

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room A & B - Town Hall**, on **Monday, 22 October 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

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Published 12 October 2018

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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 25 September 2018	
5. Planning Application	13 - 24
CR/2018/0549/FUL - Goffs Park, Horsham Road, Southgate, Crawley	Southgate
To consider report PES/286 (a) of the Head of Economy and Planning.	
RECOMMENDATION to PERMIT	
6. Objections to the CBC Tree Preservation Order - 38 Hazelwick Road - 10/2018	25 - 32
To consider report PES/305 of the Head of Economy and Planning.	

	Pages
7. Section 106 Monies - Quarters 1 and 2 2018/19	33 - 38
To consider report PES/304 of the Head of Economy and Planning.	
8. Supplemental Agenda	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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 **Thursday 18 October 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

Tuesday, 25 September 2018 at 7.30 pm

Councillors Present:

I T Irvine (Chair)

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

Also in Attendance:

Councillor R D Burrett, R A Lanzer and A Pendlington

Officers Present:

Kevin Carr	Legal Services Manager
Valerie Cheesman	Principal Planning Officer
Mez Matthews	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)

Apologies for Absence:

Councillor B J Burgess, R S Fiveash and L Vitler

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor A Belben	CR/2018/0128/OUT Land adjacent to 3 Coronet Close, Pound Hill, Crawley (Minute 4)	Personal Interest – Was a member of the Pound Hill Residents Facebook Group, but had not been active in discussions relating to the application.
Councillor A Belben	CR/2018/0242/OUT Land adjacent to 3 Coronet Close, Pound Hill, Crawley (Minute 5)	Personal Interest – Was a member of the Pound Hill Residents Facebook Group, but had not been active in discussions relating to the application.

Agenda Item 4

Planning Committee (23)
25 September 2018

Councillor Thomas	Appeal against non-determination of planning application CR/2017/0879/FUL – R/O George Hotel, 56-58 High Street, West Green, Crawley (Minute 8)	Personal Interest – Was a Council nominated member on the Central Crawley Conservation Area Advisory Committee, who had submitted a representation in relation to the application. He did not recall attending a meeting where the application had been discussed.
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2. Lobbying Declarations

The following lobbying declarations were made by Councillors:

Councillors A Belben, Boxall, Jaggard, Skudder, P Smith, Tarrant and Thomas had been lobbied regarding report PES/303 - appeal against non-determination of planning application CR/2017/0879/FUL: R/O George Hotel, 56-58 High Street, West Green, Crawley.

3. Minutes

The minutes of the meeting of the Planning Committee held on 30 July 2018 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2018/0128/OUT - Land Adjacent to 3 Coronet Close, Pound Hill, Crawley

The Committee considered report PES/285(c) of the Head of Economy and Planning which proposed as follows:

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).

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

The Group Manager (Development Management) provided a verbal summation of the application and reminded the Committee that a provisional woodland tree preservation order had been served on the site on 13 February 2018 in response to alerts from local residents that trees within Burleys Wood were being felled following a site visit by the Arboricultural and Enforcement Officers. That Tree Preservation Order had been confirmed by the Committee at its meeting held on 30 July 2018 and, in addition, the Forestry Commission had served a restocking notice to replace the trees lost from the site. In addition, the Committee's attention was drawn in particular to the planning history of the site, the relevant planning policies and the main planning considerations when determining the application.

The Group Manager (Development Management) advised the Committee that refusal reason 5 should be amended as follows:

Amendment to refusal reason 5 (additional wording in bold):

5. Notwithstanding the loss of Ancient Woodland is considered to be unacceptable in principle, **if** the principle of development was considered to be acceptable the

Agenda Item 4

Planning Committee (24)
25 September 2018

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 **remaining** 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).

Councillor Pendlington (Ward Councillor for Pound Hill South and Worth) addressed the Committee and spoke in objection to the application, reflecting the concerns detailed in the report. Councillor Pendlington specifically stated that:

- If approved the proposed development would result in a loss of open space;
- The proposed development would result in a loss of light for residents;
- The ancient woodland should be protected.

Councillor Lanzer (Ward Councillor for Pound Hill South and Worth) addressed the Committee and raised the following additional points of objection:

- The layout of the proposed development would be cramped for both the existing residents and occupiers of the proposed development;
- The loss of ancient woodland was unacceptable, especially the felling of trees without a felling licence;
- The new development did not meet the planning requirement that there be a distance of least a 15m between woodland and any new development.

The Committee then considered the application and voted unanimously that the application be refused.

RESOLVED

Refuse, for the reasons listed in report PES285(c) and amended refusal reason 5 above.

5. Planning Application CR/2018/0242/OUT - Land Adjacent to 3 Coronet Close, Pound Hill, Crawley

The Committee considered report PES/285(d) of the Head of Economy and Planning which proposed as follows:

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).

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

The Group Manager (Development Management) provided a verbal summation of the application and reminded the Committee that the planning history, and many of the relevant planning policies and planning considerations were identical to that of planning application CR/2018/0128/OUT which had been considered by the Committee earlier in the meeting, although this application proposed a different use of the land.

Agenda Item 4

Planning Committee (25)
25 September 2018

The Group Manager (Development Management) advised the Committee that refusal reason 6 should be amended as follows:

Amendment to refusal reason 6 (additional wording in bold):

5. Notwithstanding the loss of Ancient Woodland is considered to be unacceptable in principle, **if** 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 **remaining** 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).

Councillor Pendlington (Ward Councillor for Pound Hill South and Worth) addressed the Committee and spoke in objection to the application, reflecting the concerns detailed in the report and those she identified as part of her presentation in relation to application CR/2018/0128/OUT. In addition Councillor Pendlington raised concern regarding the level of potential traffic movement within the area.

Councillor Lanzer (Ward Councillor for Pound Hill South and Worth) addressed the Committee and stated that any proposed development should support bio-diversity. In addition to the objections he had identified as part of his earlier presentation in relation to application CR/2018/0128/OUT, he asserted that the proposal:

- Would result in over intensification of the area;
- Did not provide adequate parking;
- Would create highway problems.

The Committee then considered the application and voted unanimously that the application be refused.

RESOLVED

Refuse, for the reasons listed in report PES285(d) and amended refusal reason 6 above.

6. Planning Application CR/2016/0858/ARM - Phase 3, Forge Wood (North East Sector), Crawley

The Committee considered report PES/285(b) of the Head of Economy and Planning which proposed as follows:

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.

Councillor Boxall declared he had visited the site.

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

- A representation had been received on behalf of the Operators at Crawley Goods Yard stating that they deemed the application acceptable if all conditions detailed in report PES/285(b) were imposed and with a S106 legal agreement to link it to the residential proposals.

Agenda Item 4

Planning Committee (26)
25 September 2018

- In line with varied Condition 34 of the original outline application, the noise mitigation scheme had been submitted to the Council as Local Planning Authority the previous week and would be considered by officers in due course.

Laura Humphries (the Applicant) addressed the meeting in support of the application.

The Committee then considered the application. In response to queries and concerns raised by the Committee, the Principal Planning Officer:

- Advised that proposed mechanical ventilation was for the residential units in the adjacent parcels. The levels of ventilation required by each unit were dependent upon the location of each dwelling, its internal layout and the noise environment.
- Informed the Committee that the location of the employment building and associated access road was part of the Masterplan for the neighbourhood.
- Reminded the Committee that Condition 34 of the outline permission would secure a suitable noise environment for residents of the adjacent dwellings. The Committee also noted that condition 12 of the current application required approval of a sound insulation scheme for the employment building itself.
- Explained that the original outline application did not restrict the times at which heavy goods vehicles could enter the site. However, noise levels from the commercial activities would be controlled by condition 37 on the outline permission.
- Advised that, once the development had been completed, the main roads within the site would be adopted by West Sussex County Council (WSCC). Details of the road surface material would be ascertained during the WSCC highways adoption process. The main roads would service a bus route and so the surface material would be suitable for heavy vehicles.
- Confirmed that some parking bays within the adjacent residential development would be allocated to specific housing units, whilst others would be available for visitor parking. Conditions relating to parking provision for the commercial building which met the relevant parking standards were included within the officer's recommendation should the Committee be minded to approve the application.

