are the kitchen windows to the flats on each floor. These are positioned centrally on that elevation, and thus further to the south, so any views from these windows would not be direct but would be at an angle. It is therefore considered that the new sub-station would not result in any loss of light or outlook to these units.
- 5.7 Initial concerns were raised by the Council's Environmental Health department with regard to the potential for noise disturbance from the electrical sub-station on the future residents of the adjoining flats. The unit itself would be housed in a GRP enclosure and there would be an acoustic timber fence set around that. The unit is to be installed on anti-vibration waffle pads, which would sit on the concrete base. The applicant has also since submitted additional information in the form of a Noise Assessment report confirming that, following implementation of the mitigation measures proposed, the sub-station noise output levels would be acceptable. This has been considered by the Environmental Health team who confirm that the sub-station would have a minimum impact as long as the recommendations of the report are implemented in full. A condition is recommended to control this aspect.
- 5.8 The impact of the development on neighbours' amenities is therefore considered to be acceptable and would comply with policy CH3 of the Crawley Borough Local Plan 2015-2030 in this regard.

CONCLUSIONS:-

- 6.1 The proposal would be a modest development with an acceptable impact on visual amenity. The amenities of the neighbouring occupiers would not be compromised by the development, and there are no justifiable grounds to object on noise grounds. The development would also assist in enabling the development of the adjacent site for 44 new residential units. It is therefore considered that the development would accord with national and local development plan policies and it is recommended that permission be granted subject to conditions.

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RECOMMENDATION RE: CR/2018/0177/FUL

PERMIT subject to the following condition(s):-

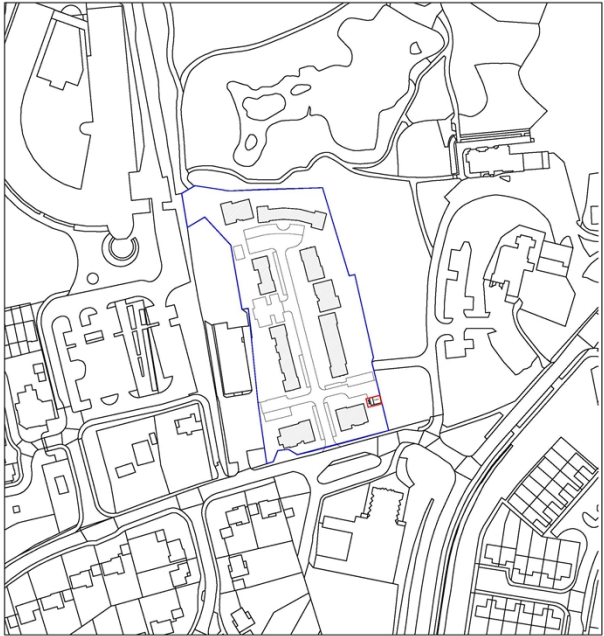
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external fencing, walls and roofs of the proposed sub-station have been submitted to and approved by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
4. The development hereby approved shall be constructed in accordance with the technical details within the submitted Acoustic Specification and the measured or calculated noise rating level (when assessed using BS4142:2014) for the proposed electricity sub-station, shall not exceed 25dB (L_{Aeq}15minutes) one metre from the façade of any residential premises.
REASON: To address potential noise disturbance and to protect the amenities of the adjoining property, in accordance with policy CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
5. The construction of the development shall include the use of a tree protection cellular confinement system and shall be undertaken in accordance with the details on approved drawing number 52 Rev C and any excavations shall be hand dug.
REASON: To ensure the retention and maintenance of trees which are an important feature of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
6. The landscaping shown on drawing no. 53 'New substation landscaping proposal' hereby approved shall be fully implemented in the first planting and seeding season following the completion of the development, unless otherwise agreed in writing by the Local Planning Authority. In the event that any such plants and shrubs die or become seriously damaged or diseased within a period of 5 years following planting, they shall be replaced in the next planting season with others of similar size and species.
REASON: In the interests of amenity and of the environment of the development in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.

1. NPPF Statement

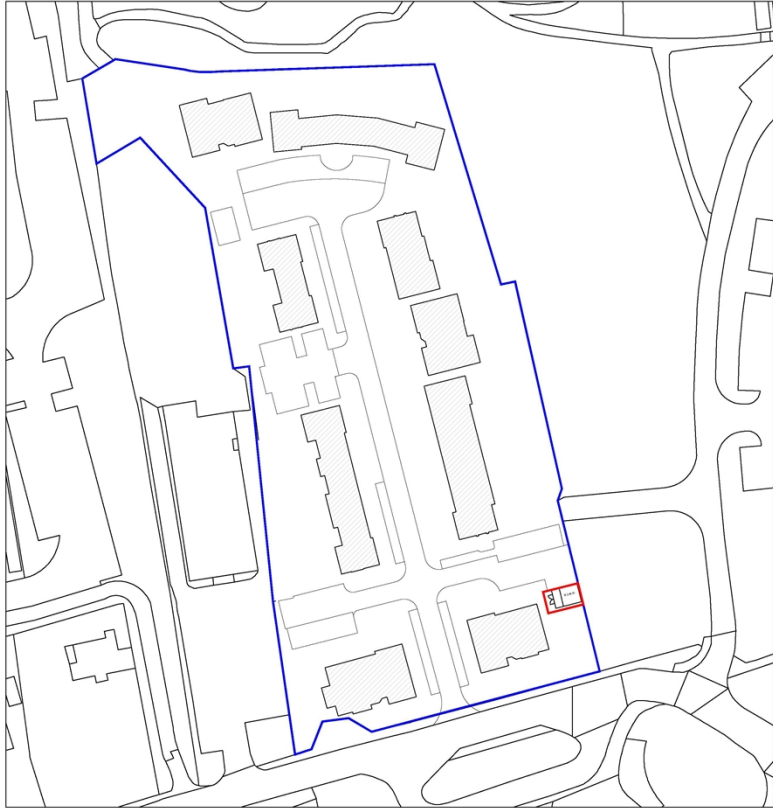
In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

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

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



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1:1250
0m 12.5m 25m 42.5m 125m



SCALE
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0m 5m 10m 25m 50m

Do not scale.
Dimensions to be verified on site. Use figured dimensions only. Do not work from reduced scale drawings. Please refer to scale and sheet size as indicated.
This drawing is the property of WESTRIDGE CONSTRUCTION LTD (LTD).
Copyright is reserved by them and the drawing is loaned on the condition that it is not copied, reproduced, returned or disclosed to any unauthorised person without the prior consent in writing of Westridge Construction Ltd.
NOTES:

Rev	Description	Date
 Westridge Construction Limited Tel: 01380 830000 Rockley House, Junc. Bon Road Fax: 01380 830000 Redburn, East Sussex TN20 3JH Email: enquiries@westridgeconstruction.co.uk Web: westridgeconstruction.co.uk Westridge Construction Ltd		
Former Depot adj. Goffs Park, Old Horsham Rd, Crawley		
PROJECT Proposed Sub Station		
DRAWING TITLE Site Location Plan		
	Issue	Date
Design		
Check		
Approved		
Drawing Number	Revision	
51	X	

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Crawley Borough Council

Report to Planning Committee

25th September 2018

Appeal against Non-Determination of Planning Application CR/2017/0879/FUL - R/O GEORGE HOTEL, 56 - 58 HIGH STREET, WEST GREEN, CRAWLEY

Report of the Head of Economy and Planning, PES/303

1. Purpose

- 1.1. This report is being brought before the Planning Committee to explain the circumstances in relation to this application for which an appeal is now underway. The appeal has been lodged on the grounds that the Local Planning Authority (LPA) has failed to determine the application within the statutory time frame.
- 1.2. While the Planning Committee is no longer in a position to formerly determine this planning application, this report sets out the officers concerns with the application and the grounds on which they consider the planning appeal should be defended.
- 1.3. This report provides an opportunity for the Committee to consider the merits of the application, comment on the refusal reasons and the officer's appraisal of the scheme and consider whether there should be any other issues added or removed from the LPA's draft appeal statement attached as **APPENDIX 1** to this report.
- 1.4. The finished appeal statement is due at the Planning Inspectorate on 28th September 2018.

2. Recommendations

That the Planning Committee:

- 2.1. Notes the report and **AGREE** that if the application had been determined by the Planning Committee it would have been minded to refuse it for on the following 8 reasons as set out in section 6.1 of this report.

3. Reason for Recommendations

- 3.1 The Planning Committee endorsement of the recommendation set out in Section 2 provides a clear steer for the appeal inspector on the LPA concerns with the application which should help form a clear basis for discussion of the issues at the forthcoming Hearing. Such a recommendation also provides firm endorsement of the LPA adopted the Local Plan policies and Supplementary Planning Guidance.

