

## Crawley Borough Council

### Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room A & B - Town Hall**, on **Monday, 8 April 2019 at 7.30 pm**

Nightline Telephone No. 07881 500 227



**Head of Legal, Democracy and HR**

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, P C Smith,  
M A Stone, K Sudan, J Tarrant, G Thomas and L Vitler

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Published 29 March 2019

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

## Part A Business (Open to the Public)

	<b>Pages</b>
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
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.	
<b>3. Lobbying Declarations</b>	
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.	
<b>4. Minutes</b>	5 - 10
To approve as a correct record the minutes of the Planning Committee held on 12 March 2019.	
<b>5. Planning Application</b> Ifield	11 - 26
<b>CR/2018/0773/OUT - Ewhurst, The Mardens, Ifield, Crawley</b>	
To consider report PES/292 (a) of the Head of Economy and Planning.	
<b>RECOMMENDATION</b> to PERMIT.	
<b>6. Objections to the Crawley Borough Council Tree Preservation Order Land North of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018</b> Northgate	27 - 36
To consider report PES/318 of the Head	

of Economy and Planning.

**RECOMMENDATION** to CONFIRM.

**7. 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 4 April 2019 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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# Agenda Item 4

Planning Committee (57)  
12 March 2019

Crawley Borough Council

## Minutes of Planning Committee

Tuesday, 12 March 2019 at 7.30 pm

### Councillors Present:

I T Irvine (Chair)

R S Fiveash (Vice-Chair)

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

### Also in Attendance:

Councillor M W Pickett

### Officers Present:

Roger Brownings	Democratic Services Officer
Kevin Carr	Legal Services Manager
Jean McPherson	Group Manager (Development Management)
Hamish Walke	Principal Planning Officer

### Apologies for Absence:

Councillor N J Boxall and L Vitler

## 1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Thomas	CR/2018/0079/FUL Car Park, The Broadway and St Johns Hall, High Street (South of Cross Keys), Northgate, Crawley (Minute 4)	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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12 March 2019

Councillor Thomas	CR/2018/0546/OUT 3-7 Pegler Way, West Green, Crawley (Minute 6)	Personal Interest – Was a Council nominated member on the Central Crawley Conservation Area Advisory Committee, who had submitted a response 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, Irvine, Malik, P Smith, Sudan and Thomas had been lobbied regarding application CR/2018/0079/FUL.

## 3. Minutes

The minutes of the meeting of the Planning Committee held on 11 February 2019 were approved as a correct record and signed by the Chair.

## 4. Planning Application CR/2018/0079/FUL - Car park, The Broadway and St Johns Hall, High Street (South of Cross Keys), Northgate, Crawley

The Committee considered report PES/291 (a) of the Head of Economy and Planning which proposed as follows:

Demolition of the existing church hall for the construction of ground floor retail/community space/apartments with apartments above (total 34 dwellings).

Councillors A Belben, B J Burgess, Jaggard, P C Smith, Stone, Sudan, Tarrant and Thomas declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, whilst also providing the Committee with the following update:

Since the publication of the report, the applicants had agreed in principle to a commuted sum towards affordable housing of not less than £83,195 which was the minimum amount recommended by the independent viability appraisal. However, the report modelling suggested a contribution sum of up to £202,000 could be delivered and therefore assuming the officer recommendation was endorsed by the Committee and in the event of the lodging of any planning appeal, further discussions and negotiation on the final amount would be needed to secure a final contribution based on the varying assumptions in the report and to agree a contribution in between these two amounts in order for that figure to be incorporated into any S106 agreement.

Mr James Simpson (the Agent for the application) addressed the meeting in support of the application.

The Committee then considered the application. The Committee was strongly of the view that overall the amount of development proposed would result in overdevelopment of this site due to the scale and massing of the building. Members generally considered that there had been a failure to address: (i) the negative impacts on neighbouring properties and existing site features, and (ii) the inadequacy of the

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accommodation provided to create a suitable environment and to meet operational needs, and (iii) it was felt there was a greater need to understand the site context. The Committee voted unanimously that the application be refused.

## **RESOLVED**

**Refuse**, for the reasons listed in report PES/291 (a).

### **5. Planning Application CR/2018/0693/FUL - R/O 5-9 Southgate Road, Southgate, Crawley**

The Committee considered report PES/291 (c) of the Head of Economy and Planning which proposed as follows:

Creation of a new access road between numbers 5 and 7 Southgate Road and construction of three detached dwellings on land to the rear of 5 - 9 Southgate Road (amended description and amended plans submitted).

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

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

Mr David Eaton, Mr Paul Aabryn and Councillor Pickett (Ward Councillor for Southgate) addressed the Committee in objection to the application. Those objections, relating to such issues as increased traffic, parking, pollution and impact on a neighbouring property and street scene, reflected many of the concerns raised on both the consultation regarding the original application and on the re-consultation regarding the revised scheme, as detailed in the report.

The Committee then considered the application. The Committee discussed the issues arising, including the comments raised by the speakers. In response to issues raised the Principal Planning Officer:

- Considered it unlikely that there would be additional street lighting for only three dwellings as proposed.
- Indicated that in terms of any impact on air quality, the number of cars using the proposed access road was likely to be very limited and intermittent.
- Confirmed that he was not aware whether the proposed access road would be named. This was not a planning matter.
- Indicated that WSCC Highways Authority would not be adopting the proposed access road.
- Confirmed that in terms of the width of the road (where it narrowed slightly from 4.2 metres to 3.0 metres between the side elevations of 5 and 7 Southgate Road), and with regard to highway / access matters generally, no objections had been raised by the Highways Authority.
- Confirmed that there were no windows proposed in any side elevations of the dwellings proposed.
- Explained that in terms of No. 16C Stonefield Close, although the proposal would have some impact on the side windows of 16C, the typical urban nature of the proposed relationship, the existing obscure glazing and alternative windows to most habitable rooms for light and outlook and, at ground floor level, the existing timber boundary fence, all serve to mitigate the impact. It

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was not considered that refusal was justified on the grounds of impact upon No. 16C.

- Clarified that the required 2 metre distance between any two dwellings was the minimum distance to avoid a terracing impact, rather than address neighbouring amenity.
- Confirmed that the proposed house at the rear of No. 9 Southgate Road would be 4.5 metres (single storey garage side wall) from No. 16C Stonefield Close at ground floor level. The main two storey side elevation would be 7.5 metres away from No. 16C.
- Confirmed that the gardens were of sufficient size for new tree planting to take place within the site. The Arboricultural Implications Report submitted by the Applicant suggested some beech hedging, which Officers could pursue further on receipt of the respective Landscaping Scheme.

The Committee continued to consider carefully the concerns raised and the application information.

## **RESOLVED**

**Permit**, subject to:

1. The completion of a Section 106 agreement to secure a £76,440 contribution towards the off-site provision of affordable housing.
2. The conditions set out in report PES/291 (c).

## **6. Planning Application CR/2018/0546/OUT - 3-7 Pegler Way, West Green, Crawley**

The Committee considered report PES/291 (b) of the Head of Economy and Planning which proposed as follows:

Outline application (access, appearance, layout & scale) for demolition of existing commercial buildings and erection of a 6-storey residential building consisting of 10 no. 1 bed flats and 14 no. 2 bed flats.

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

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

Mr David Ross (the Agent for the application) addressed the meeting in support of the application.