RESOLVED

Approve the Reserved Matters application, subject to:

1. The conclusion of a Section 106 agreement as set out in Paragraph 6.4 of report PES/285(b)
2. The conditions and informatives set out in report PES/285(b).

7. Planning Application CR/2015/0718/ARM - Phase 2b, Forge Wood, (Northeast Sector), Crawley

The Committee considered report PES/285(a) of the Head of Economy and Planning which proposed as follows:

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.

Councillor Boxall declared he had visited the site.

Agenda Item 4

Planning Committee (27)
25 September 2018

The Principal Planning Officer provided a verbal summation of the application and provided the Committee with the following update:

- Amended plans had been submitted to address the outstanding issues referred to in the report.
- A representation had been received on behalf of the Operators at Crawley Goods Yard stating that they deemed the application acceptable if all conditions detailed in report PES/285(a) were imposed, there was a S106 legal agreement to link it to the employment building and that the internal layout of plots 113 – 116 were revised.
- In line with varied Condition 34 of the original outline application, the noise mitigation scheme had been submitted to the Council as Local Planning Authority the previous week and would be considered by officers in due course.

Laura Humphries (the Applicant) addressed the meeting in support of the application.

The Committee then considered the application. In response to issues and concerns raised by the Committee the Principal Planning Officer:

- Advised the Committee that one bedroom window on six properties in block 7 would be sealed shut and vented via a mechanical ventilation system. It had not been possible to alter the layout of those properties to enable all windows to open. Detailed information relating to the mechanical ventilation system were contained within the noise mitigation scheme for condition 34 which had been submitted to the Council and would be considered by officers in due course.
- Confirmed that the communal garden of Flat Block 7 would be maintained by the landlord.
- Advised that the management company would be responsible for maintaining the drainage features.
- Notified the Committee that the objection received from the Environment Agency related to flood risk. Forge Wood, as a whole, had required a site-wide drainage strategy and therefore a Flood Risk Assessment for this individual sub-phase was not required. No further comments had been received from the Environment Agency. Long term management of the drainage features would be undertaken by the management company.
- Stated that the application site provided housing which had a low carbon footprint and increased sustainability. Although additional renewable energy sources, such as solar panels, had not been submitted as part of the application; that did not prevent such additions being installed at a later date.
- Advised that although some of the garden sizes fell below the guidance, overall the layout was considered to be acceptable.
- Explained that the separation distances between dwellings were considered acceptable with the majority of windows either not overlooking other dwellings or being off-set.

RESOLVED

Approve the reserved matters application subject to:

1. Completion of a S106 Agreement as set out in Paragraph 6.5 of report PES/285(a)
2. The conditions and informatives set out in report PES/285(a)

**8. Appeal against Non-Determination of Planning Application
CR/2017/0879/FUL - R/O George Hotel, 56-58 High Street, West Green,
Crawley**

The Committee considered report PES/303 of the Head of Economy and Planning which explained the circumstances in relation to planning application CR/2017/0879/FUL for which an appeal was now underway. The appeal had been lodged on the grounds that the Local Planning Authority had failed to determine the application within the statutory time frame. Although the Planning Committee was no longer in a position to formally determine the planning application, the report set out the officers' concerns with the application and the grounds on which they considered the planning appeal should be defended.

The report provided 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 Local Planning Authority's draft appeal statement attached as Appendix 1 to report PES/303.

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

The (Group Manager (Development Management) provided a verbal summation of the application and the officer's report. The Committee was advised that, whilst officers supported the principle of development on the site, they had significant concerns regarding the impact the proposal would have on 10 Ifield Road, the High Street Conservation Area and the George Hotel which were all heritage assets. In addition it was considered that the development was unacceptable in the street scene and surroundings due to its scale, massing and design. The development's design, layout and proximity to the public footpaths/roads, outlook and separation between buildings would also create an inadequate environment for any future occupier of the development. The layout and design of the development did not mitigate the harmful noise impacts on potential future occupiers. The development would also have a harmful impact on future neighbouring residential occupiers. Sustainability policies had not been demonstrated.

Lynda Wyer (the Agent for the application) addressed the Committee in support of the application. Ms Wyer explained how, in her opinion, the Council had not provided timely advice with regard to the application and as a result the application had not been determined within the statutory time frame. She also considered that the case officers concerns with the application were contrary to the pre-application she had been provided with. The applicant had therefore taken the decision to lodge an appeal.

The Committee then considered whether it would have approved the application, had it been brought before the Committee for determination. The Committee was of the opinion that, as a whole, the Council had a good record of pre-application engagement with applicants and that the development before them was inappropriate to the surrounding area and inadequate in design. The Committee agreed the Committee would have been minded to refuse the application for the reasons set out in report PES/303.

RESOLVED

1. That the report be noted;
2. Agreed that, if the application had been determined by the Planning Committee, it would have been minded to refuse it on the 8 reasons set out in Section 6.1 of report PES/303.

9. **Planning Application CR/2018/0177/FUL - Former Depot Adjacent to South West Corner of Goffs Park, Old Horsham Road, Southgate, Crawley**

The Committee considered report PES/285(e) of the Head of Economy and Planning which proposed as follows:

Installation of substation and close boarded fencing enclosure.

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

The Principal Planning Officer provided a verbal summation of the application and advised that since publication of the report, the applicant had provided confirmation of the finish which would be used to stain the timber fencing and as such condition 3 should be revised to read:

Revised Condition 3:

The timber fencing enclosure for the substation hereby permitted shall be finished in the following dark stain 'Cuprinol Ultimate Garden Wood Preserver in 'Autumn Brown' as set out in the email dated 17th September 2018.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a structure of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.

With regards to the impact on adjacent trees, the Arboricultural Officer found the submitted details acceptable and suggested condition 5 would control this aspect.

The Committee then considered the application.

RESOLVED

Permit subject to the conditions set out in report PES/285(e).

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.30 pm

Chair

Agenda Item 5

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 22 October 2018
REPORT NO: PES/286(a)

REFERENCE NO: CR/2018/0549/FUL

LOCATION: [GOFFS PARK, HORSHAM ROAD, SOUTHGATE, CRAWLEY](#)
WARD: Southgate
PROPOSAL: ERECTION OF A TEMPORARY ICE RINK AND RELATED TEMPORARY STRUCTURES (TO HOUSE CAFE AND RECEPTION) AND EQUIPMENT TO OPERATE FOR 72 DAYS BETWEEN 10 NOVEMBER 2018 TO 20 JANUARY 2019 AND FOR THE SAME LENGTH OF TIME ANNUALLY IN THE PERIOD NOVEMBER – JANUARY UNTIL JANUARY 2023 (TOTAL PERIOD OF FIVE YEARS) (AMENDED DESCRIPTION)

TARGET DECISION DATE: 26 October 2018

CASE OFFICER: Miss D. Angelopoulou

APPLICANTS NAME: Horsham Outdoor Events Ltd

AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

GP_006, Location & Site Plans
GP_001, Proposed Floor Plan
GP_002, Proposed North and East Elevations
GP_002B, Proposed South and West Elevations

CONSULTEE NOTIFICATIONS & RESPONSES:-

<u>Type</u>	<u>Comments</u>
1. WSCC Highways	Following submission of an Event Plan, no objection is raised subject to conditions.
2. CBC Property Division	No objection.
3. CBC Planning Arboricultural Officer	No objection subject to condition.
4. CBC Environmental Health	Following clarification over the enclosure of the equipment plants, no objection is raised.
5. Sussex Gardens Trust	No response received.
6. Archaeology Officer	No response received.
7. The Gardens Trust	No response received.
8. CBC Neighbourhood Services Manager	No response received.

NEIGHBOUR NOTIFICATIONS:-

41A, 41B 41, 43, 43A, 45, 47, 49 and 51 Horsham Road;
1 to 4 Park View.