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4 Background

- 4.1 This application was validated by the LPA in November 2017 and was subject to the normal publicity and consultation requirements. Following a review of these comments Officers met with the agent to discuss the application and the feedback of consultees for which there were several objections raised. Additional information has been provided by the appellants and some issues have been resolved.
- 4.2 This application is major development and within a sensitive town centre location with many site constraints and considerations. While discussions around the issues had taken place informally with the agent, the appeal against non-determination was lodged prior to the LPA formerly writing to the agent/appellant with a comprehensive list of outstanding issues (which was to be provided once the all key consultee comments had been received).
- 4.3 The lodging of this appeal prevented the LPA from making a decision on the application. The appeal has now been started by The Planning Inspectorate (PINS) and is to proceed by way of Hearing. The Hearing date is set for 20th and 21st November.
- 4.4 The LPA has limited time in which to prepare its statement which is due at the Inspectorate on the 28th September. This report provides an opportunity for the planning committee to comment on the application and the officers proposed recommendations on the grounds for appeal.

5. Planning Considerations

- 5.1 The document attached as **APPENDIX 1** to this report is the LPA Draft Appeal statement. Within this document is all the evidence the Committee would have needed to determine the planning application this includes:
- Section 2 - Description of the site
 - Section 3 - Description of the development
 - Section 4 - Relevant planning history
 - Sections 5/6 - National and Local policy
 - Section 7 - Consultee and neighbour responses
 - Section 8 - Planning Considerations
- 5.2 Under Section 8 of the report all planning considerations have been addressed in a similar format as if it were a usual committee report. A summary of the key issues relation to the appeal proposal are set out below.
- 5.3 The principle of residential development on this site is acceptable, it would be a more efficient use of land and the site location, although in conservation area, does not preclude appropriate redevelopment.
- 5.4 A key concern is the impact of the development on nearby heritage assets (10 Ifield Road, The George Hotel and the High Street Conservation Area). The development is particularly harmful to the setting of the Grade II listed 10 Ifield Road. The appellants have not provided an adequate assessment of these heritage assets or provided sufficient information to satisfy the LPA that there would be no harm to these assets. The building is considered too large and detrimental to the character of street scene (Ifield Road and the High Street Conservation Area). While trees are being lost from the site, their loss is considered acceptable.
- 5.5 The development does not provide an adequate environment for future occupants. Some internal floor layouts are poor in design and outlook and there is concern about the proximity of key windows to the hotel accommodation. The layout is not considered to provide suitable amenity, privacy and security for some residents. Of particular concern are the ground floor flats which face onto Ifield Road and Pegler Way.

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- 5.6 The site is very noisy with noise levels being detrimental to human health. The layout as designed would result in an unacceptable living environment. The layout as designed has failed to consider the noise environment or any mitigation.
- 5.7 The development has not adequately addressed the relationship to Shaw House to the north which is being converted to residential use. This development has flats with key rooms facing south, the amenities of these occupiers would be harmed the close proximity of a 4 storey flank wall facing these windows.
- 5.8 Access and servicing for the development is considered adequate. The proposal is for a shared car park with 44 spaces (10 spaces for the 38 flats and 34 spaces for the hotel). While the development does not meet the adopted parking standards, this level of provision is considered adequate given the site context within the town centre and subject to appropriate conditions controlling car park management and servicing arrangements. Refuse and cycle storage provision is adequate.
- 5.9 There are no ground constraints issues around archaeology, drainage and contamination.
- 5.10 In terms of sustainability, the scheme as designed has not addressed the relevant sustainability policies and a refusal reason is proposed based on inadequate information. It is however accepted that the appellants may be able to address this issue satisfactorily prior to the Hearing.
- 5.11 In respect of any affordable housing and other contributions, these would need to be secured through a S106 Agreement. The LPA had not initially sought an independent assessment of the viability report as it was expected that the scheme would need to be revised and therefore this report would have need to be amended. This report needs to be independently scrutinised. The appellants would also need to enter into a section 106 Agreement to secure the necessary open space contribution, tree mitigation contribution and secure the measures set out in their draft travel plan. With the cooperation of the appellants, these matters could all be resolved and a S106 concluded prior to the Hearing. The final refusal reason would therefore be overcome.

6. Issues

6.1 **On the basis of the merits of the case it is considered that should a formal recommendation have been made to the Planning Committee, it would have been one of refusal for the following reasons:**

- 1 The proposed development by virtue of its scale and massing is harmful the setting of the Grade II listed building of 10 Ifield Road contrary to Section 16 of the NPPF and policies CH12, CH13 and CH15 of the Crawley Borough Local Plan 2015-2030.
- 2 The proposed development fails to address the significance of the designated heritage assets in the vicinity of the site as it does not make any assessment of impact, the proposal therefore fails to accord with NPPF paragraph 189 and policies CH12, CH13, CH14 and CH15 in the Crawley Borough Local Plan 2015-2030
- 3 The proposed development by virtue of its scale, massing and siting is harmful to the visual amenities of Ifield Road and to the character of the High Street Conservation Area contrary to Section 16 of the NPPF and policies CH2, CH3, CH12, CH13 of the Crawley Borough Local Plan 2015-2030 and the advice with the Urban Design SPD and the High Street Conservation Area Statement.
- 4 The proposed development by virtue of its siting, layout, design and its proximity to the northern hotel accommodation block would result in an unsatisfactory environment for future residents due to poor outlook, inadequate amenity space, lack of privacy and lack of defensible space contrary to the NPPF Sections 8 and 12, policies CH3 and CH5 of the Crawley Borough Local Plan 2015 -2030 and the advice in the Urban Design SPD.
- 5 The proposed development by virtue of its siting, design, layout and lack of mitigation would result in a development with dwellings that would be exposed to unacceptable levels of noise

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to the detriment of the health of future residents contrary to Section 15 in the NPPF, policies CH3 and ENV11 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.

- 6 The proposed development by virtue of its scale, massing and proximity to Shaw House would have a detrimental impact on the amenities of these future occupiers due to loss of light and outlook to their south facing windows contrary to policy CH3 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD
- 7 The proposed development fails to address adequately how the development plan sustainability objectives are proposed to be met in the design of the building and its construction and has not fully explored the options for connection to a future district energy network. It is therefore contrary to policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030 and the advice in the Planning and Climate Change SPD.
- 8 No agreement is in place to ensure that the appropriate affordable housing and infrastructure provisions for open space and tree planting required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure SPD, the Affordable Housing SPD and the Developer Contributions Guidance Note.

Background Papers:

Application CR/2017/0879/FUL -

<https://planningregister.crawley.gov.uk/Planning/Display/CR/2017/0879/FUL>

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Case Officer: Mrs J. McPherson

Reference:

APP/2018/0008/NON

Planning Inspectorate Reference:

APP/Q3820/W/18/3199581

Location:

R/O GEORGE HOTEL, 56 - 58 HIGH STREET, WEST GREEN, CRAWLEY

Proposal:

ERECTION OF 38 RESIDENTIAL UNITS, ASSOCIATED EXTERNAL WORKS AND AMENDED VEHICULAR AND PEDESTRIAN ACCESS TO INCLUDE DEMOLITION OF 11 IFIELD ROAD

Statement

APP/2018/0008/NON

INTRODUCTION

- 1.1 With reference to the above appeal, this statement together with appendices and the appeal questionnaire with associated documents sent on 21st August 2018 comprises the appeal statement for the Local Planning Authority.
- 1.2 The appellant seeks planning permission for the demolition of an existing 2 storey dwelling on the site and redevelopment of this land along with the car park of the George hotel for the erection of a part 3 and part 4 storey residential building comprising a total of 38 flats together with the provision of 10 parking spaces for the flats and reconfiguration of the remaining parking area for hotel parking and servicing.
- 1.3 The application was deemed valid by the Local Planning Authority on the 3rd November 2017 however a decision was not made with the statutory timescale (target decision date 2nd February 2018) and no extension of time was agreed by the appellants. The appeal is therefore against the Non-Determination of the application.

THE APPEAL SITE

- 2.1 The appeal site comprises 0.3ha of land to the rear of The George Hotel, High Street, the original part of which is a Grade II* listed building. The land comprises a 2 storey dwelling (11 Ifield Road) and its curtilage located in the southwest corner of the site, and the car parking area for the hotel which is primarily laid out as hardstanding. The site excludes the two large 3 storey flat roofed hotel extensions with the northern section of the car park / service area which are detached from the hotel but linked to each other by a high level walkway.