The Committee then considered the application. Members indicated that whilst the area in and around the application site was in need of development and the principle of residential development was acceptable, they could not support this proposal, due to its prominent siting, size, massing, layout, building footprint and poor design on a constrained site, and its poor relationship with the adjoining sites, and would constitute overdevelopment resulting in a cramped form of scheme which would be out of keeping with, and harmful to, the visual amenities and character of the area. It was acknowledged that the scheme proposed would unduly restrict the development potential of adjoining land to the north and south. The Committee voted unanimously that the application be refused.



## **RESOLVED**

**Refuse**, for the reasons listed in report PES/291 (b).

### **7. Planning Application CR/2018/0861/TPO - Roadside off Leicester Court, Newbury Road, Pound Hill, Crawley**

The Committee considered report PES/291 (d) of the Head of Economy and Planning which proposed as follows:

G1 sycamores - remove trees (tag nos. 0867, 0868, 0865, 0866, 0870, 0871, 0872, 0878) to allow remaining trees to develop fully.

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

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

The Committee then considered the application. In response to an issue raised, the Group Manager (Development Management) indicated that in terms of wildlife, sufficient tree cover would remain on the application site, whilst the remaining trees would have space for further growth and would fill out accordingly.

## **RESOLVED**

**Consent**, subject to the conditions set out in report PES/291 (d).

### **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.05 pm

**Chair**

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# Agenda Item 5

**CRAWLEY BOROUGH COUNCIL**  
PLANNING COMMITTEE - 8 April 2019  
REPORT NO: PES/292(a)

**REFERENCE NO: CR/2018/0773/OUT**

**LOCATION:** [EWHURST, THE MARDENS, IFIELD, CRAWLEY](#)  
**WARD:** Ifield  
**PROPOSAL:** OUTLINE APPLICATION (ACCESS & LAYOUT) FOR THE DEMOLITION OF EXISTING GARAGE AND ERECTION OF A 2 STOREY DWELLING WITHIN GARDEN OF EXISTING EWHURST, THE MARDENS, IFIELD (AMENDED DESCRIPTION & AMENDED PLANS RECEIVED)

**TARGET DECISION DATE:** 5 December 2018

**CASE OFFICER:** Miss D. Angelopoulou

**APPLICANTS NAME:** Mr David Thrift  
**AGENTS NAME:** RDJW Architects Limited

## **PLANS & DRAWINGS CONSIDERED:**

5291-002, Existing Block Plan  
5291-001, Existing Location Plan  
5291-003, Proposed Location Plan  
5291-sk01, Proposed Site Plan

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

1.	WSCC Highways	No objection subject to conditions.
2.	Thames Water	No response received.
3.	Sussex Building Control Partnership	No response received.
4.	CBC Housing Enabling & Development Manager	No response received.
5.	CBC Refuse & Recycling Team	Comments received.
6.	Southern Water Ltd	No objection subject to informative.
7.	CBC Energy Efficiency & Sustainability	No objection subject to conditions.
8.	CBC Planning Arboricultural Officer	Verbal comments provided; no objection subject to conditions.

## **NEIGHBOUR NOTIFICATIONS:-**

The Mardens  
Apple Trees;  
3, 4 and 4A Ewhurst Cottages;  
Aurore.

## **RESPONSES RECEIVED:-**

Three representations from the occupiers of nearby properties have been received raising objections to the proposal on the following grounds:

- Parking in The Mardens is a problem and cars for the present house are parked on the road as there is insufficient parking on the property. The provision of parking is inadequate and if they park on the turning area as suggested it defeats the object of a turning area.

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- The proposal will result of blocking the view which is already blocked by the trees.
- There are already parking, access and traffic issues within the area, in this cul-de-sac of The Mardens, and with the adjacent school, the retirement flats, The Church and the ground maintenance yard (access almost opposite this side) and the proposal would increase these issues.
- The site is overlooked by the Millfield flats, there is a side window in the present dwelling so privacy may be a problem. The proposal will reduce light to Millfield Court residents and their overall quality of views.
- The property would be shielded by trees, would not improve natural surveillance/antisocial behaviour/crime, and would not keeping with the area since surrounding properties have now had trees removed from boundary line.
- WSCC Highway's comments have not taken into account the number of school children, and Holy Trinity, using The Mardens and crossing the road at this site to access the car park. WSCC should carry out a survey of the number of vehicles using and parking in the road when the school is open and when the church has service on a Sunday.
- The development itself can be described as being a small shed and the resulting building should really not be the future of development; small, cramped and reducing the overall quality of living for all around.

Re-consultation of the above-mentioned neighbours regarding the amended plans: 11/02/2019 for 14 days with expiry date: 25/02/2019.

One representation has been received stating that the occupier in recent weeks has started to use a large gate that opens up onto the car park for Ewhurst Place Playing fields, which has not been used for many years. It was also noted if the applicant is trying to set a precedent of use, to enable the proposed house to have a separate entrance which would clearly make an added benefit for the proposed house.

*Officers clarify in relation to the gate onto the car park of Ewhurst Place Playing Fields that this was not shown on the original plans approved under the original planning permission of Ewhurst under reference: CR/134/64. During the site visit, this gate did not appear to be in use. This current application does not include any gate to the side of the application site. The vehicular and pedestrian access as proposed would be from The Mardens to the front. Any additional access to the CBC car park is a property matter between the 2 landowners.*

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

The application was called in by Councillor Peter Smith.

## **THE APPLICATION SITE:-**

- 1.1 The application site relates to the land immediately to the west of the dwelling Ewhurst and is currently used as the side garden to the large two storey detached dwelling. It is triangular in shape, with an angled side western boundary. It is situated on the northern side of The Mardens, within the neighbourhood of Ifield and it is directly accessed from The Mardens with a parking and turning area. The site has substantial trees and landscaping to the front boundary and an outbuilding (garage) to the rear. There is a side gate to the west serving this garage outbuilding, but during the site visit it appeared that it was not in use. The western boundary includes a mixture of hedging and a 1.8m high fence and the rear boundary is marked with a 1.8m high close boarded fence.
- 1.2 Immediately to the north is the Ewhurst Place Playing Fields with a mature oak tree next to the north-west corner of the application site. Immediately to the west is a council owned car park serving the Playing Fields. The Mardens comprises a mixture of housing styles and types to the east and is dominated by the St Margaret's Primary School, Millfield Court retirement development and Trinity Church to the west.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 The application seeks outline planning permission for the demolition of the existing garage and the erection of a two storey dwelling within the garden of Ewhurst. This application is for Outline

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Planning Permission with access and layout to be assessed at this stage. All other matters (scale, appearance and landscaping) are considered at the Reserved Matters stage.

- 2.2 The proposal has been amended since the application was submitted, by adding the layout as a matter to be considered under this outline application, revising the driveway, showing the existing mature tree to the north-west, the existing front hardstanding and providing a proposed new tree. The Design and Access Statement has also been revised by removing the reference to a proposed accompanying garage.
- 2.3 The submitted proposed location/site plan shows that the existing access from The Mardens would be utilised and that the existing outbuilding/garage to the rear (north-west) would be demolished to allow space for the new dwelling. The existing access would be shared with the existing property, Ewhurst. This plan also shows the layout and location of the proposed dwelling along with 2 car parking spaces for each dwelling. It shows the subdivision of the existing curtilage of Ewhurst, with the proposed dwelling sited parallel to the road. Its front building line would be in line with Ewhurst's garage front building line and its rear building line would be in line with Ewhurst's rear building line. It would be positioned 1.5m from the new eastern shared side boundary with Ewhurst and 3m from the side elevation of the garage of Ewhurst. It would leave 1.5m gap to the west boundary at its closest point.
- 2.4 No indicative floorplans, massing, elevations, materials or tree survey materials have been provided. The applicant has submitted a Design and Access Statement, containing a planning and sustainability statement.
- 2.5 The existing block plan currently shows the position of the current hardstanding/turn on site area, which is set closer to the front elevation of Ewhurst and occupies a small part of the front curtilage. The turn on site and parking area would therefore be a new feature inserted into the front garden area and is shown on the proposed site plan.