The application has also been advertised by site notices displayed within and in front of the site on 6th September 2018.

RESPONSES RECEIVED:-

Two representations have been received in support of the application stating the following:

Agenda Item 5

- It would be a great benefit for Goffs Park and the amenities remaining after the event has finished would be good for the park.
- The ice rink operated last year had fewer than the potential 25 cars predicted per session and attracted sixth form students, and its location near St Wilfrid's and Holy Trinity would probably attract students from the south (the opposite direction to the crossing).
- The 2 ½ months of effective open time would not create as much impact as expressed and that it should at least be trialled for one year in order to determine the location's feasibility.
- Skating is severely underrepresented nationally and this is an opportunity to have this facility this year to inspire young and old alike.

Fourteen representations have been received raising objections and concerns about the proposal on the following grounds:

- There is no available parking as the small car park is full early every day with workers and Horsham Road has no on-road parking restrictions. The site is also located in a residential area and the area is busy enough as it is right next to a level crossing where there would be further congestion when level crossing barriers are down and danger of increased traffic movements on Horsham Road.
- The ice rink would generate extra traffic, parking issues, a lot of noise and general mayhem with impact on grass (mud) at the park for all those months throughout the winter. This type of facility needs hardstanding and far more parking.
- People park on the verges outside the car park or block verges in front of residential properties when events are being held at the park such as the circus, and this could be repeated daily if the ice rink goes ahead.
- Attracting people to a marquee would increase the drug dealing and distribution and antisocial behaviour in the park, which is already an issue, and the public nuisance of litter and noise.
- Disruption to wildlife.
- It's the duty of the council to protect Goff's Park as a provider of green space which all the community can enjoy, not to fill it with noise and structures in an attempt to create income from it.
- The site should be tested for one year permission first.
- Ineffective notice for comments on site and the application is not easy to find online.
- Other locations should be considered for the ice rink, such as the industrial estate, Southgate Park or the Memorial Gardens, where parking and facilities such as toilets available.
- Based on the suggested 25 vehicles per session, that makes a potential 550 vehicles per day or an additional 1100 vehicle movements per day. The supporting documents do not include a road traffic/capacity survey and it is necessary as the majority of these vehicles would be travelling through the historic Conservation areas of both West Green and Southgate. More significantly an analysis of the impact the level crossing would have on such an increasing in the volume of traffic needs to be considered.
- The dangers for pedestrians walking across the level crossings on both the Brighton Road and Horsham Road, neither of which have a pedestrian foot bridge. Additionally, there is the problem of how so many pedestrians would cross the Horsham Road without any nearby pelican traffic lights. Greater thought needs to be given to how customers would access Goff's Park safely.

REASON FOR REPORTING TO COMMITTEE:-

Initially subject to call in by Councillors, however the Committee referral is also triggered due to number of objections received with an officer recommendation to permit.

THE APPLICATION SITE:-

- 1.1 The application site is an area within Goffs Park, which is within the neighbourhood of Southgate. The site is adjacent to the play area to the east, and also includes the associated existing tarmac footpath and car park adjacent to Horsham Road. Apart from the car park and the tarmac footpath, the remaining area of the application site is currently laid to grass, is flat and open. Goffs Park is designated as a Historic Park and Garden and identified as Structural Landscaping as set out in Policy CH7 of the Crawley Borough Local Plan 2015-2030. The site is also within the Long Distance View Splay from Target Hill as identified by the Local Policy CH8.

Agenda Item 5

- 1.2 To the south-east of the application site are several residential properties in Park View, Goffs Close and Horsham Road. To the north lies the miniature railway track. Further to the north is the railway line. The Horsham Road level crossing lies to the north-east of the application car park. The immediate streetscene to the east is residential in character.

THE PROPOSED DEVELOPMENT:-

- 2.1 Planning permission is sought for erection of a temporary ice rink and related temporary structures (to house cafe and reception) and equipment to operate for 72 days between 10 November 2018 to 20 January 2019 and for the same length of time annually in the period November – January until January 2023 (total period of five years).
- 2.2 It should be noted that the description of the proposal has been amended in relation to the duration of the use to clearly describe the 72 day operation period given that the application form mistakenly described the proposal as to operate 72 days from 10 October (and not 10 November) to 20 January. This description was agreed with the applicants prior to being amended.
- 2.3 The proposal includes an ice rink which would be covered by a marquee that would measure nearly 20m in width, 30m in depth and 6m in height, to allow skating in inclement weather. There would be an additional marquee attached to the east of the ice rink that would measure approximately 15m in width, 20m in depth and 5m in height. This eastern marquee would include the entrance, reception desk, changing area and a small café. It would also include the plant equipment area to the south with staff access only. The marquees would be aluminium framed with white uPVC and 6mm toughened clear safety glass to walls and windows. Both marquees would be roofed PVC apart from the plant area, which is unroofed due to fumes from the generators.
- 2.4 It is proposed that the opening hours of the rink would be 10.00am to 9pm, seven days a week except Christmas Day.
- 2.5 There would be the following equipment related to the ice rink:
- A diesel tank.
 - Two 150 KVA and 100 KVA super silent generators – 70dBA @ 5 metres. Only one generator would operate at a time, the second generator is a standby in case main generator fails.
 - Two 125 Amp coolers – 52dBA @ 10 metres. The second cooler would be a standby in case of failure.
- 2.6 Two toilet blocks (1 disabled and 1 standard unit) would be sited to the north of the marquee close to the main entrance. Some bicycle racks would be provided next to the entrance. There would be refuse bins that would be used during the event and a private provider would make regular collections.
- 2.7 The following documents have been submitted in support of the application:
- Planning Statement
 - Heritage Statement
 - Noise Statement
 - Event Plan

PLANNING HISTORY:-

- 3.1 There is no relevant planning history for an ice rink at this location.
- 3.2 Of note is the planning application for the ice rink at Queens Square:

CR/2017/0677/FUL – Temporary change of use of highways and council land for ice skating and erection of an ice rink and related temporary structures and equipment for the period of 6 November 2017 to 12 January 2018 (amended plans received) – Permitted and implemented.

Agenda Item 5

PLANNING POLICY:-

National Planning Policy Framework (July 2018) (NPPF)

4.1 The relevant paragraphs and sections include:

- Paragraph 11 – The presumption in favour of sustainable development. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay.
- Section 6 – Building a strong, competitive economy. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 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. Paragraph 170 e) states that planning policies and decisions should contribute to and enhance the natural and local environment by, among others, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 180 states that 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 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; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- Section 16 – Conserving and enhancing the historic environment. Paragraph 192 states that 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.

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

4.2 The relevant policies include:

- Policy SD1: Presumption in Favour of Sustainable Development. In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the council will take a positive approach to approving development which is sustainable.
- Policy CH2: Principles of Good Urban Design to assist in the creation, retention or enhancement of successful places.
- Policy CH3: Normal Requirements of All New Development states all proposals for development will be required to make a positive contribution to the area; be of a high quality urban design; provide and retain a good standard of amenity for all nearby and future occupants of land and buildings; retain existing individual or groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity and be able to meet its own operational requirements necessary for the safe and proper use of the site. Development proposals must adhere to any relevant supplementary planning guidance produced by the council.
- Policy CH7: Structural Landscaping requires that development proposals should protect and/or enhance structural landscaping, which is within the application site. Where limited or weak

Agenda Item 5

structural landscaping can be identified as a negative factor in the attractiveness of an area, opportunities will be sought to deliver enhancements as part of development proposals.