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- 2.2 The main use of the land is a hotel car park although there is a hand car wash business located within the car park (approx. 350 sq m area) on land between the site access and 11 Ifield Road (approx. 280 sq m area) adjacent to Pegler Way. The dwelling at 11 Ifield Road appears to be currently occupied, the planning history suggests this was historically used as accommodation for hotel staff.
- 2.3 Vehicular access to the car park is from Pegler Way (which is a dual carriage way and the western town centre relief road for the High Street) via a roundabout. Pedestrian access is also via the vehicular access although hotel guests can cut through the historic hotel building to reach the site from the High Street.
- 2.4 The site is relatively flat with a slight fall in levels towards the northern boundary. The site is predominantly hardstanding, with the 2 storey dwelling being the only substantive built development. Along the southern site boundary there are a group of primarily coniferous trees which screen the site from Ifield Road to the south.
- 2.5 The two storey dwelling at 11 Ifield Road occupies the south west corner of the site and is screened from Pegler Way and Ifield Road by an approx 2m tall brick wall which defines its curtilage. The remainder of the southern boundary with Ifield Road is delineated by a 2m tall close boarded fence behind which is the row of conifer trees. Mid-way along the southern boundary to the south of the boundary fence is a small raised bed which contains a former sign for the hotel and a mature yew tree.
- 2.6 Beyond the curtilage of 11 Ifield Road, the western boundary of the site is delineated by a low (approximately 1m) high wall. This low boundary treatment allows open views across to the northern and eastern site boundaries which comprise the existing flat roofed extension to the hotel and the main historic part of the George Hotel. Abutting the north west corner of the site is Shaw House, a former 4 storey office building which is in the process of being extended and converted to residential use.
- 2.7 The site is wholly within the High Street Conservation Area, an archaeological notification area and the Town Centre Boundary. As well as the George Hotel there are other listed and locally listed buildings in Ifield Road which are in close proximity to the site, including 10 Ifield Road (Grade II listed) to the south and nos. 1 - 4a Ifield Road (locally listed) to the south west.
- 2.8 In terms of the wider context, the site is very prominent in the street scene, having been opened up to wider views by the more recently constructed Pegler Way. This substantial road marks a firm boundary and step change in the character of development in this area. Development to the west of it is higher density with 6 storey block of flats at Pegler Court to the southwest of the appeal site and to the west the 7 storey Apex Apartments. Orchard Street multi-storey car park is located to the north west of the appeal site.
- 2.9 Ifield Road has been severed by Peglar Way and the appeal site is a visually important gateway identifying the entrance into the historic High Street Conservation Area from Ifield Road. It is visually related to Ifield Road and the High Street with its listed and locally listed buildings, with the grain of development along this street being 2 storey character. It forms a key approach into the historic Conservation Area.

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THE APPEAL PROPOSAL

Documents considered

- 3.1 The application drawings submitted to the LPA and considered as part of the appeal are :
- 4827-010 Rev B - Site Location Plan
 - 4827-031 Rev C - Proposed Site Plan - as amended - received 1.2.18
 - 4827-032 Rev D - Proposed Site Layout - as amended - received 1.2.18
 - 4827-033 Rev C - Proposed Ground Floor Plan - as amended - received 1.2.18
 - 4827-034 Rev A - Proposed First Floor Plan
 - 4827-035 Rev A - Proposed Second Floor Plan
 - 4827-036 Rev B - Proposed Third Floor & Roof Plan
 - 4827-040 Rev B - Proposed Elevations (Ifield Road)
 - 4827-041 Rev C - Proposed Elevations (Pegler Way) - as amended - received 1.2.18
 - 4827-042 Rev C - Proposed Elevations (East Elevation As Seen From High Street) - as amended - received 1.2.18
 - 4827-043 Rev C - Proposed Elevations (Internal East Elevation) - as amended - received 1.2.18
 - 4827-044 Rev B - Proposed Elevations (Internal Courtyard Elevation)
 - 4827-045 Rev B - Typical Internal Site Section
 - 4827-046, Typical Site Section
 - 4827-047 Rev B- Typical Elevation Details
 - 4827-048 Rev B- Typical Section Details
 - TSP/GGH/P3199/01 Rev B - Proposed Access Arrangements - received 1.2.18
 - TSP/GGH/P3199/02 Rev B - Small Articulated Vehicle Swept Path - received 1.2.18
 - TSP-GGH-P3199-03 Rev B - Fire Tender Vehicle Swept Path - received 1.2.18
 - TSP-GGH-P3199-04 Rev B - Large Refuse Vehicle Swept Path - received 1.2.18
 - TSP-GGH-P3100-05 Rev A - Large Refuse Vehicle Exiting Whilst Large Car Entering Swept Path - received 1.2.18
- 3.2 The following drawing supplied by the appellants has been treated as 'Additional information' as the details on it are inconsistent with the proposed ground floor plan of the building:
1322 GA 100, Landscaping General Arrangement & Planting Plan
- 3.3 The application was accompanied by the following supporting documents:
- Design and Access Statement
 - Planning Statement
 - Heritage Statement (Rev B received 1.2.18)
 - Urban Design SPD -Completed Appendix A Heritage Impact checklist - received 1.2.18
 - Views and Perspectives document - received 1.2.18
 - An Archaeological Interpretive Survey of The George
 - Energy and Sustainability Statement
 - Open Space Assessment
 - Flood Risk Assessment
 - Noise Impact Assessment
 - Contamination Report
 - Residential Travel Plan Framework Transport Statement
 - Site Access Design Statement (submitted Feb 18)
 - Additional information - Submission to West Sussex County council for departures from standard form - received 1.2.18
 - Viability Assessment
 - 2 coloured montages showing 2 views of the building from Pegler Way.



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Description of the development

- 3.4 The application seeks planning permission for the demolition of 11 Ifield Road and the construction of a single 'L' shaped residential block wrapping around the southern and western boundaries of the site containing 38 flats. The building would be primarily 4 stories in height (ground, first, second, third floors) and finished in brick.
- 3.5 The building would measure approximately 43m long along its western elevation and 43m long on its south facing elevation. A 22m section of the building is proposed to be 3 storeys high at its eastern end (facing onto Ifield Road and closest to the listed part of the hotel). The building proposed is a modern design detailed in brick with a mixture of balcony and fenestration patterns to vary the elevations. The proposed roof is flat with a diagonal parapet wall feature concealing the main roof. The building along the Ifield Road frontage is designed in 4 sections which rise in scale from 3 storey (approximately 10.3m high at its eastern boundary) towards the junction with Pegler Way (the maximum height on this corner being approximately 14.5m). The west Pegler Way elevation of the building is also articulated in 4 sections (all 4 storey in scale) but appearing to gradually raise in height towards the junction with Ifield Road and emphasised by the slight rise in ground levels. The building would measure approximately 12.5m at its northern end to around 15m at its highest point towards the Ifield Road junction. Each section of the building varies with its detailing of the balconies, windows and brick banding to add visual interest to the building. The internal courtyard elevations are also detailed in a similar way although the design from the rear is interrupted by the undercroft parking area and access archway.
- 3.6 The development would provide 38 residential units comprising (4 x studio flats, 15 x 1 bedroom flats and 19 x 2 bedroom flats). Refuse and cycle provision would be accommodated within the ground floor of the building. Internally the building is served from 2 separate lift and stair cores located either side of the site access. No affordable units are proposed within the development.
- 3.7 Access to the site would be via the existing but modified western access through an archway into the car parking area which would be laid out to provide 44 car spaces (including 3 disabled spaces). 15 parking spaces would be undercroft or partially undercroft beneath the new residential block, the remainder would be surface parking. Ten of the parking spaces are for the residential block with the remainder for existing hotel customers. The car parking would be a shared area with servicing for both the hotel and flats. Secure cycle and refuse provision is provided at ground floor level within the flats.
- 3.8 The building is designed to optimise the use of the site and is sited with a minimum 1.2m separation gap to the northern boundary with Shaw House and a set back of approximately 2m from the public toilets in Ifield Road. At its closest point the development would be 0.5m away from the back edge of the pavement at its junction with Ifield Road and Peglar Way.
- 3.9 In respect of landscaping, the proposed flats would be sited very close to the back edge of the pavement along both Ifield Road and Pegler Way with paving and flower beds proposed to integrate the development to the current footpath. The parking area to the area would be paved with one new tree provided. A small strip of planting is proposed along the northern boundary with Shaw House and around the northern hotel block. All existing trees within the site and one specimen on the raised bed are to be removed and in addition one specimen on the in a raised bed on highway land adjacent to the south of the site are to be removed.