## **PLANNING HISTORY:-**

- 3.1 The most recent planning history is as following:
  - CR/2018/0366/OUT – OUTLINE APPLICATION (ACCESS) FOR THE DEMOLITION OF EXISTING GARAGE AND ERECTION OF A 2 STOREY DWELLING WITHIN GARDEN OF EXISTING EWHURST, THE MARDENS, IFIELD – Refused for the following reasons:
    1. *'The proposal, by reason of its angled plot shape, the layout, siting and footprint and its relationship with site boundaries and existing trees and vegetation, would constitute an overdevelopment of the site resulting in a cramped and an incongruous form of development which would be harmful to the visual amenities and character of the area. It would therefore conflict with Policies CH2, CH3 and H1 of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the National Planning Policy Framework (July 2018).*
    2. *It has not been demonstrated to the satisfaction of the Local Planning Authority that the erection of a dwelling on this site would provide a suitable living environment for the future occupiers, including outdoor amenity and internal space standards, and given the relationship to neighbouring properties and existing trees and vegetation. The proposal would therefore be contrary to Policies CH3, CH5 and H1 of the Crawley Borough Local Plan 2015 - 2030, the Urban Design Supplementary Planning Document and the relevant paragraphs of the National Planning Policy Framework (July 2018).*
    3. *The proposed development, by reason of its proximity and layout, would result in an adverse impact on the amenities enjoyed by the occupants of neighbouring properties Ewhurst and Millfield Court by way of overbearing presence and overdominance, loss of privacy and light, and overlooking. The proposal would therefore be contrary to Policy CH3 of the Crawley Borough Local Plan 2015-2030, the Urban Design Supplementary Planning Document (2016) and the relevant paragraphs of the National Planning Policy Framework (July 2018).*
    4. *An agreement is not in place to ensure that the appropriate infrastructure contributions are secured in relation to affordable housing. The development is therefore contrary to Policy H4 of the Crawley Borough Local Plan 2015-2030 and the Affordable Housing Supplementary Planning Document (2017).'*

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3.2 The property was erected under ref: CR/134/1964 as a 4-bedroom detached dwelling.

## **PLANNING POLICY:-**

### National Planning Policy Framework (2019) (NPPF)

4.1 The National Planning Policy Framework (NPPF) published in 2019 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 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 as possible of previously-developed or ‘brownfield’ land.
- 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.

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

4.2 The following Local Plan policies are relevant to this application:

- 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 Principle will be protected and enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- Policy CH2: Principles of Good Urban Design in order 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; be able to meet its own operational requirements necessary for the safe and proper use of the site; retain existing individual or groups of trees; incorporate “Secure by Design” principles and demonstrate how the Building for Life 12 criteria would be delivered. Development proposals must adhere to any relevant supplementary planning guidance produced by the council including residential extensions.
- Policy CH5: Standards for all New Dwellings states that new dwellings must create a safe, comfortable and sustainable living environment and sets out minimum sizes for each dwelling, which is based on the Nationally Described Space Standard.

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- Policy CH6: Tree Planting and Replacement Standards. Landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate location. Where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies.
- Policy H1: Housing Provision. The council will positively consider proposals for the provision of housing to meet local housing needs, taking a pro-active approach to identifying suitable sites for housing development and working to overcome constraints wherever possible, whilst ensuring against detrimental town-cramming or unacceptable impacts on the planned character of the existing neighbourhoods or on residential amenity.
- Policy H3: Future Housing Mix. All housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The appropriate mix of house types and sizes for each site will depend upon the size and characteristics of the site and the viability of the scheme.
- Policy H4: Affordable and Low Cost Housing. 40% affordable housing will be required from all residential developments. For sites of 5 dwellings or less, or less than 0.2ha in size, a commuted sum towards off-site affordable housing provision will be sought.
- 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 the Building Regulations, and any subsequent increased requirements.
- Policy ENV9: Tackling Water Stress. New dwellings should where viable and technically feasible, meet the Building Regulations optional requirement for tighter water efficiency.
- 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. The council will seek to implement a Community Infrastructure Levy (CIL) through the relevant processes. The rate will be set following the adoption of the Charging Schedule.
- Policy IN2: Strategic Delivery of Telecommunications Infrastructure states that all proposals for residential, employment and commercial development of one unit or more must be designed to be connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retrofitted.
- Policy IN3: Development and Requirements for Sustainable Transport. Development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network.
- Policy IN4: Car and Cycle Parking Standards. Development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle parking standards

## Supplementary Planning Documents

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

### Urban Design SPD (adopted October 2016):

- 4.3 The Urban Design SPD includes design guidance and examples on residential development and sets out further information on minimum rear window to window distances (21 metres) and amenity space standards.

It also includes the Crawley Borough Parking Standards which refer to minimum parking standards and states for 3 plus bed dwellings that the requirement is 2-3 spaces. Regarding the cycle parking it is states that: *'All cycle parking must be sheltered and secure and in accordance with local guidance and best practice design. No additional cycle parking spaces will be required where a garage is provided. For two bed dwellings or more – 2 spaces per dwelling and 1 space per 8 dwellings for visitors should be provided'*.

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## Green Infrastructure SPD (adopted October 2016):

- 4.4 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.

## Planning and Climate Change SPD (adopted October 2016):

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

## Affordable Housing SPD (adopted November 2017):

- 4.6 This SPD includes further guidance on affordable housing – Policy H4 within the Local Plan which requires 40% affordable housing provision from all residential developments. For smaller scale developments of 1-5 units, an off-site contribution will be accepted in lieu of on-site provision. The SPD sets out clear procedures for commuted sum payments and includes an Affordable Housing Calculator. The SPD also addresses a number of other issues, such as design, sustainability, space standards and house type and mix.

## Crawley Community Infrastructure Levy Charging Schedule 2016

- 4.7 The Crawley CIL Charging Schedule is in effect from 17<sup>th</sup> of August 2016 and is also relevant to this application as the proposal would create one additional dwelling.

## Developer Contributions Guidance Note (published July 2016)

- 4.8 This sets out the Council's approach to developer contributions following the introduction of the Community Infrastructure Levy. It provides details of the CIL charges and when S106 contributions will be sought.