- Policy CH8: The Important Views identified on the Local Plan Map should be protected and/or enhanced and development proposals should not result in a direct adverse impact or lead to the erosion of these views. The site is within the Long Distance View Splay from Target Hill.
- Policy CH12: Heritage Assets. All development should ensure that Crawley's designated and non-designated heritage assets are treated as a finite resource, and that their key features or significance are not lost as a result of development.
- Policy CH17: Historic Parks and Gardens. Goffs Park is designated as a Historic Park and Garden and the council will support development, unless it will have a negative impact upon the historic setting and character of the designated Historic Park or Garden. All development proposals within the boundaries of the Historic Parks and Gardens as identified on the Local Plan Map will be required to demonstrate, through a Heritage Impact Assessment, that the proposals have regard to the designation, its character, key features and the setting of the area and that proposals respect or enhance the area.
- Policy EC1: Sustainable Economic Growth. Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced. The council will ensure that all suitable opportunities within the borough are fully explored to enable existing and new businesses to grow and prosper.
- Policy EC7: Retail and Leisure Development outside the Primary Shopping Area. Retail and leisure proposals in Crawley will follow the NPPF 'Town Centre first' principle with development directed to the most sequentially preferable and sustainable locations, firstly within the Primary Shopping Area.
- Policy 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.
- Policy IN3: Development and Requirements for Sustainable Transport. Developments should meet the access needs they generate and not cause an unacceptable impact in terms of increased traffic congestion or highway safety.

Urban Design Supplementary Planning Document (adopted October 2016)

- 4.3 The Urban Design SPD is a non-statutory document which supplements the policies of the Local Plan and is applicable to this application. It contains guidelines on the standards the Council expects for the public design highlighting in particular the importance of massing and materials, public realm, street design and parking and sustainable design.

PLANNING CONSIDERATIONS:-

- 5.1 The main planning issues in the determination of this application are:
- Whether the principle of the temporary ice rink development in this location would be acceptable
 - The impact on the visual amenities of the Historic Park, Structural Landscaping and trees
 - The impact of the proposal on highways, access and parking arrangements
 - The impact on neighbouring properties and amenities
 - The impact on trees
 - Other matters

Whether the principle of the temporary ice rink development in this location would be acceptable

- 5.2 The proposal would be located on an area which is currently grassed, flat and open next to the existing play area and would allow the opportunity for skating undercover during the festive period. It would provide a complementary leisure facility to those already associated with Goffs Park, such as the play area, golf courses and model railway. It is considered that the proposed temporary ice rink as leisure facility would be suitable and appropriate within Goffs Park.
- 5.3 The application site is outside the town centre boundary, but in close proximity to it as it is 500m away from the western edge of the town centre boundary. It has public transport connections to the main town, including a short bus journey to the centre and surrounding areas (No 23 Metrobus stop

Agenda Item 5

50m to the south of the entrance of Goffs Park) and it is a short walk to the centre of the main town and Crawley rail station. The proposal would contribute to a strong, responsive, and competitive economy of the nearby town centre throughout the Christmas period. The proposed temporary ice rink would also generate income and employment both directly through the hire fee and ticket sales and indirectly by increased visitors close to the town centre. Whilst the proposal is not consistent with the 'leisure town centre first approach' of the Local Plan Policy EC7, it is considered that given the seasonal and temporary nature of the use and the proximity of the site in relation to the town centre that the proposal is acceptable in this instance. The development is also expected to promote tourism and enhance local cultural facilities by attracting business and custom to the town centre and the park.

- 5.4 Overall, it is considered that the proposal would provide seasonal leisure facilities and would attract increased visitors to the park. Whilst the principle of development could be acceptable, the more detailed matters considered below, visual impacts and parking arrangements and highway safety, would need to be addressed.

The impact on the visual amenities of the Historic Park, Structural Landscaping and trees

- 5.5 Goffs Park is designated as an Historic Park and Policies CH12 and CH17 are applicable to this application. It states that the Council will support development, unless it would have a negative impact upon the historic setting and character of the designated Historic Park. Goffs Park is also identified as Structural Landscaping as set out in Policy CH7 which requires proposals to protect and/or enhance the structural landscaping, where appropriate.
- 5.6 The proposal involves the erection of a temporary ice rink to operate for 72 consecutive days in a calendar year on area of 900sqm (0.09ha) within the Goffs Park which is set in over 20.3 ha. It would be located to the east of the existing play area. The construction of the ice rink and associated structures would start Tuesday 23rd October 2018 and the site would be completely clear on Saturday 2nd February 2019, as stated within the Event Plan.
- 5.7 One marquee would cover the ice rink, and the second marquee would be to the east of the ice rink including the entrance, reception desk, changing area, skate lockers and a café. Both marquees would be aluminium framed with white uPVC and 6mm toughened clear safety glass to walls and windows. The equipment area (diesel tank, generators and cooler units) would be located to the south-east of the ice rink marquee and would be sited inside the other marquee structure. The PVC roof of that 5-metre section would not be in place, the walls would surround the equipment on all four sides and would measure 3 metre in height and would be solid ABS plastic.
- 5.8 The marquees would have a maximum height of 6 metres and would be located next to the existing play area within Goffs Park. The marquees with their footprint and height would inevitably block some of the existing open views across Goffs Park. Whilst large (900sqm – 0.09ha), the marquee would be well sited within the wider setting of the park (20.3ha in area). Given the temporary nature of the proposal, the proposed location in an open area away from trees and residential properties and combined with the fact that the site would be reverted back to park, the proposal is not considered to have a permanent detrimental impact on the character and setting of the designated Historic Park and the Structural Landscaping.
- 5.9 The proposed ice rink and related temporary structures and equipment would be positioned on the land adjacent to the existing play area, which is currently grassed, flat and open. This area would be at least 20m away from the nearest mature trees to the east and as such the Council's Arboricultural Officer raised no objection in this regard. However, he raised concerns over the temporary location of the equipment storage during construction due to its close proximity to these mature trees. He recommended steps to be taken to prevent compaction (if heavy items such as generators are to be stored there) and contamination from chemicals etc, and recommends a Geotextile membrane to prevent contamination with 22mm plywood boards over the top to spread the weight would be sufficient. It is therefore considered that, subject to this condition, the proposal would not have an adverse impact on the adjacent trees to the east in accordance with the relevant Local Plan Policies and the NPPF.

Agenda Item 5

- 5.10 The use would be temporary during the winter period and as confirmed within the Planning Statement, any damage to the site would be made good and any grass damaged would be re-seeded at the applicants' expense immediately after the event. The proposed measures for reinstatement of the park are considered acceptable. A condition is recommended in this regard. The Event Plan also covers the unlikely event of a spillage stating that *'diesel is delivered and filled by authorised carrier. There is a spill kit on site for diesel spillages. Diesel tank is double bunded. All plant equipment checked daily as part of daily checks and recorded.'*
- 5.11 The site is also within the Long Distance View Splay from Target Hill as identified by the Local Policy CH8. The proposal with a maximum height of 6m would not have any impact on these views.
- 5.12 Overall, it is considered that the proposal, given its temporary nature, combined with the satisfactory separation distance from the highway and from residential view would not have a significant or long term adverse impact on visual amenity, structural landscaping and the historic setting and character of the designated Historic Park in accordance with Policies CH2, CH3, CH7, CH12 and CH17.