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RELEVANT PLANNING HISTORY

- 4.1 The George Hotel has an extensive planning history. The property has been a hotel / coaching inn for many years and was in single use until the early 2000's when the original historic building was subdivided into different uses including a hotel (primarily in accommodation to the rear of the High Street and at first floor level), 2 restaurants and a bar (with access of the High Street). The planning records suggest that 11 Ifield Road has been used for many years as staff accommodation.
- 4.2 Of particular note are the following applications
- CR/1999/0012/FUL - Approval given for the construction of a 25 bedroom detached accommodation block. - This structure would have been located between 11 Ifield Road and the public toilets and was a two storey pitched roof building running parallel with Ifield Road. This was not implemented.
 - CR/2008/0251/COU - Retrospective application for change of use from parking to hand car wash area - Permitted May 2008 (for 2 years). There have been no subsequent applications for the continued use of the business - on this basis the current car wash operation is unauthorised.

Other relevant planning history (adjoining sites)

- 4.3 Shaw House located to the northwest of the appeal site is currently being redeveloped for residential use. Previously an office, prior approval was given in November 2016 to a change of use from office to residential comprising 10 x 1 bed and 16 x 2 bed units under application reference CR/2016/0816/PA3. Planning permission was also given in February 2015 for the construction of an additional floor and external alterations for form 7 flats (6 x 2 bed and 1 x 1 bed) under reference CR/2014/0118/FUL.

<<ADD history for - 10 Ifield Road, Apex Apartments and Pegler Way Flats here.>>

RELEVANT NATIONAL POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the statutory development plan comprises the Crawley Borough Local Plan 2015-2030. Other relevant documents include Supplementary Planning Documents (SPD's) along with guidance set out in National Policy.

National Planning Policy Framework (July 2018)

- 5.2 The revised National Planning Policy Framework (NPPF) was published in July 2018 and has updated the original version of the document published in July 2012 which introduced at the heart of the framework the presumption in favour of sustainable development.
- 5.3 Paragraph 8 states that achieving sustainable development means the planning system has three overarching objectives which are interdependent and need to be secured in mutually supportive ways. These are:
- a) an economic objective – “to help build a strong, responsive and competitive economy...”



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b) a social objective – *“to support strong, vibrant and healthy communities....”*

c) an environmental objective- *“to contribute to protecting and our enhancing our natural, built and historic environment...”*

- 5.4 **Section 5** emphasises the need for the planning system to deliver a sufficient supply of homes including affordable housing and the need for LPA’s to maintain and monitor the supply of housing against its housing requirement.
- 5.5 **Section 6** emphasises the need for the planning system to help create conditions where businesses can invest, expand and adapt in order to support the need for economic growth and productivity.
- 5.6 **Section 7 - ‘Ensuring the vitality of town centres’** states that planning policies and decisions should *“support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaption”*. Paragraph 85 recognises that residential development often play an important role in town centre vitality and should be encouraged on appropriate sites.
- 5.7 **Section 8** seeks to ensure planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible (so that crime and disorder and fear of crime do not undermine quality of life and enable and support healthy lifestyles. Planning policies and decisions should promote public safety and take into account wider security (and defence) requirements.
- 5.8 **Section 9 - ‘Promoting sustainable transport’** set out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations. Para 110 states that applications for development should give priority first to pedestrian, cycle and public transport movements, address the need of people with disabilities in relation to all transport, create safe, secure and attractive places avoiding conflict between different transport users, allow for efficient delivery of goods, and access by service and emergency vehicles and be designed to enable charging of plug-in vehicles.
- 5.9 **Section 11 - ‘Making effective use of land’** states in para 117 that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*. The redevelopment of underutilised land and building is encouraged, and LPA’s should take a positive approach to alternative uses of currently developed land which is not allocated for a specific purpose to meet identified development needs. Para 122 and 123 seek to ensure efficient use though achieving appropriate densities on each site.
- 5.10 **Section 12 - ‘Well designed places’** states that good design is a key aspect of sustainable development and that the planning process should achieve the creation of high quality buildings and places. Para 127 states:
Planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*



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- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

5.11 **Section 15 ‘Conserving and enhancing the natural environment’** - includes advice on ground conditions and pollution. Para 180 states: *‘ Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) *Mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life,.....’*

5.12 **Section 16 – ‘Conserving and enhancing the historic environment’** provides guidance on development proposals that impact on heritage assets. Para 184 states: *‘ These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for future generations’.*

- X Para 189 (which retains the same wording as paragraph 128 in the 2012 NPPF) states that: *‘In determining applications, LPAs should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and , where necessary, a field evaluation”.*
- X Para 190 states: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- X Para 192 states: *”In determining applications, local planning authorities should take account of:*
 - a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*



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<<Paras 193 -202 provide guidance on considering potential impacts >>

RELEVANT PLANNING POLICIES

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

- 6.1 Policy SD1 is the overarching policy for this plan and states that there will be a presumption in favour of sustainable development. Development will be supported when it complements Crawley's character as a compact town within a countryside setting, developed on a neighbourhood principle and maximises the opportunities for sustainable travel. Development will be supported where it respects the heritage of the borough and protects, enhances and creates opportunities for Crawley's unique Green Infrastructure and accords with the policies and objectives set out in this plan unless material considerations indicate otherwise.
- 6.2 Policy CH2 outlines the principles of good Urban Design. The policy seeks to assist in the creation, retention or enhancement of successful places in Crawley. In particular development proposals will be required to:
- (a) respond to and reinforce locally distinctive patterns of development and landscape character and to protect and/or enhance heritage assets,*
 - (b) create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas,*
 - (c) create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society including disabled and elderly people,*
 - (d) make places that connect with each other and are easy to move through,*
 - (e) provide recognisable routes, intersections and landmarks to help people find their way around,*
 - (f) consider flexible development forms that can respond to changing social, technological and economic conditions,*
 - (g) provide diversity and choice through a mix of compatible development and uses that work together to create viable places that respond to local needs".*
- 6.3 Policy CH3 sets out the 'Normal Requirements of All New Development' and states that all proposals should be based on a thorough understanding of the significance and distinctiveness of the site, be of a high quality in terms of its design, sympathetic to its surroundings, provide a good standard of amenity for future occupants, retain trees which contribute positively to the area, meet its own operational requirements and demonstrate that it addresses the principles included within both 'Secure by Design' and 'Building for Life' criteria.
- 6.4 Policy CH4 seeks to ensure development uses land efficiently and does not unduly restrict the development potential of adjoining land.
- 6.5 Policy CH5 sets out the standards for all new dwellings and states that the minimum size for each dwelling should be based on the Nationally Described Space standards and be capable of adaption though meeting Building Regulations Part M Category 2. Residential developments should be designed to include amenity space standards adequate to meet basic privacy, amenity and usability requirements.
- 6.6 Policy CH6 deals with tree planting and replacement standards. Where development proposals involve the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies. Replacement



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tree planting is expected in line with the policy standards and this is normally expected to be met within the development site. If on-site replacement not feasible or desirable, commuted sums will be sought in lieu on a per tree basis. Landscape proposals for residential development should contribute to the character and appearance of the town and include at least one new tree for each new dwelling.

- 6.7 Policy CH8 identifies important views which should be protected. The site is within the splay of the linear views north along Brighton Road from A23/A264 junction and the long distance view from Tilgate Park. The policy also states in the accompanying text the importance of more localised views and landmarks including views of the Church of St. John the Baptist and the requirements to protect their settings.
- 6.8 Policy CH12 requires that Crawley's designated and non-designated heritage assets are treated as a finite resource and their key features of significance are not lost as a result of development. Development proposals affecting a heritage asset should describe the significance of any development assets affected and the contribution made by their setting, the impact of the development and any measures to ensure the asset is respected, preserved or enhanced.
- 6.9 Policy CH13 Conservation Areas requires that *"All development within a Conservation Area should individually or cumulatively result in the preservation or enhancement of the character and appearance of the area"*. All development should demonstrate the proposal conforms to the relevant Conservation Area statement and that consideration has been given to all of the following 5 criteria, these are:
- i) *"respect the protected area and recognise the identifiable, and distinctive, character(s);*
 - ii) *respect any historic landscape features which affect the character of the place;*
 - iii) *maintain and enhance the area's landscape value with regards to mature trees, hedges and public green spaces such as grass verges;*
 - iv) *respect and enhance the character of lower density developments with spacious landscaped settings. This includes where the landscape dominates the buildings, the significant gaps between the buildings, the set back from the street, as well as any large gardens, mature trees, hedges and green verges; and*
 - v) *preserve the area's architectural quality and scale."*
- 6.10 Policy CH15 seeks to ensure that any works to listed buildings are consistent with their character, appearance and heritage value. It seeks to ensure that changes must preserve or enhance the design and character of the Listed Building and have regard to its historic significance. It requires the submission of a Heritage Impact Assessment to demonstrate how proposals protect the listed building, its key features and its setting.
- 6.11 Policy CH16 deals with Locally Listed Buildings and their importance as a heritage asset. It seeks to retain these buildings including their features of interest and respect and preserve their character and setting. It requires that *"Development proposals affecting Locally Listed Buildings must demonstrate in the Heritage Impact Assessment that proposals take account of the following criteria:*
- i) *The Historic interest of the building.*
 - ii) *The Architectural interest of the building.*
 - iii) *The Townscape value of the building.*
 - iv) *The Communal value of the building and its surroundings."*
- 6.12. The site is located within the Town Centre which is identified as a Main Employment Area. Policy EC1 states that Crawley's role as the key economic driver for the Gatwick Diamond will be



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protected and enhanced. The policy seeks to ensure the town's main employment areas are the focus for sustainable economic growth.