## **PLANNING CONSIDERATIONS:-**

- 5.1 This application is the re-submission of a revised scheme following the previously refused outline application CR/2018/0366/OUT. This earlier application was refused on the grounds that the proposal would, by reason of its angled plot shape, the layout, siting and footprint and its relationship with site boundaries and existing trees and vegetation, constitute an overdevelopment of the site resulting in a cramped and an incongruous form of development. This application was also refused due to insufficient information over the suitability of the living environment for future occupiers and the impact on neighbouring amenities. These aspects will be considered below in order to ascertain whether the previous reasons for refusal have been overcome and against other material planning considerations.
- 5.2 This revised application as amended is for outline planning permission with access and layout, and for appearance, scale and landscaping to be reserved matters. The main planning issues in the determination of this application are:
- The principle of the development in this location
  - Visual amenity and character of the surrounding residential area
  - The impact on access, highways and parking
  - The acceptability of the proposed development for future occupiers
  - Impact on the amenity of neighbouring properties and amenities
  - Sustainability
  - Provision of Affordable Housing
  - Community Infrastructure Levy and Other Infrastructure Contributions



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## The principle of the development in this location

- 5.3 The use of the site for a new dwelling is in accordance with NPPF objectives to promote and encourage residential development on appropriate sites. The proposal would provide one additional dwelling to meet Crawley's housing needs. The site is located within the built up area boundary of the Crawley Borough, as defined within the Crawley Borough Local Plan 2015-2030, and is in a sustainable location within the existing residential area of Ifield. The principle of development in this area is therefore considered acceptable in terms of the provisions of Policy H1. However, this Policy also requires to ensure against detrimental town-cramming or adverse impact on residential amenity, and whilst the principle of an additional dwelling could be acceptable, the more detailed matters considered below would need to be addressed.

## Visual amenity and character of the surrounding residential area

- 5.4 The site is located within a residential area and The Mardens comprises a mixture of housing styles and types to the east. To the west, it is dominated by the St Margaret's Primary School, Millfield Court retirement development and Trinity Church. The dwellings to the east, including the application site, are set within good sized plots, retain a gap to their side boundaries and they therefore appear to sit comfortably within their plots. They are set back from the street and are parallel to the road.
- 5.5 The proposal would involve the subdivision of the existing curtilage of Ewhurst. Therefore, it is essential that the resultant development relates and is compatible with the overall design and layout of the existing neighbourhood, and should be respectful and sympathetic to the existing character of the site and wider environs, and not appear cramped.
- 5.6 Local Plan Policies CH2 and CH3 state that all proposals for development will be required to be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings in terms of scale, height, massing, layout, details and materials. 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.
- 5.7 The proposed dwelling would be sited within the curtilage of Ewhurst and so would result in the subdivision of the plot into two. The plot for Ewhurst would be the bigger of the two plots and so the new plot would be smaller. It is acknowledged that within the surrounding area there are semi-detached properties and detached properties and there is no dominant street pattern in relation to a fixed building line etc., however all the properties have good gaps to their side boundaries, resulting in the dwellings appearing to sit comfortably within their curtilages, and all are sited parallel to the road. The revised scheme has now included layout as matter to be assessed under this application, and has sited the new dwelling to be parallel to the road and be in line with the front and rear building lines of Ewhurst. The new dwelling would have similar distances to the shared boundary with Ewhurst and the boundary to the west. This distance is also similar to the existing boundary relationship between Ewhurst and Apple Trees to the east.
- 5.8 This new layout has thus addressed the concerns raised with the refused application in respect of the cramped nature of the development, in particular the siting, plot boundaries, footprint, parallel pattern of built form and the character of the other dwellings along The Mardens . The revised proposal it is now considered acceptable in this regard.
- 5.9 In respect of the visual impact of the proposed dwelling in the street scene, it would be adjacent to the existing car park and would leave 1.5m gap to this boundary to the west at its closest point and 6.5m at its widest point due to the angled boundary. There are some existing trees and bushes on the front boundary as shown on the proposed plan. Whilst no tree surveys of the site or arboriculture report have been provided to demonstrate that the existing vegetation would not be impacted as part of the development and the proposed driveway, the proposed plan shows them as to be retained and the agent confirmed that there would be no loss of any of these trees and shrubs. As a result, the existing vegetation could be retained to form an effective screen and softening impact and details would be required to be submitted as part of the landscaping reserved matters. The

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proposal would also be visible to the east, where all the surrounding properties have open boundaries with no vegetation and to the west from the car park and the retirement flats.

- 5.10 The proposal as amended also includes a revised front driveway that covers a large part of the front curtilage. Whilst this would be a larger feature inserted into the front garden area, it is acknowledged that the surrounding properties have open boundaries with no vegetation and No.4 Ewhurst Cottages to the east has its front curtilage laid to hardstanding. It is therefore considered that the new plan showing all the existing trees along with the new layout of the dwelling and driveway is acceptable and would not detrimentally impact the visual amenity of the surrounding area.
- 5.11 No indicative materials or appearance have been provided, including floorplans, massing or elevations, and therefore the detailed appearance of the proposal cannot be assessed under this outline planning permission.
- 5.12 To conclude, it is therefore considered that the revised scheme has overcome the previous reason for refusal and it is not considered to result in an incongruous and cramped form of development on the plot. Given the revised parallel layout and building lines, the proposal would not have an adverse impact upon the character and appearance of the area and would therefore be in accordance with the relevant Local Plan Policies and the relevant paragraphs of the NPPF.

## The impact on access, highways and parking

- 5.13 The existing vehicular and pedestrian access from The Mardens would be utilised. The originally submitted plans showed a 9m wide front driveway and the original Design and Access Statement (DAS) stated that there would be an integral garage. Officers raised concerns that the proposed driveway could not provide adequate parking and turn on site and that this has not been adequately demonstrated by the applicant. More information was also requested to prove that the footprint of the dwelling could meet the minimum space standards for the future occupiers and provide an integral garage at the same time.
- 5.14 The applicant submitted a revised plan showing a 16.2m wide front driveway and confirmed that there would be no integral garage. A revised DAS was also submitted removing the reference to the garage. The new submitted site plans show swept path tracking and that two car parking spaces would be provided on the driveway for each dwelling. The existing property, Ewhurst, also has an integral garage. The Council's car parking standards are 2-3 spaces per dwelling and therefore this provision is considered acceptable.
- 5.15 WSCC Highways were re-consulted on the amended description to include layout and the revised plans, and raised no objection from a highway point of view subject to conditions. They commented that vehicular visibility at the access appears sufficient for the anticipated road speeds within the vicinity; due to the nature of the no-through residential road with presence of on-street parking, it is anticipated that vehicles will not be exceeding the speed limit. Visibility splays are wholly maintainable within the highway boundary.
- 5.16 Regarding the parking and turning provision, WSCC Highways commented that:  
*'The revised plans and documents indicate that two parking spaces will be provided on site for each dwelling and the integral garage is no longer proposed. The proposed parking spaces meet the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS). The applicant has demonstrated via swept path tracking that vehicles can manoeuvre to and from the proposed parking spaces when entering and exiting the site. Whilst the tracking appears to only demonstrate vehicles entering and exiting the site, and does not demonstrate that each vehicle can turn on site, it does demonstrate that the proposed positioning of the parking spaces is workable within the site. Whilst a turn on site would be preferred, as an un-classified, no-through residential road; the Local Highway Authority could not substantiate a highway safety objection to a lack of turn on site in this location. In addition, neighbouring properties operate similar arrangements without evidence of highway safety concern.'*

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- 5.17 The submitted DAS does not make any reference to any cycle spaces, but it is considered that details of cycle provision could be secured via a condition to be submitted at reserved matters stage.
- 5.18 In conclusion, no objection has been raised by the Local Highway Authority and officers consider that the access and parking arrangements proposed are acceptable as parking standards for each dwelling would be met, despite the expressed concerns from nearby occupiers.

