

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room A & B - Town Hall**, on **Tuesday, 20 March 2018** at **7.30 pm**

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:
Councillors

I T Irvine (Chair), C Portal Castro (Vice-Chair), N J Boxall,
B J Burgess, D Crow, R S Fiveash, F Guidera, K L Jaggard,
S J Joyce, T Rana, A C Skudder, P C Smith, M A Stone, J Tarrant
and G Thomas

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

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

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
3. Lobbying Declarations	
The Planning Code of Conduct requires Councillors who have been lobbied, received correspondence or been approached by an interested party with respect to any planning matter should declare this at the meeting which discusses the matter. Councillors should declare if they have been lobbied at this point in the agenda.	
4. Minutes	5 - 12
To approve as a correct record the minutes of the Planning Committee held on 27 February 2018	
5. Planning Application	13 - 26
CR/2017/0880/FUL - First Choice House, London Road, Northgate, Crawley	Northgate
To consider report PES/246 (a) of the Head of Economic and Environmental Services	
RECOMMENDATION to REFUSE	

		Pages
<p>6. Planning Application CR/2017/1019/TPO - Land adjacent to the Museum, The Tree, 103 High Street, Northgate, Crawley</p> <p>To consider report PES/246 (b) of the Head of Economic and Environmental Services.</p> <p>RECOMMENDATION to CONSENT</p>	<p>Northgate</p>	<p>27 - 30</p>
<p>7. Planning Application CR/2018/0131/RG3 - The Barn, Tilgate Nature Centre, Tilgate Park, Crawley</p> <p>To consider report PES/246 (c) of the Head of Economic and Environmental Services.</p> <p>RECOMMENDATION to PERMIT</p>	<p>Tilgate</p>	<p>31 - 36</p>
<p>8. Supplemental Agenda</p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>		

With reference to planning applications, PLEASE NOTE:

Background Paper:- Crawley Borough Local Plan 2015-2030

Any necessary pre-committee site visits for applications to be considered at this meeting will be held on **Thursday 15 March 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, 27 February 2018 at 7.30 pm

Councillors Present:

I T Irvine (Chair)

C Portal Castro (Vice-Chair)

N J Boxall, B J Burgess, R S Fiveash, K L Jaggard, T Rana, A C Skudder, P C Smith, M A Stone and J Tarrant

Also in Attendance:

Councillor M G Jones, M W Pickett and R Sharma

Officers Present:

Dimitra Angelopoulou	Planning Officer
Roger Brownings	Democratic Services Officer
Kevin Carr	Legal Services Manager
Marc Robinson	Principal Planning Officer
Hamish Walke	Principal Planning Officer

Apologies for Absence:

Councillor D Crow, F Guidera, S J Joyce and G Thomas

1. Disclosures of Interest

The following disclosure of interest was made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor P C Smith	CR/2017/0764/RG3 - Fleming Way (West of Crawters Brook), Northgate, Crawley (Minute 6)	Personal Interest – a Local Authority Director of the Manor Royal Business Improvement District.

2. Lobbying Declarations

The following lobbying declaration was made by Members:-

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Councillors Boxall, Irvine, Jaggard, Portal Castro, Skudder, P C Smith, Stone and Tarrant had been lobbied regarding application CR/2016/0972/FUL.

(Councillor B J Burgess indicated that she had received letter(s) on application CR/2016/0972/FUL, but had not read them).

3. Minutes

The minutes of the meeting of the Committee held on 29 January 2018 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2016/0972/FUL - 44 Goffs Park Road, (formerly Oakhurst Grange), Southgate, Crawley

The Committee considered report PES/245 (a) of the Head of Economic and Environmental Services which proposed as follows:

Demolition of existing buildings and erection of a continuing care retirement community (Class C2) (amended plans received).

Councillors B J Burgess, Jaggard, Skudder, P C Smith, Stone and Tarrant declared they had visited the site.

The Principal Planning Officer (Hamish Walke) provided a verbal summation of the application and the following updates:-

Replacement Condition 20 – lighting:

Before the development is first occupied, details of a scheme for all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved scheme and no additional external lighting shall be added or positioned on site without the prior written permission of the Local Planning Authority.

REASON: To safeguard the amenities of nearby residents and to avoid potential disturbance to bats using the site in accordance with Policies CH3 and ENV2 of the Crawley Borough Local Plan 2015-2030.