- 6.13. Policy EC2 also identifies the Town Centre 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 and the overall economic function of the town.
- 6.14. Policy EC4 requires that where residential development is proposed within or adjacent to the Main Employment Areas, the principle concern will be to ensure that the economic function of the area is not constrained.
- 6.15. The site is located within the Town Centre Boundary and the eastern part of it is within the Primary Shopping area (policy EC5) although there is no active shopping frontage identified as extending onto the site. Policy EC6 acknowledges that sites within the Town Centre boundary provide an important opportunity to prevent town centre viability and viability through mixed use schemes to meet the economic and housing needs of the borough.
- 6.16. Policy H1 states that *"the Council will positively consider proposals for the provision of housing to meet local needensuring against town-cramming or unacceptable impact on the planned character or neighbourhoods or residential amenity."* Housing policy H3 states that all housing development should provide a mix of dwelling types and sizes to address local housing needs and market demand. Policy H4 requires 40% affordable housing from all residential developments. In addition 10% low cost housing is required on developments for 15 or more dwellings. These targets will apply unless evidence can be provided to show that the site cannot support those requirements from a viability perspective and that the development clearly meets a demonstrable need.
- 6.17. Policy ENV5 requires development to make provision for open space and recreational facilities and policy ENV8 seeks to ensure development does not increase the risk of flooding elsewhere.
- 6.18. In respect of sustainability, policy ENV6 requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes. In addition, the site is within a priority area for District Energy Networks and policy ENV7 encourages the delivery of district energy networks and associated infrastructure or low carbon energy approach for new development.
- 6.19. ENV9 identifies Crawley as an area of serious water stress and requires all new dwellings where technically feasible and viable to meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits.
- 6.20. 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.
- 6.21. 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. Further guidance is also provided in the Crawley Local Plan Noise Annex. (Appendix x)



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- 6.22. In relation to infrastructure, policy IN1 seeks to ensure development will only be permitted where it is supported by the necessary infrastructure on site or through off site mitigation and that CIL will be sought through the relevant processes
- 6.23. 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.
- 6.24. 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. Policy IN4 seeks to ensure development provides the appropriate amount of car and cycle parking to meet its needs assessed against the Council's car and cycle parking standards. For residential development standards are based on the accessibility of the area, the levels of car ownership and size of any new dwellings.

Supplementary Planning Documents - Other Material Considerations:

'Town Centre' SPD – adopted October 2016 (TCSPD)

- 6.25 This document provides guidance and advice the builds on the LP policies relating to the town centre. It provides further guidance on proposals for new residential uses in this care which are generally supported provided it would not impact negatively on the vitality and viability of the town centre. It requires that new residential uses are carefully planned to ensure that all suitable living conditions can be achieved without constraining the operation of existing businesses. The guidance provides further information on good design, mitigating noise fumes and disturbance, providing access and meeting operational/servicing requirements. Relevant extracts of the document are attached at **Appendix X**.

'Green Infrastructure' SPD (adopted October 2016) (GISPD)

- 6.26 This document includes a costing of £700 per tree in lieu of on-site planting. It also sets out the open space standards and costings. The document also links to the UDSPD and in respect of considering landscaping as part of high quality design. Relevant extracts of the document are attached at **Appendix X**.

'Planning and Climate Change' (adopted October 2016). (PCCSPD)

- 6.27 This document provides guidance and justification for the sustainability policies in the Local Plan.

'Urban Design' (adopted October 2016) (UDSPD)

- 6.28 This document includes further guidance and examples and explanation of the principles of good urban design, (as set out in policy CH2), public realm design and sets out guidance on outdoor amenity space standards.
- 6.29 The document states that sustainability, safety and health are just as important considerations for designing a successful urban environment (para 2.11). In relation to massing and materials it advises that buildings within the urban realm should work harmoniously and complement each other and that *"All new elements within the urban realm should consider the scale and materiality within their immediate context, as well as the overall character of their setting"*. (para 2.13). The document explains that building heights in Crawley has been dictated by the history of the town and new development should show consideration of the scale and massing of its immediate surroundings. Proposal should show consideration of existing and important views, relationship to human scale, possible wind tunnels and overshadowing and consideration of existing trees/hedges (para 2.14 and 2.15)

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- 6.30 The document provides guidance on avoiding harmful neighbour impacts including:
- Maintaining a 10.5m separation distance between a blank gable and any elevation serving habitable rooms on adjoining properties (para 3.19)
 - Maintaining a separation distance of 21 metres between windows of opposing dwellings to avoid potential overlooking and privacy issues and 30m distance for three or more storeys (paras 3.25)
 - Applying light angle tests to assess the impact on an extension on the outlook of neighbouring dwellings (para 3.29-3.31)

The document makes clear (in para 3.50) that many of the design principles which have been quoted as householder examples are also relevant to new residential developments.

- 6.31 In respect of external space standards the document states that for flats a usable private amenity space should be provided for residents and that balconies can be a good solution, these may not be appropriate in all contexts and that a semi-private communal space may be more suitable. Paragraph 3.54 provides detail on the Shape and position of amenity space provision. It states:
- “(i) The shape and position of all private and semi-private outdoor space, whether individual or communal areas must not be such that it could give rise to problems of lack of privacy or other forms of annoyance to residents of adjoining property or where it is a communal area, to residents of the development itself.*
- (ii) The shape and position of all private outdoor space, whether individual or communal areas, should have regard to daylight, sunlight and the overall usability due to overshadowing from trees. Problems of fumes and noise from roads or other adjacent development should also be considered.*
- (iii) The shape and position of all private outdoor space, whether individual or communal areas, should not have its access or use seriously prejudiced by parking areas, access roads, dustbin and fuel stores or any other facility.....”*

- 6.32 Paragraphs 3.55 to 3.60 provide guidance for new flats supplementing the guidance in policies CH2 and CH3 of the LP. The following relevant points are made:
- Flats should integrate new residents into the existing community with design elements such as entrances and private spaces which are legible and easy to navigate.
 - *“The scale, massing and form of the development should relate to the surrounding area. The openings on the façades should reflect the local vernacular in proportions and a balance should be achieved between solid walls and window/door apertures. The roof design should be considered during the initial design stage and not left to the end to be resolved. Additionally, issues such as lift overruns and services should be considered early on and designed into the overall scheme.”*
 - Quality detailing creates building with more character and visual interest.
 - Parking should meet the adopted standards.
 - Management plans should be provided for any the building itself and for any amenity space within the development.

- 6.33 The document provides guidance on approaching development within conservation areas suggesting amongst other things that the relevant Conservation Area statement is considered and its recommendations incorporated and reviewing the guidance provided by Historic England (para 4.10). A heritage impact checklist is provided as a basis for consideration of heritage issues in Appendix A.

- 6.34 The document summarises the character of the High Street Conservation as:

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“Crawley High Street was first designated as a Conservation Area in November 1986. The site on which the Conservation Area is based has a long history, dating back to Norman times and beyond. The High Street includes a number of features which contribute to its character and setting. In particular, the buildings and open spaces have a unique relationship to one another. The area is characterised by a number of prominent features, including the area in front of The George known as The Square, the wooden gallows, Broad Walk Piazza, and the War Memorial. The character and appearance of the Conservation Area is a result of the existing mix of spaces, building types and styles and the variety of land uses present. The High Street enjoys an open street character with uniform building lines and unobstructed views along the main north-south axis as well as east-west down perpendicular streets. Buildings lining the street are three storeys in height and maintain a vertical emphasis. Traditional or historical buildings are the dominant building style along the street.”