## The acceptability of the proposed development for future occupiers

- 5.19 Policy CH5: Standards for all New Dwellings states that new dwellings must create a safe, comfortable and sustainable living environment and sets out minimum sizes for each dwelling, which is based on the Nationally Described Space Standards. A 3 bed 5 person 2 storey dwelling should provide a minimum internal floorspace of 93sqm and the Design and Access Statement states that the scheme was based on this information. This is also stated on the submitted proposed plan and the proposal would therefore potentially meet these requirements.
- 5.20 As this is an outline application however, no internal floorplans have been provided, and it is not therefore possible to assess the sizes of the rooms, as required by the Policy CH5 for two bedspaces etc. No detailed front/rear/side elevations have been provided and therefore it has not been possible to assess room layout and window positions and the quality of the proposed living environment in this respect. However, these aspects would be assessed in detail at the reserved matters stage.
- 5.21 This outline application does include access and layout and the plans show the position of the dwelling, access and layout, including the access driveway, existing trees on site and amenity area space.
- 5.22 The footprint and layout of the dwelling has been amended since the previously refused application and the proposal would now have an acceptable distance to the boundaries to the east and west. In particular, the proposal's side elevation would be set away from Ewhurst's garage by 3 metres, which is considered acceptable. The retirement flats to the west have bedroom windows looking into the application site, and the minimum distance between the existing windows and the western flank wall of the proposal would be 18m. There are some trees on the boundary of the retirement flats and a car park separates the two properties. The adopted Urban Design SPD states that a minimum distance of 10.5m should be provided between the developments that include a blank side gable and any windows serving habitable rooms on adjacent properties. It is acknowledged that the western side wall of the new dwelling could be blank or include secondary windows, and this detail would be assessed at the reserved matters stage. It is therefore considered that the proposal would now have an acceptable relationship to the boundaries and properties to the east and west.
- 5.23 From the submitted plans it does appear that the private amenity space would accord with the Council's standards (90sqm for 5 or 6 occupants) for both the new dwelling and the existing property. Whilst the minimum garden depth of 10.5m, as recommended in the Urban Design SPD, would not be achieved, this is considered on balance acceptable given the garden depth of the surrounding properties to the east, especially Nos 3 and 4 Ewhurst Cottages, and the width of the garden which is between 15 – 18m (due to the angled boundary to the east).
- 5.24 Previously concerns were raised regarding the oak tree to the north of the garden that could cast shade and affect light levels into the house and garden. These have been addressed as the proposal has now included the 'layout' to be assessed and it is now clear that the proposed dwelling would be set far away from the tree. The Council's Arboriculture Officer stated that, given that that the layout is now considered under this application, this separation distance is now acceptable. He commented that a condition should be attached to require a Tree Protection Plan and Arboricultural Method Statement.
- 5.25 To conclude, despite the lack of information provided especially floor plans for room sizes and the positioning of windows, it is considered that the new layout and footprint of the dwelling has overcome the previous reason for the adequacy of the accommodation for future occupiers. Subject

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to conditions, the proposal is considered to provide a suitable and acceptable environment for potential future occupiers and would accord with the relevant policies of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the NPPF.

## The impact on neighbouring properties and amenities

- 5.26 The adjoining property to the east is Ewhurst. This property is a two storey detached dwelling with an attached single storey garage to this side and a first floor side window. The application would result in a revised layout for Ewhurst. There is a detached outbuilding/garage to the north-west that would be demolished and did not appear to be in use during the site visit. The footprint and layout of the dwelling has been amended since the previously refused application and the proposal would be set away from Ewhurst's attached garage by 3 metres. Ewhurst has a side window overlooking the new proposed dwelling, but this window is a bathroom window as shown on the original approved plans of the dwelling under CR/134/1964. This relationship is therefore considered acceptable and the indicative two storey dwelling in the position shown would not be harmful.
- 5.27 As stated above the retirement flats to the west have bedroom windows looking across the application site, and the minimum distance between the existing windows and the western flank wall of the proposal would be 18m. This would comply with the 10.5m distance set out in the Urban Design SPD. In addition there are some trees on the boundary of the retirement flats and a car park separates the two properties. This relationship is therefore considered acceptable and the indicative two storey dwelling in the position shown would not be harmful. It is acknowledged that the western side wall of the new dwelling could be blank or include secondary windows, and this would be assessed at the reserved matters stage.
- 5.28 Overall, it is considered that the new layout and footprint of the dwelling and the separation distances with the neighbouring properties have overcome the previous reason for refusal regarding the detrimental impact upon the neighbouring amenities. The proposed development is therefore considered acceptable regarding the impact on the amenities enjoyed by the occupants of neighbouring properties and would accord with the relevant Local Plan Policies, the Urban Design SPD and the NPPF.

## Sustainability

- 5.29 Local Plan Policies ENV6 and ENV9 are relevant to this proposal and the Design and Access Statement makes a brief reference to some principles of sustainable design. A detailed sustainability statement can be provided later at reserved matters stage and these issues could be controlled via conditions.

## Provision of Affordable Housing

- 5.30 Crawley Borough Local Plan Policy H4 states that 40% affordable housing will be required from all residential developments. For sites of 5 dwellings or less a commuted sum towards off-site affordable housing provision will be sought, further guidance on how this is applied is set out in the recently adopted Affordable Housing SPD 2017. Based on the proposed floorspace of 93sqm, the applicant has agreed to make a contribution of £10,850 towards affordable housing provision, in accordance with the Affordable Housing Calculator, which would be secured through a legal agreement. Subject to the completion of the agreement, the application is considered to comply with Local Plan Policy H4, the Affordable Housing SPD and the objectives of the NPPF.

## Community Infrastructure Levy and Other Infrastructure Contributions

- 5.31 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 proposal would involve the creation of one new dwelling and it is CIL liable. According to the CIL Charging Schedule 2016 the charge for residential within the boroughwide zone is £100 per sqm subject to indexation. Should planning permission be granted, an informative would 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.

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- 5.32 The creation of one additional dwelling would require the provision of one additional tree, under Local Plan Policy CH6. The submitted plan shows the existing trees and hedges on site and the agent confirmed that there would be no loss of any of these. The revised plan also shows a proposed new tree within the rear garden of the new dwelling, further away from the oak tree to the north-west, which is considered acceptable and could be controlled via a condition.

## **CONCLUSIONS:-**

- 6.1 In conclusion, it is considered that the proposed two storey dwelling on this site, in the position shown would not have an adverse impact upon the character and appearance of the area and would have an acceptable relationship with adjacent dwellings subject to appropriate conditions. The proposal is considered that, subject to appropriate conditions, would provide an acceptable environment for the future occupiers and would have an acceptable impact on trees, and parking and access. It is also considered that the current layout and revisions have overcome the previous reasons for refusal and the proposed development would accord with the policies outlined in the NPPF (2018), the Crawley Borough Local Plan (2015-2030), the Urban Design SPD, the Affordable Housing SPD, and the Planning and Climate Change SPD (2016).

## **RECOMMENDATION RE: CR/2018/0773/OUT**

**PERMIT** subject to the completion of a Section 106 agreement to secure a £10,850 contribution towards the off-site provision of affordable housing and the following conditions:

1. i) Details of the appearance, landscaping including an additional tree, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.  
REASON: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be approved.  
REASON: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.
3. 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.
4. No development shall be carried out unless and until detailed plans and particulars of the land levels and the finished floor levels of the dwelling and its relationship to the adjoining property Ewhurst including cross sections have been submitted to and approved in writing by the Local Planning Authority, and the building shall be constructed in accordance with the approved levels.  
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. No above ground 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 walls, glazing and roofs of the proposed dwelling have been submitted to and approved by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.  
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 and the Urban Design Supplementary Planning Document (2016).
6. The dwelling hereby permitted shall have no more than 93sqm Gross Internal Area floorspace.