Condition 3 – Construction Management Plan – additional bullet point:

- “Any temporary lighting required during the construction period”
Add to REASON “and to avoid potential disturbance to bats using the site ...”

Additional Condition on cycle parking (as discussed in para 1.52 on page 24 of the report):

Notwithstanding the details shown on drawing 10324_PL003 Rev C, revised details of secure, covered and easily accessible cycle parking provision for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented in accordance with the agreed details and made available for use before the first occupation of the development hereby approved.

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REASON: To ensure adequate provision of cycle parking in accessible locations in accordance with policy IN4 of the Crawley Borough Local Plan 2015-2030 and the standards within the Council's Urban Design Supplementary Planning Guidance.

Mr Sanj Sandhar, Mr Mark Regan, Mr Harry Ford, Cabinet Member Councillor Jones, and Councillor Pickett, as a Ward Member for Southgate, addressed the Committee in objection to the application, whilst Mr John Sneddon, the Agent, addressed the Committee in support of the application. Many of the objections raised reflected those detailed in the report, including that the application offered no provision for affordable housing. In addition, there were particular concerns raised on such grounds as: height, scale and massing - which it was considered would result in an unsympathetic form of development, design, which it was felt was out of keeping with the character of the area, loss of light and privacy, landscaping, increased traffic and parking, and impacts on highway safety.

The Committee then considered the application. The Committee discussed the issues arising, including the comments raised by the speakers and concerns raised by objectors. A number of Members expressed their own concerns regarding this application, including in particular those in relation to the non-provision of affordable housing. In response to issues and concerns raised, the Principal Planning Officer:

- Agreed that it was unfortunate that the 12 Re-enablement units, to help older people back into their own homes, had been removed from the Scheme as originally submitted, and indicated that under the Local Plan Policy H2 there was no requirement on the Applicant to provide such a facility.
- Acknowledged that, without the provision for affordable housing, the Local Planning Authority could not require the Applicant to specifically secure care units for existing Crawley residents. The scheme might free up existing larger Crawley homes and hospital beds, but this could not be controlled through the planning system.
- Emphasised that a critical issue for officers in assessing this planning application had been whether there was a requirement for the provision of affordable housing.
- Explained that the proposed development would provide a total of 121 individual units of accommodation for older people. This would help to address some of the local housing needs of an ageing population and would be in accordance with the site allocation under Policy H2 of the Local Plan.
- Advised that Officers had been unable to secure affordable housing provision from the 34 Care Apartments, which were considered by Officers, although not the Applicant, to potentially fall within the C3 (dwelling house) use class.
- Acknowledged that the lack of an affordable housing contribution did weigh against the scheme in this sense, although, as set out in the report, appeal decisions on such schemes had often taken the view that such units fell within the C2 (Residential Institutions) use class. Officers felt that taking into account the barrister's advice as reported, appeal decisions, and given that this was a unique development in Crawley, the scheme would be difficult to refuse on this basis. The Local Plan review would address the issue of affordable provision within such schemes.
- Confirmed that in terms of design, officers felt that the revised Scheme would have a more contemporary feel, whilst respecting the traditional materials used in the surrounding area. The scheme was now considered adequate in terms of design and external appearance.
- Indicated that there was scope for additional planting along the boundaries to enhance existing landscaping and further screen views of the new buildings

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from the existing adjoining houses. In response to a question, the Principal Planning Officer confirmed that Members, if they wished, could attach a condition to secure obscure glazing for some of the Block A windows, which provided light to bathrooms, kitchens, and provided a secondary window to living areas. The relatively limited adverse impact identified would need to be assessed in the balance of all material planning considerations.