- 6.35 The adopted parking standards are contained in Annex 1 of this document, the minimum indicative parking standard for this development is 1 space per dwelling. The guidance also states that hotels and guesthouses should have a standard of 1 car parking space per bedroom. Provision should also be made for disabled parking (5% of total parking provision) and cycle parking. Cycle parking standards for residential are
- 1 space per 1 bedroom dwelling and,
 - 2 spaces per 2 bedroom dwelling and,
 - 1 visitor space per 8 dwellings.

- 6.36 Relevant extracts of this document are attached at **Appendix X**.

‘Affordable Housing’ SPD (adopted November 2017). (AFSPD)

- 6.37 This document provides guidance on the requirements of policies H3 and H4 in the Crawley Borough Local Plan and in particular when affordable housing would be sought from residential development.
- 6.38 Part 4 of the document deals with alternative arrangements and expects developers to fully explore ways of addressing the affordable housing requirements with the LPA where there are viability issues. Where a development cannot meet the policy requirements, applications are required to be supported with a viability assessment (which is to be independently reviewed) as an open book assessment at the expense of the developer.

High Street Conservation Area Statement (adopted December 1998) (HSCAS)

- 6.39 While much of this document is now quite outdated in terms of Development Plan objectives, the document does set out the important buildings and features within the Conservation Area and provides design advice for new development which is still relevant in the heritage context. The George hotel is identified as a key heritage asset with the CA. The ‘Design Advice for new development’ includes:
- *“Views and Vistas - Proposals for new development should not restrict views north or south of the High Street or east and west from St Johns Church, Ifield Road, Broad Walk and Church Walk....Proposals for new development should be designed so that they create new views or secure and enhance existing views.”*
 - *“Scale and Proportion - Proposals for new development should not normally be more than 3 storey’s in height.....New development should not dominate the skyline of adjacent properties.”*
 - *“Modern vs Traditional Style - Proposals for new development should be of a design which is sympathetic to its surroundings and which does not dominate the street scene or change the perception of the area as an historic street.”*



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Relevant extracts of this document are attached as **Appendix X**.

PUBLICITY AND CONSULTATIONS

- 7.1 Once validated the LPA carried out the required consultation on the planning application.
- 7.2 The application was advertised by press and site notices (copies of which were provided with the appeal questionnaire).
- 7.3 The following consultees were consulted and a summary of their response is set out below. A copy of the full responses provided has already been supplied with the Appeal Questionnaire/
1. GAL - Aerodrome Safeguarding - No objection subject to a condition and informative.
 2. Environment Agency - No objection subject to conditions.
 3. WSCC - Highways - No objection following re-consultation on amended information - subject to conditions and informative.
 4. Historic England - No specific comments - recommends LPA seek views of specialist conservation and archaeological advisors.
 5. National Air Traffic Services (NATS) - No objection.
 6. Thames Water - Advice provided. No objection subject to conditions and informatives.
 7. Sussex Building Control Partnership - No comments received
 8. Police - No comments received
 9. CBC - Drainage Officer - No objection (recommendations made would need to be secured via condition).
 10. West Sussex Fire Brigade - No comments received.
 11. CBC - Housing Enabling & Development Manager - No comments received
 12. CBC - Planning Arboricultural Officer - No comments received
 13. UK Power Networks - No objection
 14. CBC - Environment Team - No comments received
 15. CBC - Contaminated Land - No comments received
 16. CBC - Environmental Health - Objection
 17. Cycle Forum - Advice provided - Advice provided.
 18. CBC - Refuse & Recycling Team - Advice provided - further details requested
 19. Southern Water Ltd - Advice provided and information recommended.
 20. CBC - FP - Energy Efficiency & Sustainability - Objection
 21. CBC - FP - Urban Design - No comments received.
 22. Listed Building / Heritage Advisor - Objection
 23. Archaeology Advisor - Site within identified Archaeological Notification Area related to Historic Core of Medieval Crawley - No objection subject to condition
 24. WSCC - Surface Water Drainage (SWD) - No objection/ advice provided including on SuDs which would need to be subject to a planning condition.
 25. CBC - FP - Housing - No comments received
 26. Central Crawley CAAC - Objection on 2 aspects.
 - 1) 4 storey development adversely affects setting of George hotel frontage - the east elevation is unacceptable from the High Street.
 - 2) The proposal ignores 10 Ifield Road and massing of development dwarfs the listed building.
 27. CBC - Economic Development - No comments received



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- 7.4 In addition to the notifications listed above, one third party representation was received raising comments about the usability of the development from a cyclist's perspective. This comment is also attached to the appeal questionnaire.

PLANNING CONSIDERATIONS

- 8.1 The LPA consider the starting point for the determination of this appeal is to comprehensively address the key issues as is would have done in any officer report it would have presented to Planning Committee. This section of the statement addresses the key planning issues. The key considerations in relation to this development are considered to be :
- Principle of the development
 - The Building design, impact on setting of nearby listed buildings, the High Street Conservation Area and street scene (including loss of trees)
 - Adequacy of the accommodation for future occupiers (Space / layout / outlook /noise environment)
 - Impact on neighbouring properties
 - Access /parking / servicing and operational requirements
 - Ground conditions (archaeology, drainage, contamination)
 - Sustainability
 - Affordable housing provision and S106 requirements

Principle of development

- 8.2 The appeal site uses are currently a residential dwelling and a car wash and remainder as a hotel car park /service area. The site is within town centre boundary, main employment area and the High Street Conservation Area.
- 8.3 It is considered that the principle of redevelopment of this site is acceptable, the proposal would result in a more efficient use of land increasing the number of residential units on the site. The loss of the car wash (employment use) is not considered to undermine the main employment function of the town centre and the appeal proposal as described states that the hotel use would be unaffected by the changes to its car park and service arrangements and therefore this economic use would remain.
- 8.4 The proposal would result in a more efficient use of brownfield land which the development plan policies supports in principle. The site location within the High Street Conservation Area also does not prevent redevelopment provided this protects the heritage assets in the vicinity of the site. Residential use is also acceptable in principle provided the development addresses all policy requirements including safeguarding the amenity of new residents and neighbours.

The Building design and impact on setting of nearby listed buildings, the High Street Conservation Area and street scene (including loss of trees)

- 8.5 The appeal site is located within the Conservation Area and the car park area is within the curtilage of the Grade II* listed George Hotel. The site also fronts onto Ifield Road which is one of the historic routes into the High Street. Immediately opposite the site is 10 Ifield Road, a Grade II listed property and further east along Ifield Road are the listed and locally listed buildings of 44-48 High Street and nos 1-4 Ifield Road.



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- 8.6 The appellants have provided a Heritage Statement with the application and this information was considered by the Listed Building / Heritage advisor appointed by the Council. In the consultation response she has raised concerns about:
- the mass and scale of the building and its dominance of the street scene and in particular on the setting of 10 Ifield Road;
 - The impact of the building above the historic built form in the High Street (and how any visible roofscape would be detailed);
 - The lack of information about roof plant and other roof paraphernalia which would visually conflict with the architectural quality of the historic built form;
 - The potential visibility of lift shafts, solar panels and other roof equipment from views at the junction of the High Street and Ifield Road as this detail is not clearly provided on the elevations;
 - The submitted heritage statement fails to address the significance of the designated heritage assets or make any assessment of impact (contrary to para 128 (now 189) of the NPPF);
- 8.7 The appellants did provide some additional information in an attempt to address these concerns however the information was still inadequate and they were advised of this.
- 8.8 It is considered that the views and perspectives provided by the appellant reinforce the excessive scale and massing of the development when viewed from Ifield Road and the dominance of a building of this scale and proportion on the setting of 10 Ifield Road.
- 8.9 In respect of the impact of the building in the wider streetscape, it is considered that the scale, massing and siting of the building is detrimental to the character and appearance of Ifield Road which is a key pedestrian thoroughfare to the High Street. The scale and massing of the existing buildings along Ifield Road are considerably smaller in height and proportions. The building would appear excessively bulky in height and depth. It is considered that the appellants have failed to properly address the site context, relying too much upon the taller development on the western side of Pegler Way as justification for a larger scale design and failing to address the immediate streetscape and key views on the east side of Pegler Way, in particular Ifield Road and from within the Conservation Area.
- 8.10 The impact of the roof plant and roof paraphernalia on the appellants design is also unclear, this lack of detail has potential to detract from the overall design of the flats but also impinge on impact on views within and around the Conservation Area and the setting of 10 Ifield Road.
- 8.11 While in terms of the design, the detailing of the proposed building itself is not poorly articulated and has good palette of materials it is considered however that the appellants have not adequately demonstrated through the information provided how the design relates appropriately to its surroundings.
- 8.12 Based on the concerns as set out above, the LPA consider that it were to determine the application it would refuse it for the following reasons:
1. **The proposed development by virtue of its scale and massing is harmful the setting of the Grade II listed building of 10 Ifield Road contrary to Section 16 of the NPPF and policies CH12, CH13 and CH15 of the Crawley Borough Local Plan 2015-2030.**
 2. **The proposed development fails to address the significance of the designated heritage assets in the vicinity of the site as it does not make any assessment of impact, the**

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proposal therefore fails to accord with NPPF paragraph 189 and policies CH12, CH13, CH14 and CH15 in the Crawley Borough Local Plan 2015-2030.