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REASON: To avoid overdevelopment of the site and safeguard the amenities of future occupants in accordance with Policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and to comply with the Affordable Housing Policy H4.

7. No above ground development shall take place unless and until a scheme to provide combined television reception facilities and superfast broadband for the dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of visual amenity, to help reduce social exclusion and to allow good access to services in accordance with Policies CH3 and IN2 of the Crawley Borough Local Plan 2015-2030.

8. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

REASON: To provide adequate on-site car parking and turning space for the development in accordance with policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and the parking standards set out in the Urban Design SPD.

9. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall be made available to residents upon occupation and maintained as such thereafter.

REASON: To encourage sustainable travel options and in accordance with Policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030 and the parking standards set out in the Urban Design SPD 2016.

10. No part of the development shall be occupied until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to first occupation and maintained for the use of residents thereafter.

REASON: To ensure the operational requirements of the site can be met in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030 and the standards set out in the Urban Design SPD 2016.

11. Prior to the commencement of any development including any preparatory work such as demolition hereby approved, an Arboricultural Method Statement and Tree Protection Plan shall be provided to the Local Planning Authority showing the measures to safeguard retained trees as indicated on drawing no .5291-003 RevF and in accordance with BS5837:2012. The details shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those details, including the use of appropriate ground protection and shall remain in place during the construction period.

REASON: To maintain the long term health of the trees which are important to the site in accordance with Policies CH3 and CH6 of the Crawley Borough Local Plan 2015 – 2030.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Sustainability Statement detailing measures by which the development proposes to address the sustainability objectives concerning climate change mitigation and adaptation set out in Local Plan Policy ENV6. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of sustainable design and construction and in accordance with Policy ENV6 of the Crawley Borough Local Plan 2015-2030.

13. The residential unit shall not be occupied until details have been submitted to, and approved in writing by, the Local Planning Authority to demonstrate that it shall achieve a water efficiency standard by consuming not more than 110 litres per person per day maximum water consumption.

REASON: In the interests of sustainable design and efficient use of water resources in accordance with Policy ENV9 of the Crawley Borough Local Plan 2015-2030.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or Orders amending or revoking the same, no development

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within Class A, Class B, Class C and Class E of Part 1 of Schedule 2 to that Order shall be carried out without the prior permission of the Local Planning Authority on an application in that behalf.

REASON: To avoid overlooking, loss of privacy, to protect the amenities of adjoining residential properties and to safeguard trees in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

## INFORMATIVE(S)

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](http://www.crawley.gov.uk/cil), email [development.control@crawley.gov.uk](mailto:development.control@crawley.gov.uk) or telephone 01293 438644 or 438568. To avoid additional financial penalties the requirements of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Please also note that any reliefs or exemptions from CIL are subject to the correct procedures being followed as laid down in the regulations, including the following:
  - Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.
  - A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced.
  - Any event occurred during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefitting from the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.
2. The water efficiency standard required under condition 13 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1.
3. Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the hours the noisy works are permitted.

The permitted hours for noisy construction work in the Borough of Crawley are as follows:

0800 to 1800 Monday to Friday and

0800 to 1300 on Saturday.

With no noisy construction works taking place on Sundays, Bank Holidays, Public Holidays, Christmas Day, Boxing Day or New Years' Day.

The developer shall employ at all times the best practical means to minimise noise disturbance to nearby residents. All construction work practises shall comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.

Any exemptions to the above hours must be agreed with The Environmental Health Team in advance.

4. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
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:

- Providing advice in a timely and manner through pre-application discussions/correspondence.

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- Liaising with 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 and 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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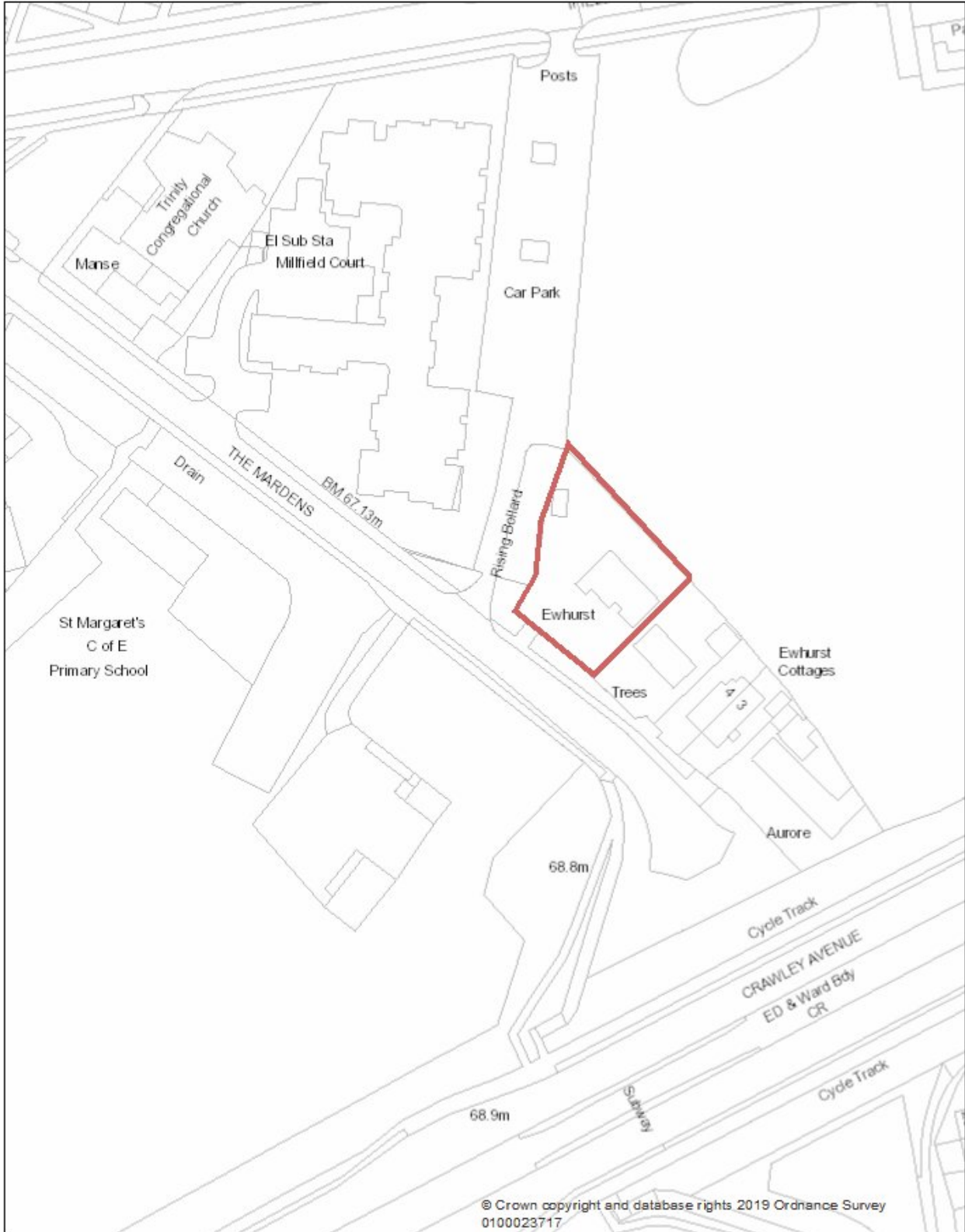


## ArcGIS Web Map



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

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# Agenda Item 6

## Crawley Borough Council

### Report to Planning Committee

8<sup>th</sup> April 2019

### Objections to the Crawley Borough Council Tree Preservation Order Land north of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018

Report of the Head of Economy and Planning – PES318

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#### 1. Purpose

- 1.1 This report presents the Land north of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018 Tree Preservation Order. The Committee is requested to consider the objections and comments received 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 Land north of Hydehurst Cottage, London Road, Northgate, Crawley - 16/2018 with modification.
- 2.2 The modification wording as set out in the tree specification schedule attached to the report, is identified below:
- Under the heading of 'Woodlands' replace the word 'continuous' with the word 'dotted' and add after 'line' the words 'and shaded dark green'.
  - Under the heading of 'Reference to an Area' replace the word 'dotted' with the word 'continuous'.