- Indicated that whilst new trees to be planted as part of the proposed Landscape Masterplan would take time to grow, the intention was to enhance the overall landscape in a way that would have an immediate impact (with no Leylandii proposed) and which would help to secure a high quality landscaping scheme, helping to overcome any gaps between the scheme and surrounding properties, with longer term benefits. This would require planting of some more substantial trees to address specific existing gaps in vegetation.
- Advised that the proposed new pedestrian only link from the site onto Perryfield Road would be open during limited daytime hours, between about 9 am and 3 pm.
- Acknowledged that there were concerns raised from residents of Perryfield Road, living close to the access point, about the creation of this pedestrian access, but that the new access would offer a significantly quicker route for future residents, staff and visitors to/from Crawley town centre. Whilst the new pedestrian access would be likely to increase use by pedestrians along this part of Perryfield Road, the level of movement was likely to be limited and would be quiet, as it would be restricted to pedestrians only. A legal agreement could be used to secure the implementation and ongoing availability of this pedestrian access.
- Confirmed that the Local Highway Authority (LHA) was satisfied that visibility at the existing access to Goffs Park Road was acceptable. The development was not anticipated to give rise to severe highway capacity.
- Advised that the LHA had recommended conditions to ensure that the proposed parking provision was made available, that the impact of construction traffic was addressed and that encouragement of travel by sustainable means was carried out. Subject to these controls and to revisions to cycle parking, the Scheme was considered acceptable by the Highway Authority in transport and highways terms.
- Emphasised that the cycle provision and new pedestrian access should help to encourage travel by sustainable means.

The Committee continued to consider carefully the application information including the concerns raised, but in so doing took into account all other material considerations associated with this Scheme.

RESOLVED

Permit, subject to:

- (i) The conclusion of a Section 106 Agreement to secure:
 - Qualifying requirements relating to age (over 60) and minimum level of care (one and a half hours per week) for future residents;
 - Implementation and ongoing availability of the proposed pedestrian access to Perryfield Road.
- (ii) The Conditions set out in report PES/245 (a).
- (iii) The updated Conditions above.

5. **Planning Application CR/2017/0760/FUL - 9 Woolborough Road, Northgate, Crawley**

The Committee considered report PES/245 (b) of the Head of Economic and Environmental Services which proposed as follows:

Demolition of existing surgery and erection of a part two-storey part two and a half-storey residential building comprising 6 x one-bed flats and 3 x two-bed flats with associated car parking, bin store and cycle store (amended description & plans received).

Councillors Stone and Tarrant declared they had visited the site.

The Planning Officer (Dimitra Angelopoulou) provided a verbal summation of the application.

Mr Peter Rainier, the Agent, addressed the Committee in support of the application.

The Committee then considered the application.

RESOLVED

Permit, subject to

- (i) The conclusion of a Section 106 agreement to secure the financial contributions of £7,700 for replacement and additional tree planting, and the provision of 40% affordable housing on the site (in accordance with Policy H4).
- (ii) The Conditions set out in report PES/245 (b).

6. **Planning Application CR/2017/0764/RG3 - Fleming Way (West of Crawters Brook), Northgate, Crawley**

The Committee considered report PES/245 (c) of the Head of Economic and Environmental Services which proposed as follows:

Fleming Way cycle path scheme to connect the Crawters Brook shared facility with the National Cycle Network (NCN) Route 21 extending from/to Gatwick Airport at the Fleming Way end through the upgrade of existing pedestrian footways to shared facilities for pedestrians and cyclists (amended plans received).

Councillor P C Smith declared he had visited the site.

The Principal Planning Officer (Marc Robinson) provided a verbal summation of the application and the following updates:-

That WSCC Highways confirmed that it had no objection subject to conditions and:

Amended Condition 3

The paving and other new hard surfaces shall not be implemented until details of their materials have been submitted to and been approved in writing by the Local Planning Authority. The paving and new hard surfaces shall thereafter be implemented in accordance with the approved details.

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All other materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application unless otherwise agreed in writing with the Local Planning Authority.

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.

New Condition 7

No development shall be undertaken until detailed plans of the Toucan crossing and its precise location have been submitted to and been approved in writing by the Local Planning Authority. The Toucan crossing shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of road safety and to ensure adequate drainage in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

The Committee then considered the application.

RESOLVED

Permit, subject to the Conditions set out in report PES/245 (c), and the updated Conditions above.

7. Planning Application CR/2017/0954/TPO - Amenity land in front of 27 Lytton Drive, Pound Hill, Crawley, RH10 7SH

The Committee considered report PES/245 (e) of the Head of Economic and Environmental Services which proposed as follows:

Goat Willow - reduce height and crown radius by up to 2m (amended description).

The Principal Planning Officer (Marc Robinson) provided a verbal summation of the application.

The Committee then considered the application.

RESOLVED

Consent, subject to the Conditions set out in report PES/245 (e).