3. The proposed development by virtue of its scale, massing and siting is harmful to the visual amenities of Ifield Road and to the character of the High Street Conservation Area contrary to Section 16 of the NPPF and policies CH2, CH3, CH12, CH13 of the Crawley Borough Local Plan 2015-2030 and the advice with the Urban Design SPD and the High Street Conservation Area Statement.

- 8.13 The appeal proposal would result in the loss of all trees within the application site and one yew tree in a raised bed immediately to the south of the site boundary. In total (and based on the site survey provided by the appellants) there are 20 trees within the site to be removed (3 holly trees in the garden of no.11 Ifield Road), 1 ash, 1 fir and 4 sycamores to the rear of the public toilets and a row of 8 conifer and 3 yew trees (including the WSCC tree) along the Ifield Road boundary.
- 8.14 The appellants have failed to address the loss of tree cover within their submission and the impact that this would have on the character of the conservation area however, the LPA consider that with the possible exception of the yew tree, the other trees within the site are of a limited quality and their loss would not undermine the character of the conservation area or the street scene of Ifield Road. Most of the trees are poor quality and due to their planting as hedgerow and screening are suppressed. It is considered that subject to suitable mitigation being provided in accordance with the standards set out in CH6 and the Green Infrastructure SPD that in this case in the town centre location off-site tree mitigation would be appropriate. This would need to be secured through a Section 106 agreement (as detailed later in **section XX** of this statement).

Adequacy of accommodation for future occupiers

Space / layout / outlook

- 8.15 The floor areas of proposed flats comply with Nationally Described Standards (assuming the studio flats have a shower room) although it is noted that many of the units are designed to meet the exact minimum standard. Many of the units are designed as single aspect flats and there is concern about the outlook, privacy and amenities for some of these occupants.
- 8.16 It is considered that the layout and design of the studio flats do not provide a suitable environment. The accommodation layout would result in a dark rooms, the outlook of which is limited. While a balcony is provided, this key window faces to the hotel room block which is approximately 13m separation distance to its nearest bedroom windows. It is considered this level of separation is not adequate to provide sufficient privacy to these occupiers and is contrary to the UDSPD.
- 8.17 There is concern that many of the single aspect flats facing the courtyard would receive limited sunlight due to the shadow of the building and they would have a poor outlook onto an unlandscaped service yard. One ground floor bedroom window would receive no sunlight and limited daylight as it is set back under the undercroft, is north facing and would have an outlook onto the parking area.
- 8.18 The south and west elevations of the development face Ifield Road and Peglar Way respectively. These units at ground floor level have their amenity areas and windows directly adjacent to the pavement. The building is within 0.5m of the back edge of the pavement at its closest point and it is considered that the proposed design and layout does not protect the privacy and amenities of these future occupants as these units would be overlooked and feel insecure. The lower balcony



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recesses would not be usable or a pleasant environment for residents to use with passing pedestrians walking so close to these areas.

8.19 In conclusion it, the appellant's layout is poorly considered and fails to provide suitable outlook, privacy and amenity for future residents. The LPA consider that if it were to determine the application it would refuse it for the following reason:

- 4 **The proposed development by virtue of its siting, layout, design and its proximity to the northern hotel accommodation block would result in an unsatisfactory environment for future residents due to poor outlook, inadequate amenity space, lack of privacy and lack of defensible space contrary to the NPPF Sections 8 and 12, policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.**

Noise

8.20 Policy ENV11 seeks to protect future residents from unacceptable noise impacts and requires that a noise impact assessment is provided. The appellants provided a noise report as part of their application. The site is adjacent to a busy dual carriageway which is a major noise source in the surrounding area. There is also a busy pedestrian crossing immediately to the southwest of the site which draws pedestrians and activity towards the northern footpath along Ifield Road adjacent to the appeal site.

8.21 The findings in the noise report confirm this is a very noisy location, the CBC Environmental Health Officer has concluded that the noise levels experienced at the site would be detrimental to the human health and welfare of the future residents and recommends refusal based on the current development layout.

8.22 It is considered that the layout of the development as designed which proposes single aspect flats directly facing across to Pegler Way (and to a lesser degree Ifield Road) has failed to consider the noise environment for future residents within the flat design and that inadequate consideration has been given to the best ways to mitigate the noise impact to provide an acceptable living environment. The appellant's noise report makes no reference to the adopted CBLP, the requirements of policy ENV11 and its noise annex. The development is therefore contrary to policy ENV11 of the CBLP.

8.23 In conclusion, the LPA consider that if it were to determine the application it would refuse the application for the following reason:

- 5 **The proposed development by virtue of its siting, design, layout and lack of mitigation would result in a development with dwellings that would be exposed to unacceptable levels of noise to the detriment of the health of future residents contrary to Section 15 in the NPPF, policies CH3 and ENV11 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.**

Impact on neighbouring properties

8.24 The nearest residential property is Shaw House immediately to the north of the side. This former office is in the process of being converted to residential. 5 of the proposed units have principle windows and balconies which face directly south onto the application site. The proposed separation distance between the buildings is between 2.6m and 5.6 m. While there is no window to window concerns in respect of privacy and overlooking (as the appeal proposal has no windows in its north facing elevation), the outlook for these new flats in Shaw House would be



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dominated by a 4 storey wall. This would take light and is considered dominant and overbearing causing harm to amenities of these future occupiers. The proposal is therefore in conflict with policy CH3 of the CBLP and the advice set out in the Urban Design SPD.

- 8.25 There is residential flatted development to the west (Apex House) and southwest (Peglar Court) of the site. The appeal development is not considered to cause any harmful impact to the amenities of these residents. Peglar Way and the roundabout are significant intervening features between the appeal site and these flats (closest facing distance is 25m), this is considered sufficient separation to safeguard amenities.
- 8.26 The nearest residential property in Ifield Road is no 10 which is directly to the south of the appeal site. The front windows of No 10 Ifield Road would be approximately 15m away from the proposed south elevation of the flats (which contain windows and balconies) and due to the layout of the dwelling these are the principal windows for the main habitable rooms within property. Given this property fronts onto Ifield Road which is already a busy street, it is not considered that the proximity of the windows in the new development would not result in a harmful loss of privacy in this case. It is considered the outlook from 10 Ifield Road would be dramatically altered with the scale and bulk of proposed flats to the north however, given that the appeal development is to the north of the property, it is not considered that the flats despite their scale and massing would result in any loss of light or additional shading to the principal windows of this dwelling. On balance, it is not considered there would be a harmful impact on the amenities of these occupiers as a result of the development.
- 8.27 There is not considered to be a harmful relationship from the appeal building to amenities of hotel users or the restaurant / bar uses in terms of dominance or overlooking.
- 8.28 In conclusion, the LPA consider that if it were to determine the application it would refuse the application for the following reason:

6 The proposed development by virtue of its scale, massing and proximity to Shaw House would have a detrimental impact on the amenities of these future occupiers due to loss of light and outlook to their south facing windows contrary to policy CH3 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.

Access /Parking / Servicing and Operational requirements

- 8.29 Vehicular access to the site would be via a redesigned access onto Peglar Way, this route would serve both the new flats and the rear entrance to the George Hotel. WSCC Highways have raised no objection to the proposals and have confirmed that the access and the car parking layout would be adequate to allow for refuse and other large vehicles to turn within the site.
- 8.30 44 parking spaces are provided, 10 for the flats and the remainder for use by the hotel guests. The proposal does not meet the adopted parking standards set out in the UDSPD which require 1 space per dwelling and 1 space per hotel room.
- 8.31 In respect of the hotel which is understood to have 79 bedrooms, the car park as existing has a maximum capacity of 44 spaces (it is not clear if this number includes the space given over the car wash). The appeal proposal would leave 34 spaces available for the hotel. Given the highly accessible and sustainable location of the appeal site with good links to public transport, it is not considered that this shortfall in car spaces for the hotel would result in parking or access problems for the hotel that would compromise its future operation. There is no evidence this car park has ever been used at capacity.