#### 3. Reasons for the Recommendation

- 3.1 The trees are considered to have good landscape amenity value in the surrounding area. The trees have been identified as having significant long term potential. In addition:-  
The trees are under threat as the site is being considered for development.

#### 4. Background

- 4.1 The trees the subject of this Order occupy a broadly rectangular area of land of approximately 0.37 ha located on the eastern side of London Road / A23 situated to the North of Hydehurst Cottage and to the south of the former Lowfield Heath filling station which is now occupied by Maple Manor Parking. The site is a young woodland which appears to have become established since around 1990 when the land was last cleared by its owners and the Local Planning Authority placed a Tree Preservation Order on 4 remaining trees at the site (TPO reference - London Road No 4 P16.6.16 - confirmed 24<sup>th</sup> June 1991) which still remains in effect.
- 4.2 The trees are native deciduous species which have established in the last 30 years or so, providing a relatively dense screen and stand to a height of approximately 10m tall. While as individual specimens these trees are not worthy of protection, they have strong visual cohesion as a group and are

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considered to have good landscape amenity value and significant long term potential. They contribute to the green landscaped boundary along the eastern side of London Road, the wider countryside character of the area and also serve to screen wider views of the airport parking on the land to the north and east. Photographs of the site are attached to this report.

- 4.3 The Order was served following receipt of a pre-application enquiry to develop the site, the indicative drawings proposed the removal of all the trees from the site. The trees were considered to be under threat and the LPA decided to protect them to ensure their continued contribution to the green amenity of the area.
- 4.4 The provisional Tree Preservation Order was made on 24th October 2018 and remains provisionally in force for a period of six months until 24<sup>th</sup> April 2019. If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

## 5. Notification/ Consultation/Representation

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

### Owners and occupiers of the land:

- The Occupier, 1b Gatefield Lane, Faversham, Kent, ME13 8NX
- The Occupier, 26 Gordon Square, Faversham, Kent, ME13 8HN
- The Occupier, Middleroom cottage, New Barns, Greybury Lane, Marsh Green, Edenbridge, Kent, TN8 5QP
- Paisley Amber Developments Limited, 87a High Street, Wanstead, London, E11 2AE
- HX Properties, Ashford Road, Newingreen, Hythe, Kent, CT21 4JF
- Maple Manor Parking, 283 Westferry Road, London, E14 3RS
- Royal Bank of Scotland Plc, 135 Bishopsgate, London, EC2M 3UR
- Exxon Mobil House, Ermyrn Way, Leatherhead, Surrey, KT22 8UX

### Owners and occupiers of adjoining land affected by the TPO:

- The Owner/Occupier, Hydehurst Cottage, London Road, Northgate, Crawley, West Sussex, RH109SW
- The Owner/Occupier, Maple Manor Parking, London Road, Northgate, Crawley, West Sussex, RH109SW
- The Owner/Occupier, Parking Services Ltd, London Road, Northgate, Crawley, West Sussex
- West Sussex County Council, County Hall, West Street, Chichester, West Sussex, PO19 1RG

- 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 **28th November 2018**. Confirmation of the order is required within six months of the date upon which the Order was provisionally made.
- 5.3 Two representations have been received in relation to the provisional order. One representation from Exxon Mobil was received confirming they had no land interest.
- 5.4 The second representation was submitted on behalf of 3 named site owners and set out the following comments:

### Inaccuracies with the TPO Paperwork

- The site address is wrong - the land registry address is 'Land on the east side of London Road, Lowfield Heath'.
- The map is wrong - as there is no filling station and no pond behind.
- The land in question is marked with a broken line but specification of trees reference states 'none'.

### Tree Health and Amenity issues

- Disagrees that the trees on site are in good health as many are dead or rotten (photos provided).

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- Disagrees that the trees have good landscape and amenity value as they don't look nice from the road, they don't screen the surrounding area or cover any building, they don't provide a backdrop and the area is a wasteland dumping site rather than a woodland (photos and video provided).
- The site is subject to constant traffic noise is untidy and is not a rural idyll, it has no visual or rural character as the area is surrounded by parked cars and dual carriageway
- The tree lined screen down the centre of the dual carriageway screens views of the land from the western (northbound side) of London Road.
- The land adds no visual contribution to public amenity and contains an overgrown impassable path to nowhere.

## Other

- The land was formerly part of established car dealership with sales office and workshop which when this use ceased was used for rough grazing. The storm of 1987 caused substantial damage to the land and it was decided to clear the site. There was no TPO on the site in 1989. In 1990 there was no screening between the garage and Hydehurst Cottage.
- Questions whether a close inspection of site was made prior to service of the TPO as the government guidance states the site should be visited prior to making the order.
- The site makes no positive contribution to the countryside as the adjoining land uses are using the land for fly tipping / dumping
- The land is not beautiful woodland, you cannot see it driving by and it is not used for walking or recreation as it is noisy and no useable footpath

## **Consideration of the representations**

- 5.5 In relation to the TPO paperwork, it is not considered necessary to identify the TPO and site address exactly as set out in the property deeds or land registry details. The site description is considered to accurately identify the land based on the current site addresses on the Council's mapping database and this is considered sufficient when read alongside the accompanying TPO paperwork. The TPO plan is based on a slightly outdated Ordnance Survey base, however the site boundaries for the woodland Order are correct and adequate to identify the land the subject of the TPO. The reference to a filling station and a pond on the map is not of relevance to the validity of the TPO.
- 5.6 It is accepted that the specification of trees is incorrect on the key. It is considered that this error in the descriptions can be corrected in the schedule by amending the wording to refer to a woodland order as a 'dotted black line' and the area order as a 'continuous black line'. This can be done as a modification to the Order. It is also proposed to reference the extent of the woodland order by reference to the area 'shaded dark green' for the avoidance of any doubt.
- 5.7 It is not considered that the trees on the site are in poor health. While some have fallen or have died, this is normal within any woodland and is part of the natural woodland regeneration process.
- 5.8 It is considered that visually the woodland does look attractive from the road (see officer site photographs). The trees while young have substantial amenity value as a group and provide a thick green backdrop which is a positive visual addition to the area. The trees do provide a screen to the airport parking areas to the north and east and contribute to the open landscaped character of the area which is designated as open countryside in the local plan and provides an important visual separation between Gatwick Airport and Manor Royal in the Upper Mole Farmlands Fringe. It is accepted that the site is primarily viewed from the southbound carriageway of the A23 and that the majority of the public pass along this road in cars however, this site is considered to make a significant visual contribution to the green character of this section of the road and is an important visual link to the countryside beyond on both sides of the A23.
- 5.9 It is evident that there is some rubbish and dumping within the site but the existence of any rubbish is not a reason not to confirm a TPO, the management of the land is matter for the owner.
- 5.10 The noise levels on the site have no bearing on the character of the woodland or its suitability for a TPO.