The impact of the proposal on highways, access and parking arrangements

- 5.13 Originally the applicants submitted a Planning Statement clarifying the anticipated car parking requirements and the access to the site. The Local Highway Authority (LHA) has been consulted on the above application with regards to any highway safety concerns. They requested, before providing a consultation response that an Event Plan to be submitted to set out event management, risk assessments, crowd management, site safety, transport, emergency and first aid plans.
- 5.14 Some representations have been raised over the need for a road traffic/capacity survey and a detailed travel plan focussing on pedestrians. WSCC Highways considered that these are not required to be undertaken given the temporary nature of the event and the availability of car parking locally and requested only an Event Plan instead.
- 5.15 Regarding the vehicle access onto the site for construction and dismantling of the marquee, this would be via the tarmac footpath that links the car park adjacent to Horsham Road and the play area. As stated in the Planning Statement, vehicle movements would be strictly managed, with site specific risk assessments being carried out. Any large equipment would be delivered at 7am to avoid traffic and pedestrian congestion. Once the ice rink is constructed and operating, there would be one mid-term delivery for fuel using the tarmac footpath at 7am and no further vehicle access would be required until the rink is dismantled in January 2019. Cafe deliveries would be small quantities which would be delivered by hand cart once the cafe is initially stocked.
- 5.16 Within the Event Plan within which there is a section entitled Transport Plan. It is stated that there would be capacity for 110 skaters on the ice at each session and the number of skaters would be managed by the number of tickets sold for each session. Pre booking would be encouraged in the publicity to minimise the number of people turning up on the day to skate, and sessions would be priced to encourage skaters to the less popular times to help to minimise the demand at peak times. Based on the actual attendance figures at Horsham Park last year, where the applicant ran a similar ice rink, the maximum number of cars for each full session would be 25 cars and there were only eight occasions when maximum numbers were achieved. Further reference is provided on spaces available for parking in the locality as following:
- Goffs Park car park which is free of charge has 40 parking spaces. The applicants stated that the Council have offered to give them a key to open the barrier to this car park at the start of each day and lock again at night. At present this car park is full by 8am with commuters. Opening the barrier at 9am would give ice rink users an opportunity to park here.
 - Car parking St Wilfrids School has 100 spaces. The school have offered their car park on Sundays (with the exception of 3 dates). The school is a 6-minute, 0.3 mile walk following road and park path.
 - Orchard St Multi storey – 448 spaces. Ten-minute 0.5 mile walk.
 - Orchard St surface – 46 spaces. Ten-minute 0.5-mile walk.
 - County Mall North – 757 spaces. Twelve-minute walk.
 - County Mall South – 964 spaces. Twelve-minute walk.

Agenda Item 5

- 5.17 The Event Plan also states that Crawley station is 10 minute walk from the site. Bus route 23 stops is directly outside the Horsham Rd entrance to Goffs Park, and links Crawley Bus Station on its way to Worthing. Bicycle racks next to the main entrance of the ice rink would be provided, which would be monitored by CCTV and lighting.
- 5.18 WSCC Highways have commented that car parking might spill over onto the road outside the site, and that the Event Plan does not consider this aspect. They stated that, although it appears that the attraction operator may be given control of the car park by the Borough Council for the duration of the event, they consider it is essential that sufficient space is allocated for the event in the car park. They raise no objection to the planning application provided that two planning conditions are attached; firstly - to comply with the submitted Event Plan and secondly- to provide sufficient on-site car parking. They do not consider that the use would lead to a road capacity or road safety issue. They state that there is no record of a pedestrian safety issue at the railway level crossings, nor are there recorded collisions involving pedestrians on his stretch of Horsham Road, but do comment that the Event Plan does not consider temporary provision for pedestrian crossing facilities on Horsham Road.
- 5.19 There have been a number of objections from nearby residents on the grounds of inadequate parking provision and increase of traffic. The ice rink would undoubtedly result in an increase in visitors and associated car movements to this part of the town. Officers acknowledge that there may be some conflict between the uses of the park, displacement of existing users of the car park and the users of the ice rink. At the same time, it is acknowledged that the proposal would provide a seasonal leisure facility and would attract increased visitors to the park and the town centre. Therefore, it is considered that these parking concerns should be balanced against the overall benefits of the temporary ice rink leisure facility and that the proposal should be tested over a year so that these issues could be fully assessed and understood, the operator can demonstrate management of the impacts and in order for the planning committee to consider (if a subsequent application is made) with the benefit of this additional information whether such a use is likely to be acceptable in future years.
- 5.20 At present, based on the data provided from the applicants that a parking demand of 25 cars per session is anticipated with 110 skaters capacity at each session and the fact that demand would be regulated by ticket sales and the capacity of the ice rink, there is no evidence to suggest that there would be such a significant increase in car parking demand to warrant a reason for refusal without at least trialling the temporary ice rink operation for one year in order to determine the location's feasibility.
- 5.21 This one-year permission approach has been discussed and agreed with WSCC Highways, given their concerns over parking but at the same time acknowledge the difficulty in resisting the overall proposal on parking grounds based on the applicants' submitted evidence. They also agreed that the proposed second condition regarding on-site car parking is not then necessary.
- 5.22 Overall, the proposal would provide a seasonal leisure facility and would attract increased visitors and associated car parking movements in the town in accordance with the relevant economic policies. This should be balanced against a potential impact on parking and highway safety and, given the submitted Event Plan provided by the applicant, officers recommend a planning permission to be granted for one year to test the location's feasibility in terms of parking arrangements.

The impact on neighbouring properties and amenities

- 5.23 The properties potentially most affected by the proposal are the residential properties to the east. Nos 2, 3 and 4 Park View have their back gardens facing the proposed ice rink. The closest residential dwelling to the site is No. 4 Park View sited 74 metres to the east, with other residential dwellings on Park View set further from the site. Between the site and the neighbouring residential dwellings lies a wooded area.

Agenda Item 5

- 5.24 The event would also require some degree of plant/machinery, such as generators and a refrigeration unit to maintain the ice skating rink. The applicants submitted a noise statement regarding the equipment that states:
*'All sound will be directed away from the residential area and the promoter will constantly work with local residents to maintain a good relationship and mitigate any noise pollution.
Music and PA announcements will be confined to inside the marquee only. There will be no speakers or music equipment located outside the marquee.
Speakers will be directed to the centre of the ice rink and base level controlled to ensure that most of the music is contained to inside the marquee.
Plant equipment will be sited inside the main ice rink marquee structure. This is for noise reduction, security and aesthetics. Any noise from the generator or cooler will be directed upwards.
A noise propagation test shall be undertaken at least 24 hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced at the event.'*
- 5.25 The Council's Environmental Health Team reviewed the noise information provided in support of this application. They stated that using a basic propagation over distance calculation the noise from the coolers would be about 34dB at the nearest residential properties and the noise from the generator would be about 41dB. The applicant did not provide background noise level, but Environmental Health Team consider that closer to 9pm it is likely to be below 40dB. They also stated that noise from generators are usually tonal in character which increases the impact and could therefore affect local residents. The Noise Statement mentions that the plant equipment would be inside the marquee structure, would be behind 3 metre high solid plastic walling, except the PVC roof in this section which would not be in place due to fumes from the generator. Based on the proposed solid wall structures, the Environmental Health Team commented that these would offer nearly 10dB of attenuation so with this added to the attenuation over distance (74m closest distance to the dwellings) it is probable that the noise from the generator and the coolers would be barely audible at the nearest residents and unlikely to cause them a noise problem. Therefore, given the siting of the proposed rink and the enclosure of the equipment plants, combined with the separation distance from any neighbouring dwellings, the proposal is not considered to adversely impact on neighbouring amenity in terms of noise.
- 5.26 In addition, given the separation distance, the siting and orientation of the proposed ice rink, combined with the existence of mature trees, it is considered that no adverse impact on neighbouring amenities by way of overlooking or overshadowing would result from the development. It should be noted that the proposal would be noticeable when lit at night from these residential properties, but, given that the facility would close at 9pm and the existence of the mature trees, it is not considered that this impact would be harmful. A condition is also recommended in this regard to restrict lighting on site after 10pm.
- 5.27 Overall, based on the information submitted and the satisfactory separation distance to the nearest residential properties, it is not considered that the proposal would cause a significant detrimental impact on the neighbouring amenities in terms of noise, overlooking or overshadowing in accordance to the relevant Local Plan Policies and the NPPF. Given that the recommendation is to grant planning permission for one year, these issues could be assessed during operation this year to understand the significance of these impacts and whether this is likely to be acceptable close to residential properties in future years.

CONCLUSIONS:-

- 6.1 In conclusion, it is considered that the proposal would provide seasonal leisure facilities and would attract increased visitors to the Park. The principle of the proposal is considered acceptable regarding the relevant Local Plan economic policies and the NPPF. It is also considered that the proposal, given its temporary nature, combined with the satisfactory separation distance from the highway and from residential view would not have a significant or long term adverse impact on visual amenity, structural landscaping and the historic setting and character of the designated Historic Park in accordance with Policies CH2, CH3, CH7, CH12 and CH17.