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- 8.33 In relation to the residential use, 10 spaces are proposed (a shortfall of 28 spaces). While this shortfall is considerable, the standards are an indicative minimum requirement and in this case given its sustainable location to public transport, its close proximity to a large public car park and the existence of traffic restrictions on the surrounding streets thereby preventing overspill parking on the highways, a reduced level of parking is considered acceptable in this case. A condition is proposed to secure a travel plan, the obligations of which the appellants have indicated could be incorporated into a S106 Agreement.
- 8.33 The appellants have provided no information on how the limited car parking would be managed except for stating that for residents it would be available on a first come, first served basis. While the lower level of parking is considered acceptable in principle for residential uses in this location, there are concerns at the lack of a car parking management strategy for this shared car park. This could impact on the spaces available for the hotel and its guests which in turn would have a potential impact on its attractiveness and viability if there is a lack of parking spaces for its customers. It is likely that future residents would choose to park in hotel spaces if these were readily available and there was no measures to prevent this. It is considered that this matter could be resolved through a condition requiring a car park management plan.
- 8.34 Furthermore, it not considered that the appellants have demonstrated that the future operational requirements of the existing hotel have been safeguarded. It is unclear precisely when and how this hotel is serviced and whether deliveries to the site would cause a noise impact to future residents. This matter could be resolved through a condition requiring a car park management plan.
- 8.35 The CBC refuse and recycling team have commented that the bin stores are adequate but were concerned that entrance way may not have sufficient clearance to allow a refuse vehicle to enter and that there was no detail to demonstrate a vehicle could turn on site. Amended / additional information was provided by the appellants and both points raised have now been adequately addressed.
- 8.36 It is considered that the proposed layout does provide improved access to the site for pedestrians and cyclists with a footpath provided alongside the Pegler Road access and new footpath created onto Ifield Road. The cycling provision for the flats is secure and accessible and is compliant with the adopted standard.
- 8.37 The cycle forum noted that there was no cycle provision made for hotel visitors and staff in the service yard. It is considered that this point could be addressed via a suitable condition and some further stands could be provided to serve visitors to the flats who may not have access to the secure resident cycle storage.

Ground conditions (archaeology, drainage, and contamination)

- 8.38 The appeal site is located within an Archaeological Notification Area. The Archaeological Advisor was consulted and has commented that it was disappointing to note that no comprehensive archaeological assessment have been produced to accompany the application and no evidence of consultation with the Historic Environment Record. Notwithstanding these comments, she has recommended that a pre-commencement condition could be applied for further archaeological work to be carried out prior to the implementation of any planning permission.



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- 8.39 The appellants have provided a contamination report, the contaminated land officer has confirmed no objection subject to condition, his comments are attached at **Appendix X**.
- 8.40 The drainage details provided by the appellants are considered adequate by both drainage consultees subject to conditions.

Sustainability

- 8.41 The application was submitted with an accompanying Energy and Sustainability Statement. This has been reviewed and a number of discrepancies have been highlighted with its contents in particular with the assessment which seeks to justify the developments energy requirements and building performance under policy ENV6. The report has also failed to demonstrate compliance with policy ENV7 which requires development to consider a hierarchy of options to use decentralised energy or connect to a decentralised energy network.
- 8.42 It is accepted that the appellants may be able to address this issue satisfactorily prior to the Hearing but in the absence of this information, the LPA consider that if it were to determine the application it would refuse the application for the following reason:

- 7 The proposed development fails to address adequately how the development plan sustainability objectives are proposed to be met in the design of the building and its construction and has not fully explored the options for connection to a future district energy network. It is therefore contrary to policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030 and the advice in the Planning and Climate Change SPD.**

Affordable Housing Provision and S106 requirements

- 8.43 In respect of any affordable housing and other contributions, these would need to be secured through a S106 Agreement. The LPA had not initially sought an independent assessment of the viability report as it was expected that the scheme would need to be revised and therefore this report would have need to be amended. This report needs to be independently scrutinised.
- 8.44 The appellants would also need to enter into a section 106 Agreement to secure the necessary open space contribution, tree mitigation contribution and secure the measures set out in their draft travel plan.
- 8.45 With the cooperation of the appellants, these matters could all be resolved and a S106 concluded prior to the Hearing but in the absence of this information, the LPA consider that if it were to determine the application it would refuse the application for the following reason

- 8 No agreement is in place to ensure that the appropriate affordable housing and infrastructure provisions for open space and tree planting required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure SPD, the Affordable Housing SPD and the Developer Contributions Guidance Note.**

9 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 9.1 *<<This section is to be added into the draft report. It will take the form of a written statement explaining in more detail the points of concern for each of the issues set out in the planning*

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considerations section of the statement which are highlighted as the refusal reasons. It will provide further substantive justification on each refusal reason.>>

10 OTHER MATTERS

Community Infrastructure Levy and Other Infrastructure Contributions

- 10.1 Policy IN1 of the Crawley Borough Local Plan 2015-2030 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will be implementing a Community Infrastructure Levy (CIL). Crawley's CIL took effect from 17 August 2016. The adopted Charging Schedule sets a rate of £100 per square metre of net additional floor-space. On the basis that the floor space increase would be XXXsqm the potential CIL contribution from the development could be circa £XXX before any exemptions are applied.
- 10.2 In addition to any monies that are payable through the CIL levy, in the event that the appeal is allowed, the Local Planning Authority consider that a S106 Agreement is required to ensure the other infrastructure contributions required to deal with other policy requirements in the local plan and other local constraints are addressed. The 'Developer Contributions Guidance Note' is attached at **Appendix X**. A Section 106 agreement is required to secure the following:
- tree mitigation infrastructure contribution;
 - open space mitigation infrastructure contribution;
 - the implementation of measures contained within the submitted Travel Plan,
 - affordable housing <<(subject to the outcome of the viability assessment)>>
- 10.3 The requirement for tree mitigation is set out in the Green Infrastructure SPD stemming from the requirements detailed in Local Plan policy CH6. One tree per new dwelling created would need to be provided on site or as payment in lieu (£700 per tree) of this provision. If the development were permitted there would be a net increase of 37 dwellings on the site. The policy also requires payment for any existing trees lost as a result of the development. Based on the site survey plan provided (with the drainage strategy) a total of 20 trees would be lost. A survey would need to be undertaken to establish the girth of the trees and whether the tree lost should be replaced on a more than 1 for 1 basis. A formula for calculating the appropriate payment will need to be included in any S106 Agreement as the basis for the commuted sum. The calculation is as follows:
- (net increase in residential units (37) plus number of trees to be removed from site(based on CH6 calculation) x £700).
This would give a minimum contribution (assuming all trees lost are replaced on a 1 for 1 basis) of £39,900. An extract from this SPD setting out the methodology for this tree mitigation payment is attached as **Appendix X**.
- 10.4 There is also a requirement for open space mitigation as the site would not provide open space for future residents. Policy IN1 also specifically applies to open space, parks and play space and as no open space provision is made on site the impacts off-site need to be considered on a site by site basis. Based on the assessed level of occupation of the building the potential contribution towards Open Space would be £12,136 (comprising £8,806 for provision of children / teenager and £3,330 for allotments). This figure and its methodology is set out in **Appendix X**. The justification is set out in Part 4 of the Green Infrastructure SDP (relevant extracts attached at **Appendix X**).

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10.5 << The submitted Travel Plan accompanying the application contains a series of measures all of which are considered necessary in the opinion of the Local Planning Authority to mitigate the impact of on-street parking and encourage sustainable transport choices. The document recommends that the implementation of the plans should be secured through a S106 Agreement. Need to check the details>>

10.6 It is therefore considered that the S106 requirements are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They therefore comply with the requirements set out in CIL Regulations.

10.7 It is the intention of the Local Planning Authority to work with the appellant prior to the Hearing if there is agreement that a S106 can be entered into to address these requirements.

11 CONCLUSION

11.1 For the reasons set out above, the appeal proposal is considered to be harmful for the following reasons:

<<These refusal reasons to be summarised as the conclusion>>.

11.2 The starting point for the determination of the appeal are the provision of the development plan and in this case the proposal is considered contrary to the policies listed in paragraphs XXXX above. The Inspectors is therefore respectfully requested to dismiss the appeal.

11.3 If the Inspector is minded to allow the appeal, the Local Planning Authority recommend that the conditions set out in **Appendix X** be imposed. It is anticipated that these conditions will be discussed in more detail with the appellants and a final version of the conditions included in the statement of common ground.

Recommendations

APP/2018/0008/NON

The following conditions are recommended should the application be granted permission by the Planning Inspectorate: **(To be attached)**

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