8. Planning Application CR/2017/1064/RG3 - 1-55 Dalewood Gardens, Northgate, Crawley

The Committee considered report PES/245 (f) of the Head of Economic and Environmental Services which proposed as follows:

Replacement of brown timber fascias with white pvc fascias and replacement of brown guttering & downpiping with black guttering and downpiping.

The Principal Planning Officer (Marc Robinson) provided a verbal summation of the application.

The Committee then considered the application. In response to an issue raised, the Principal Planning Officer acknowledged that this was a relatively minor change, with

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a large element of the fascias being in the shadows of the gutters anyway, and the proposals would not be harmful on the character of the application buildings.

RESOLVED

Permit, subject to the Conditions set out in report PES/245 (f)

9. Section 106 Monies - Quarter 2 and 3 2017 / 18

The Committee considered report PES/279 of the Head of Economic and Environmental Services.

The report summarised all the Section 106 (S106) monies received, spent and committed to project schemes in Quarters 2 and 3 of the financial year 2017/18.

RESOLVED

That the update on S106 monies received, spent and committed in Quarters 2 and 3 of the financial year 2017/18 be noted.

Closure of Meeting

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

I T IRVINE
Chair

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 20 March 2018
REPORT NO: PES/246(a)

REFERENCE NO: CR/2017/0880/FUL

LOCATION: [FIRST CHOICE HOUSE, LONDON ROAD, NORTHGATE, CRAWLEY](#)
WARD: Northgate
PROPOSAL: CONVERSION OF GROUND FLOOR ASSOCIATED STORAGE INTO 12 FLATS

TARGET DECISION DATE: 5 April 2018

CASE OFFICER: Mr H. Walke

APPLICANTS NAME: Boston Meadows Property Company Ltd
AGENTS NAME: SHW

PLANS & DRAWINGS CONSIDERED:

5017-001, Site Location & Block Plans
5017-002, Existing Ground Floor Plan
5017-003, Existing West Elevation
5017-004, Existing South Elevation
5017-005, Existing East Elevation
5017-006, Existing North Elevation
5017-007, Proposed Ground Floor Plan
5017-008, Proposed West Elevation
5017-009, Proposed South Elevation
5017-010, Proposed East Elevation
5017-011, Proposed North Elevation
5017-012, Existing Basement Floor Plan
30-EX-16, Existing 2nd - 5th Floor Plans
LLD1223-ARB-DWG-001, Tree Constraints Plan
LLD1223-ARB-D02-TRPP, Tree Retention & Protection Plan
LLD1223-LAN-DWG-200, Soft Landscaping Layout
LLD1223-LAN-DWG-201, Detailed Planting Plan
LLD1223-LAN-DWG-202, Detailed Planting Plan
30-GA-01, Proposed Basement/Parking Layout Plan
LLD1223-ARB-DWG-100, Hard & Soft Landscaping

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | | |
|----|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | GAL - Aerodrome Safeguarding | Advice provided on second runway. No objection on aircraft noise grounds as the site would be needed if a second runway were constructed. |
| 2. | WSCC - Highways | No objection subject to conditions |
| 3. | Thames Water | No response |
| 4. | Sussex Building Control Partnership | No response |
| 5. | Police | No response |
| 6. | CBC - Drainage Officer | No response |
| 7. | West Sussex Fire Brigade | No response |
| 8. | CBC - Housing Enabling & Development Manager | No response |
| 9. | UK Power Networks | No objection |

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- | | | |
|-----|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. | CBC - Contaminated Land | No response |
| 11. | CBC - Environmental Health | Objection on noise grounds |
| 12. | Cycle Forum | Advice provided on need for covered cycle stores, manoeuvring space and need to a cycle path to link the site into the wider cycleway network. |
| 13. | CBC - Refuse & Recycling Team | Advice provided |
| 14. | CBC - FP - Energy Efficiency & Sustainability | Further information requested |
| 15. | CBC – FP - Retail & Employment | No objection given previous Inspector's comments. |
| 16. | CBC - FP - Urban Design | No comments |
| 17. | WSCC - Surface Water Drainage (SWD) | No comments |

NEIGHBOUR NOTIFICATIONS:-

The application was advertised by way of site notices and a press notice.