Agenda Item 5

- 6.2 There have been a number of objections from nearby residents on the grounds of inadequate parking provision and increase of traffic. The ice rink would undoubtedly result in an increase in visitors and associated car movements to this part of the town. Officers acknowledge that there may be some conflict between the users of the park, the car park and the users of the ice rink. At the same time, it is acknowledged that the proposal would provide seasonal leisure facility and would attract increased visitors to the park and the town centre. Therefore, it is considered that these parking concerns should be balanced against the overall benefits of the ice rink leisure facility and officers consider that, given the submitted evidence and the temporary nature of the use that permission should be granted for one year in order for the impacts to be assessed and for more evidence to be gathered to understand the significance of these impacts and whether such a use would be acceptable in future years.
- 6.3 Subject to one-year permission and the suggested conditions, the proposal is therefore considered acceptable and would accord with the relevant Local Plan Policies and the NPPF.

RECOMMENDATION RE: CR/2018/0549/FUL

PERMIT - Subject to the following conditions:-

1. The development hereby permitted shall only operate between the dates of 10th November 2018 - 20th January 2019, and the buildings and works shall be removed and the land restored to its former condition including any reinstatement or re-seeding of grass on or before the expiration of the period ending on 2 February 2019.
REASON: Having regard to Policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030 and WSCC Highways' consultation response over concerns regarding the parking arrangements, the Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period for one year and trial the location's feasibility.
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. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. The ice rink and café hereby permitted shall not be open to customers except between the hours 09.00am and 09.00pm, 7 days a week, except Christmas Day.
REASON: To safeguard the amenities of the locality and to comply with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
5. The development hereby permitted shall be carried out in accordance with the Event Plan Crawley Ice Rink (10th November 2018 – 20th January 2019) submitted 1 October 2018 unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety and the amenities of the area and to accord with Policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
6. All lighting within marquees shall be switched off between the hours of 22.00 and 08.00.
REASON: To safeguard the amenities of the locality and to comply with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
7. Prior to the implementation of the development , a geotextile membrane with 22mm plywood boards or an alternative appropriate covering material shall be laid over the land identified for 'Equipment storage during construction' and there shall be no storage of any materials in this area until this is implemented. On completion of the marquees, the construction area shall be cleared and membrane

Agenda Item 5

removed. The membrane shall be relaid if the area is to be used for dismantling of the marquees and permanently removed when the use ceases.

REASON: To help prevent compaction and contamination from chemicals to the roots of the mature trees to the east and to ensure the retention and maintenance of these trees in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.

8. The plant and machinery associated with the development hereby permitted shall be sited inside the main ice rink marquee structure as shown on the approved plans and drawings and operated in strict accordance with the submitted Noise Statement as revised on 1 October 2018.
REASON: To safeguard the amenities of the locality and to comply with Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015 - 2030.
9. The development hereby permitted shall not be brought into use until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by visitors and shall be removed from the site on or before 2 February 2019.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policies CH3 and IN3 of the Crawley Borough Local Plan 2015-2030.
10. Other than vehicles related to the erection, maintenance and dismantling of the structures and equipment hereby approved, no vehicles associated with the ice rink use shall be parked within Goffs Park at any time.
REASON: Goffs Park is designated as historic park that is worthy of protection for its historic interest. Vehicle parking could cause pedestrian safety issues and also harm the visual appearance of the Goffs Park and should therefore be controlled in the interests of safety and visual amenity in accordance with Policy CH3, CH12, CH17 and IN3 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 applicant and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking additional information to address identified issues during the course of the application.

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.

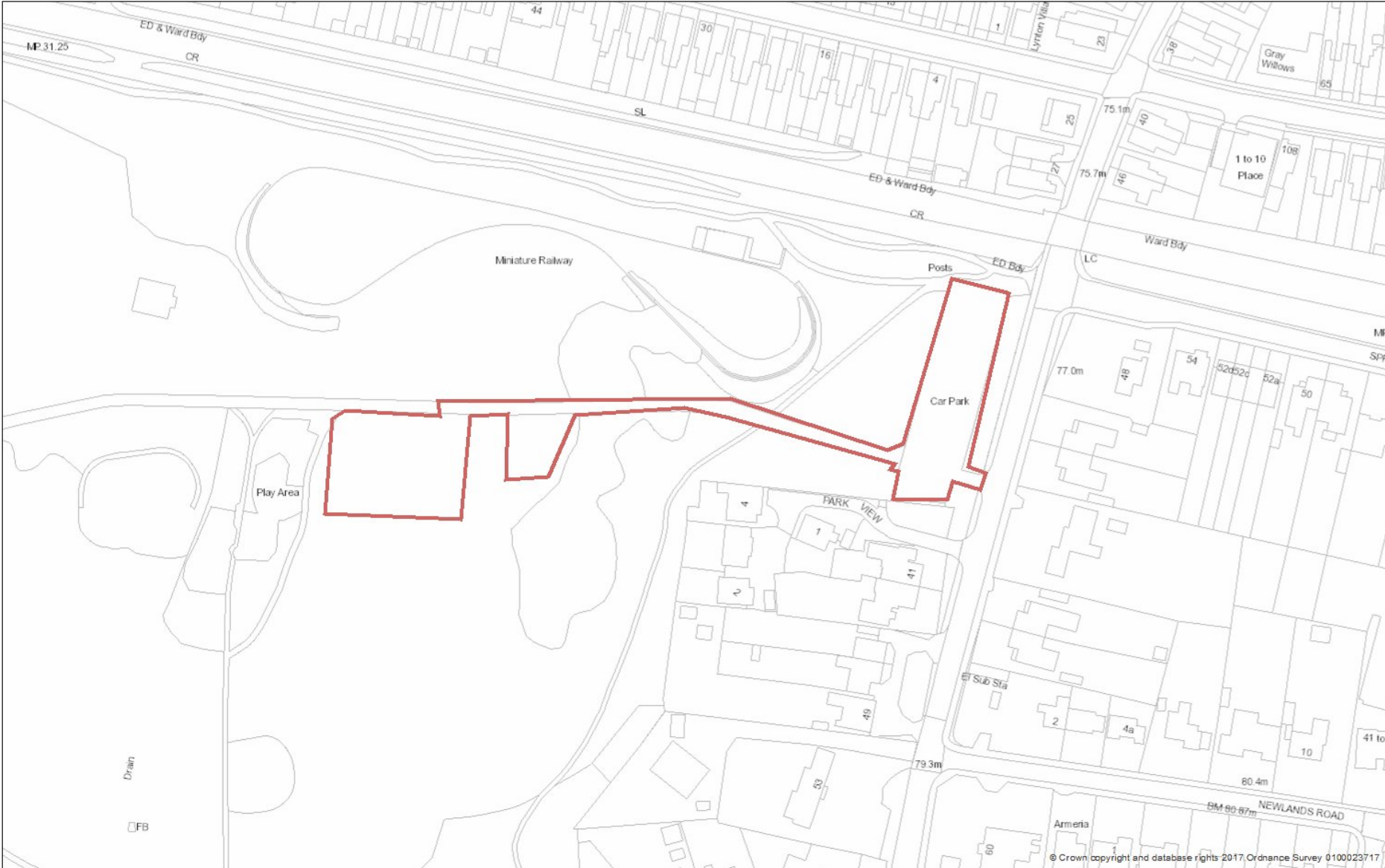


ArcGIS Web Map



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Crawley, West Sussex,
RH10 1UZ
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Agenda Item 6

Crawley Borough Council

Report to Planning Committee 22nd October 2018

Objections to the Crawley Borough Council Tree Preservation Order - 38 Hazelwick Road - 10/2018

Report of the Head of Economy and Planning – PES 305

1. Purpose

- 1.1 This report sets out the representations received to the making of the 38 Hazelwick Road (Reference 10/2018) Tree Preservation Order. The Committee is requested to consider the objection and determine whether to confirm the Tree Preservation Order with or without modification for continued protection or, not to confirm the Tree Preservation Order.

2. Recommendation

- 2.1 It is recommended that the Committee **CONFIRM** the Tree Preservation Order 38 Hazelwick Road - 10/2018 without modification.