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- 5.11 It is acknowledged that the initial decision to serve the order was based on a drive past the site but a site visit and closer inspection has now been undertaken (see the officer photographs). This visit has confirmed that the trees on the land do make a significant contribution to the visual amenity of the locality and it is considered that the provisional order served by the LPA was justified

## 6. Amenity Value/Assessment

- 6.1 The trees are young semi-mature deciduous specimens which have amenity value as part of a group. The woodland is relatively young but when viewed from the main public view which from the southbound carriageway of the A23 and eastern footpath along the A23 the trees collectively provide an effective visual buffer along the road edge and strong woodland edge along this section of the road. The trees provide an effective screen to the airport parking activities to the north (and east) even in the winter months and make a positive contribution to the character of the area which is open countryside, (Upper Mole Farmlands Fringe).
- 6.2 It is considered that a woodland tree preservation order is justified for the continuing protection of the area as a woodland. This type of order protects every tree within the area and any self-seeded trees that subsequently grow within the area would automatically become protected. This allows for the continued regeneration of the woodland with or without active management. As a woodland order it is not necessary to survey every tree for its health or species.
- 6.3 The woodland has not been actively managed so within the area there are a number of fallen and dead stems. The presence of these dead stems is part of natural woodland renewal and these are not an indicator that the trees are dying or in decline, this is arguably part of the natural selection process and tree thinning of the weaker stems as the woodland becomes re-established. The majority of the upright stems appear healthy.
- 6.4 It is considered that the trees do make a positive contribution to the visual amenity of the area. They have good landscape amenity in the surrounding area and significant long term potential. In addition, the Order is considered justified as the trees are under threat from potential redevelopment of the site.

## 7. Implications

### *Human Rights Act 1998*

- 7.1 The referral of this matter to the Planning Committee is in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. Those persons who made representations in objection to the TPO are entitled to attend the Planning Committee meeting and to make any further verbal representations at the meeting. The Planning Committee must give full consideration to any such representations.
- 7.2 Article 8 and Article 1 of the First Protocol – the right to respect for private/family life and the protection of property – also needs to be considered. These are qualified rights and can only be interfered with in accordance with the law and if necessary to 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 these trees 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 Land north of Hydehurst Cottage, London Road, Northgate, Crawley Tree Preservation Order No 16/2018

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The Crawley Borough Local Plan 2015-2030

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Schedule as proposed to be amended

## SCHEDULE SPECIFICATION OF TREES

### Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
NONE		

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

Reference on Map	Description	Situation
NONE		

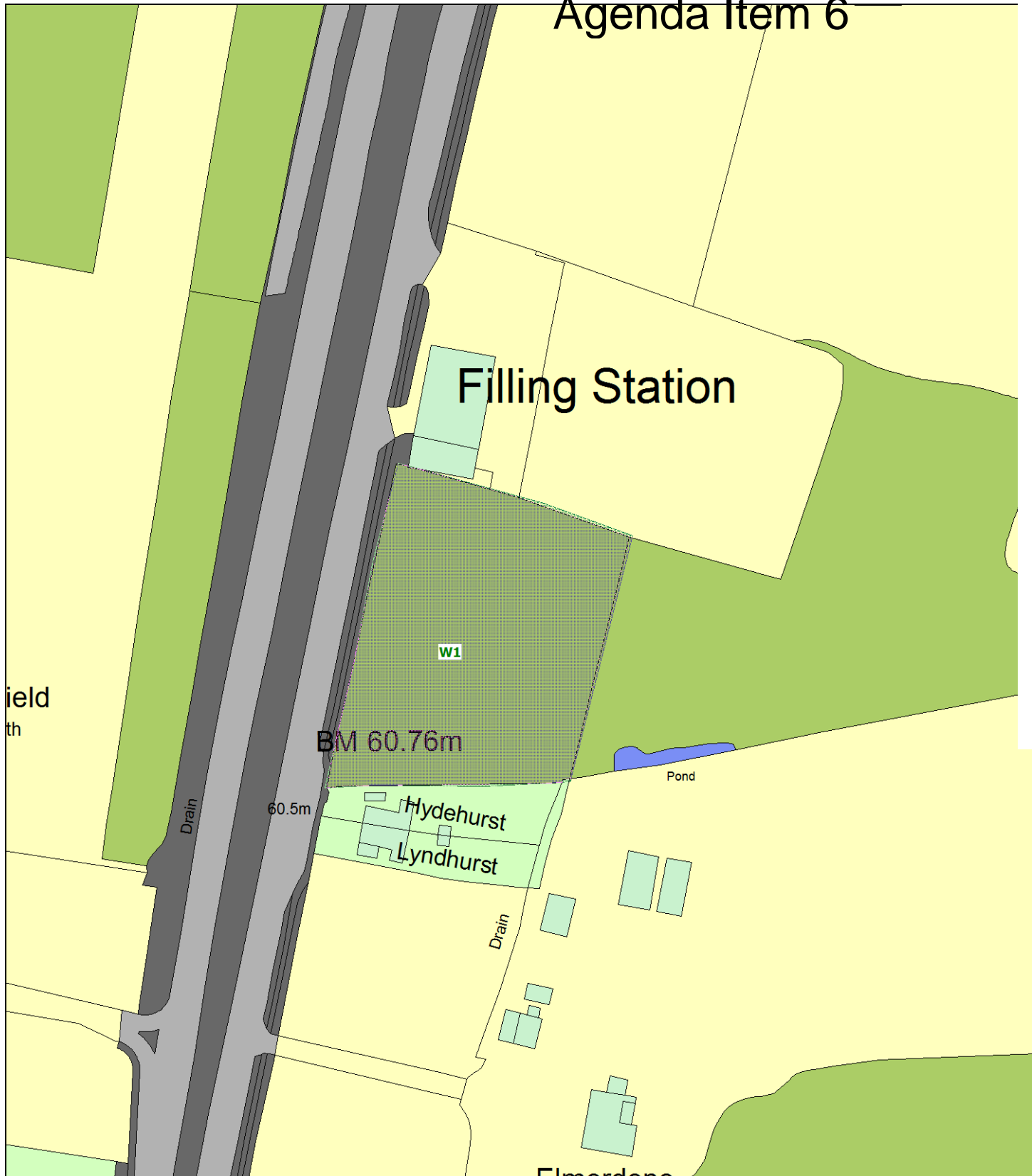
### Woodlands (within a ~~continuous~~ dotted black line and shaded dark green on the map)

Reference on Map	Description	Situation
W1	Mixed woodland comprising mainly the following species: Mixed Broadleaves	Grid Ref: TQ-27135-39569

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

Reference on Map	Description	Situation
NONE		





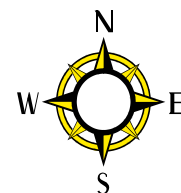
**Tree Preservation Order No 16/2018**  
**Land north of Hydehurst Cottage, London Road,**  
**Northgate, Crawley**

**Clem Smith**  
**Head of Economy and Planning Services**

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

Scale	1:1250
Date	25/03/2019





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## Site Photographs



View looking south along A23



View looking east into centre of site (screens airport parking behind)



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View looking east into the site



View from SW corner looking NE



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View looking east (Hydehurst Cottage boundary on right)



View looking north up the A23