3. Reasons for the Recommendation

- 3.1 Consideration has been given to the representations made during the public consultation period however, having regard to the considerable amenity value of the tree in its surroundings, it is considered worthy of protection for the reasons outlined in the report.

4. Background

- 4.1 The tree the subject of this Order is a medium sized, middle aged Horse Chestnut tree located between the shared access drive and the garage of number 38 Hazelwick Road, on land owned by 38 Hazelwick Road. The site is within the Hazelwick Road Conservation Area. The crown of the tree overhangs the shared access drive, the crown also overhangs the rear garden of 38 Hazelwick Road and the front driveways of 40 and 42 Hazelwick Road. The location of the tree is shown on the attached plan (although it should be noted that the basemap is out-of- date as this does not show the newer properties of 40 and 42 Hazelwick Road). Photographs of the tree are attached at the end of this report.
- 4.2 The Order was served in response to a Notification for Works to trees in a Conservation Area request to fell the tree which was received from the owner of the tree on the 10th April 2018 (reference CR/2018/0283/TCA). No reasons were given in the notification to justify the felling of the tree. Upon inspection the tree was found to be in good general health and condition with no signs of structural defects. The tree was considered to have considerable amenity value and its removal was therefore unjustified. It was therefore considered expedient in the interest of public amenity to protect the tree with a TPO.
- 4.3 The provisional Tree Preservation Order was made on the 14th May 2018 and remains provisionally in force for a period of six months until 14th November 2018. If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

Agenda Item 6

5. Notification/ Consultation/Representation

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

Owners and occupiers of the land:

38 Hazelwick Road, Three Bridges, Crawley, RH10 1LZ

Owners and occupiers of adjoining land affected by the TPO:

40 Hazelwick Road, Three Bridges, Crawley, RH10 1LZ

42 Hazelwick Road, Three Bridges, Crawley, RH10 1LZ

5.2 The Council is required to consider any objections or representations made within 28 days of the date of the Order. The notification period for objections ended on 18th June 2018. Confirmation of the order is required within six months of the date upon which the Order was provisionally made.

5.3 Three representations were received in support of the Tree Preservation Order (one of these was received prior to the service of the TPO in relation to the Notification for Works to Trees in the Conservation Area request (CR/2018/0238/TCA).

5.4 One representation has been received from the owner of 42 Hazelwick Road objecting to the Tree Preservation Order on behalf of the owners of all three properties. The following concerns were raised:

- Concerns over the health of the tree and that the tree may have honey fungus;
- What protection as residents have if the tree falls causing damage to our properties and most importantly our lives?

6. Amenity Value/Assessment and Consideration of the Representations

6.1 The tree appeared to be in good general condition at the time of inspection with no signs of ill health or major structural defects. The tree appeared to have been struck by lightning at some point but this is not uncommon and is not generally cause for concern, the wound caused is superficial and could be seen to be occluding well.

6.2 At the time of inspection there were no signs of infection with Honey Fungus, this is characterised by fruiting bodies or the remains of fruiting bodies, bark delamination/necrosis, the presence of mycelium and rhizomorphs, white rot and a strong mushroom smell, none of which were apparent.

6.3 The tree is privately owned and is the sole responsibility of the land owner and this includes the duty to take all reasonable steps to ensure that the tree is maintained in a safe condition that does not put themselves or others at risk, this is a legal obligation. Failure to meet this duty of care could leave the land owner liable to litigation should the tree fail and cause damage or injury. The imposition of a Tree Preservation Order does not prevent the tree owner from carrying out necessary works to a protected tree provided the works can be demonstrated to be justified, the formal application process is followed and consent is granted. A tree that is dead or dangerous is exempt from the formal application process however, the onus is on the tree owner to prove the tree is exempt under these categories prior to implementing any works.

7. Implications

Human Rights Act 1998

7.1 The referral of this matter to the Planning Committee is in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. Those persons who made representations in objection to the TPO are entitled to attend the Committee meeting and to make any further verbal representations at the meeting. The Planning Committee must give full consideration to any such representations.

Agenda Item 6

- 7.2 Article 8 and Article 1 of the First Protocol – the right to respect for private/family life and the protection of property – also needs to be considered. These are qualified rights and can only be interfered with in accordance with the law and if necessary to control the use of property in accordance with the law and if necessary to control the use of property in accordance with the general interest. The recommended continued protection of this tree by confirming the TPO is considered to be in the general interest of the community and is considered to be both proportionate and justified.

Planning legislation

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

8. Background Papers

- 8.1 The Crawley Borough Council Tree Preservation Order 38 Hazelwick Road - 10/2018

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

Agenda Item 6

SCHEDULE

SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	Horse Chestnut	Grid Ref: TQ-28516-37100

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

Reference on Map	Description	Situation
NONE		

Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

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

Reference on Map	Description	Situation
NONE		



Tree Preservation Order No 10/2018
38 Hazelwick Road

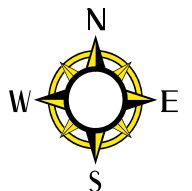
Clem Smith
Head of Economic and Environmental Services



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

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Date	02/10/2018

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Agenda Item 6

Photographs of the tree





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Agenda Item 7

Crawley Borough Council

Report to Planning Committee 22 October 2018

SECTION 106 MONIES – Q1&2 2018/19

Report of the Head of Economic & Environment Services, *PES304*

1. Purpose

- 1.1. Developers are often required through Section 106 planning agreements to make financial contributions towards the provision or improvement of infrastructure if a need is generated by the new developments. These monies must be spent as set out in the planning agreements and in accordance with government guidance.
- 1.2. This report summarises all the S106 monies received/ spent and committed to project schemes in Q1&2 of the financial year 2018/19.

2. Recommendations

- 2.1. That the Committee notes the update on S106 monies received, spent and committed in Q1&2 of the financial year 2018/19.

3. S106 Monies Received (to date) 2018/19.

- 3.1. During the Q1&2 of the financial year 2018/19 a total of £722,474 of monies were paid to the Council by developers in accordance with their obligations under the S106 agreements with the local planning authority.
- 3.2. The following table provides a breakdown of the amounts received by category of spend and the developments from which these monies were received.

S106 Spend Cat.	Ref	Address	Value
Education	CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD,	£ 309,871
Fire	CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD,	£ 12,522
Library	CR/2015/0389/FUL	FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD,	£ 13,934
Open Space	CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD,	£ 99,760
Manor Royal PR	CR/2014/0760/FUL	LAND OFF LONDON ROAD & FLEMING WAY (Elekta)	£ 25,588
Manor Royal PR	CR/2017/0589/FUL	2 - 14 CROMPTON WAY, NORTHGATE, CRAWLEY	£ 9,960
Transport	CR/2014/0760/FUL	LAND OFF LONDON ROAD & FLEMING WAY (Elekta)	£ 250,838

£722,474

4. S106 Monies Spent (to date) 2018/19.

4.1. In Q1&2 of 2018/19, a total of £41,000 of S106 monies were spent by the Council and West Sussex County Council on infrastructure projects. The following table lists the projects on which the funds were spent.

S106 Spend Category	Lead Org	Project Name	Project Cost	Status
Transport	WSCC	School Safety Zone WSRS2	-£31,200	Ongoing
Transport	WSCC	Drop Crossing WDC1	-£2,400	Ongoing
Transport	CBC	Bike It	-£6,900	Ongoing
Transport	CBC	Bike It	-£600	Ongoing

-£41,100

5. S106 Monies Committed (to date) 2018/19.

5.1. A further £97,708 of S106 monies was committed to infrastructure projects during Q1&2 of 2018/19, through the Council's agreed approval process. The following table provides a breakdown of the individual project schemes to which the S106 funds were committed.

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete	Status
Open Space	CBC	Playing fields Improvements	£60,515	2018/19	On Going
Transport	WSCC	Three Bridges Station	£37,193	2020/21	On Going

£97,708

5.2. The following table lists the projects which had S106 funds committed prior to 01.04.18 and are still ongoing/ final invoices to be submitted.

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete
Manor Royal PR	CBC	Cycle way Langley walk	£22,582	Complete
Open Space	CBC	Ditchling Hill, Southgate. Improve Type B Play Area	£65,000	Mar-19
Open Space	CBC	Ewhurst Playing Fields, Ifield. Improve Type B Play Area	£65,000	Mar-19
Open Space	CBC	Gainsborough Road Play Area, Tilgate. Improve Type B Play Area	£65,000	Mar-19
Open Space	CBC	Three Bridges Playing Field	£61,586	Mar-19
Town Centre	CBC	High St Public Real Improvement Scheme	£10,276	2018/19
Town Centre	CBC	Signage and Wayfinding	£35,817	2018/19
Transport	CBC	Bike It	£30,000	Jun-19
Transport	CBC	BOULEVARD CYCLE PATH	£94,030	TBC
Transport	CBC	Three Bridges Station	£304,409	Mar-21
Transport	CBC	Crawters Brook Cycle Path, Mall Path	£55,746	Aug-18
Transport	CBC	Bus Shelters	£104,676	TBC
Transport	WSCC	RTP11	£48,400	Complete
Transport	WSCC	RTP13	£86,600	Complete

£1,049,121

6. Available Funds and potential future spend

- 6.1. Officers at the Council have identified a programme of infrastructure projects to the value of £3,325,438 which are intended to be delivered by 2021. The individual projects that make up this programme will be subject to the existing S106 approval process before any formal commitment is made. As of 01.10.18 there remains £725,494 of uncommitted S106 monies where projects have not yet been identified.
- 6.2. The table below lists the proposed infrastructure projects, which will be coming forward in due course for consideration through the S106 approval process.

Contribution Type	Project Name	Funds Provisionally Allocated	Deliver by	Org. Requesting Funding	Status
Education	Specific Clause	£ 588,310.17	TBC	WSCC	Process to Commence
Library	Dementia Pack	£ 4,608.00	TBC	WSCC	Process to Commence
Library	Crawley Library upgrade shelving	£ 7,079.38	TBC	WSCC	Process to Commence
Manor Royal PR	Public Realm Crawter's Brook	£ 22,846.00	TBC	MRBID	Process to Commence
Manor Royal PR	Specific Clause	£ 9,960.30	TBC	MRBID	Process to Commence
Manor Royal PR	Potential Match Funding, LEP	£ 167,083.64	2020/21	MRBID	Process to Commence
Open Space	Memorial Gardens Play area	£ 170,000.00	2018/19	CBC	Spend Authorised not yet committed
Open Space	Kidborough Rd Play Area, Gossops Green	£ 65,000.00	2018/19	CBC	Spend Authorised not yet committed
Open Space	Stoney Croft Type B Play Area, Ifield	£ 40,000.00	2018/19	CBC	Spend Authorised not yet committed
Open Space	2 Type A Play Areas, Broadfield	£ 26,000.00	2018/19	CBC	Spend Authorised not yet committed
Open Space	4 type A Play Areas, Ifield	£ 52,000.00	2019/20	CBC	Spend Authorised not yet committed
Open Space	2 Type A Play Areas, Pound Hill	£ 26,000.00	2019/20	CBC	Spend Authorised not yet committed
Open Space	Perkstead Court Play Area, Bewbush	£ 20,000.00	2019/20	CBC	Spend Authorised not yet committed
Open Space	2 Type A Play Areas, Bewbush	£ 13,000.00	2019/20	CBC	Spend Authorised not yet committed
Open Space	Medlar Close Play Area	£ 65,000.00	2019/20	CBC	Spend Authorised not yet committed
Open Space	Meadowlands Play Area, West Green	£ 40,000.00	2019/20	CBC	Spend Authorised not yet committed
Open Space	Southgate Playing Field	£ 19,172.78	TBC	CBC	Awaiting additional contributions

Contribution Type	Project Name	Funds Provisionally Allocated	Deliver by	Org. Requesting Funding	Status
Open Space	Bewbush Changing Rooms	£ 145,168.91	TBC	CBC	Might not go ahead
Open Space	Wakehams Green	£ 65,000.00	2021/22	CBC	Spend Authorised not yet committed
Open Space	Pétanque Pitch	£ 5,000.00	2021/22	CBC	Spend Authorised not yet committed
Open Space	Specific Clause	£ 1,106.00	TBC	CBC	Process to Commence
Town Centre	Potential Match Funding, LEP	£ 148,609.19	2020/21	CBC/WSCC	Process to Commence
Town Centre	Art within the Town Centre	£ 60,000.00	2020/21	CBC	Process to Commence
Transport	WSCC Worth Park Cycle Avenue	£ 107,000.00	2017/18	WSCC	Process to Commence
Transport	WSCC Safer Route to School Hilltops	£ 9,391.60	2018/19	WSCC	Process to Commence
Transport	WSCC Drop Crossing, Boroughwide	£ 3,265.00	2018/19	WSCC	Delegated Process
Transport	WSCC School Keep Clear, East Crawley	£ 8,125.00	2018/19	WSCC	Process to Commence
Transport	Potential Match Funding, LEP	£ 587,595.00	2021/22	CBC	Spend Authorised not yet committed
Transport	Potential Match Funding, LEP	£ 409,414.09	2020/21	CBC/ WSCC	Process to Commence
Transport	Ifield Bus Shelter Heritage	£ 7,000.00	2018/19	CBC	Process to Commence
Transport	Three Bridges Cycle Path	£ 60,000.00	2020/21	CBC	Process to Commence
Transport	WSCC Ifield Avenue Walking Cycling	£ 99,100.53	2011/19	WSCC	Process to Commence
Transport	WSCC Travel Plan - Manor Royal	£ 3,048.27	2020/21	WSCC	Process to Commence
Transport	Specific Clause	£ 101,003.66	TBC	TBC	TBC
Transport	Specific Clause	£ 107,850.00	TBC	TBC	TBC
Transport	Car Club	£ 33,375.00	2020/21	CBC	Process to Commence
CCTV	Car Club	£ 28,325.00	2020/21	CBC	Process to Commence

£3,325,438

7. Summary of S106 Monies

7.1. The table below provides an overview of the S106 monies spent, received and committed during Q1&2 2018/19 and shows the change in the balance of S106 at the end of Q2 of the financial year 2018/19 (far right hand column) compared to the balance of S106 funds at the end of Q4, 2017/18 (2nd column from the left).

On Going Projects.

S106 Categories of Spend	Balance Brought Forward 01.04.18	Received Q1&Q2 2018/19	S106 Spend Q1&Q2 2018/19	Committed prior to Q1&Q2 2018/19 Project Ongoing	Committed Q1&Q2 2018/19	Provisionally Allocated Q1&Q2 2018/19	Uncommitted/ not Provisional Allocation 30.09.18	Total Balance 2018/19
Transport	£2,161,656	£250,838	-£41,100	£723,861	£37,193	£1,536,168	£74,173	£2,371,394
Manor Royal PR	£186,923	£35,549	£0	£22,582	£0	£199,890	£0	£222,472
Library	£41,723	£13,934	£0	£0	£0	£11,687	£43,970	£55,657
Open Space	£1,158,766	£99,760	£0	£256,586	£60,515	£752,448	£188,978	£1,258,526
Town Centre	£254,702	£0	£0	£46,093	£0	£208,609	£0	£254,702
Fire	£78,402	£12,522	£0	£0	£0	£0	£90,924	£90,924
Education	£429,523	£309,871	£0	£0	£0	£588,310	£151,084	£739,394
CCTV	£53,291	£0	£0	£0	£0	£28,325	£24,966	£53,291
Affordable Housing	£41,000	£0	£0	£0	£0	£0	£41,000	£41,000
Tree Contribution	£110,400	£0	£0	£0	£0	£0	£110,400	£110,400
Total	£4,516,386	£722,474	-£41,100	£1,049,121	£97,708	£3,325,438	£725,494	£5,197,760

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