RESPONSES RECEIVED:-

Cllr Peter Lamb: Manor Royal is an employment zone designated for that use since the 1940s. Mixing housing with industrial activity affects those using the sites for either purpose. Those in the houses are forced to deal with excessive noise and congestion, in addition to being more isolated from community facilities and public amenities than any other part of Crawley. For businesses, the presence of residents limits the potential use of their sites for activities which will have an environmental impact upon those living next door, hampering the local economy. It also adds to the existing parking problems on the site. That, and the economic impact of losing further employment land, is why the Council sought, and were granted, an Article 4 exemption from further permitted development on the industrial estate. It is too late to reverse the existing residential conversions, but it is not in anyone's interests to allow further intensification of residential space at this location.

REASON FOR REPORTING TO COMMITTEE:-

The proposal is 'Major' development based on the number of units proposed.

THE APPLICATION SITE:-

- 1.1 The application site comprises a six-storey building located on the eastern side of London Road (A23) just to the north of the junction with Betts Way and Fleming Way. The building was originally constructed for office use. The upper floors of the building have been converted to residential use under the Prior Approval system and are now occupied. The Prior Approval was for 94 flats. However, the current application documents are contradictory about the existing/proposed number of flats. Clarification and floor plans have been requested from the agent.
- 1.2 The current application relates to the ground floor area, which is currently used for storage of building materials related to the residential use. It was originally an undercroft parking area for the office building and subsequently for the flats created within the building.
- 1.3 Vehicular access to the site is from a single point of access immediately to the south of the building comprising a left only turn in and left only exit onto the London Road A23 dual carriageway. There is a basement car park accessed via a ramp to the rear of the site and also surface level parking to the south and east of the building, providing a total of 140 spaces according to the application form. A refuse and recycling store lies in the south-east corner of the site.
- 1.4 Immediately to the south and east is Eastman House occupied by a car sales business and to the north is the Ibis Hotel. To the west on the opposite side of London Road is the White House and to the south-west is Astral Towers, both of which are office buildings. There is a small supermarket on the ground floor of Astral Towers.

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- 1.5 The application site is located within the Manor Royal Main Employment area, which is predominantly occupied by employment uses within the 'B' Use classes. The site is covered by the Article 4 Direction removing permitted development rights for the change of use of offices (B1) to residential (C3). The site lies just south of the Local Plan Gatwick Airport safeguarded area. There are no other identified site constraints.

THE PROPOSED DEVELOPMENT:-

- 1.6 Planning permission is sought for the creation of twelve flats (6 x one bed and 6 x two bed) at ground floor level. They would be created by in-filling the existing storage area and inserting new windows into the external ground floor elevations. The proposed flats would be accessed through pedestrian entrances to the rear of the building. Totalling the Prior Approval flats and the current proposal suggests that there would be a total of 104 flats within the building. However, the Planning Statement states that there would be a total of 113 flats. Clarification from the agent has been sought.
- 1.7 A total of 120 off-street car parking spaces are proposed on site, which would be provided at basement level. Twenty existing ground level car parking spaces would be lost to the rear of the building. There would be no change to the vehicular access to the site.

PLANNING HISTORY:-

- 1.8 The most relevant planning history is as follows:

CR/581/85: Erection of offices. Planning permission granted.

CR/94/0658/FUL: Modifications to car parking provisions including addition of new plant rooms.

CR/2011/0095/FUL: Change of Use of the first and second floors from B1 (Office) to D1 (Dental Clinic). Permission granted but not implemented.

CR/2013/0359/PA3: Prior Approval for change of use from B1 Office to C3 Residential (75 flats). Prior Approval was given.

CR/2014/0122/PA3: Prior Approval for change of use from B1 Office to C3 Residential (80 flats). Prior Approval was given.

CR/2014/0321/PA3: Prior Approval for change of use from B1 Office to C3 Residential (91 flats). Prior Approval was given.

CR/2014/0524/PA3: Prior Approval for change of use from B1 Office to C3 Residential (94 flats). Prior Approval was given.

Due to the applicant not complying with the prior approval requirements the existing flats although occupied do not have the benefit of planning permission.

CR/2014/0826/FUL: Creation of 14 x flats (3 on the roof and 11 on the ground) following prior approval CR/2014/0524/PA3 for 94 flats, including alterations to parking, new windows and boiler floor cladding on the elevations. Invalid application due to discrepancies between the description and details shown on the plans.

CR/2015/0234/FUL: Installation of new windows and boiler flue cladding on elevations. Planning permission granted and implemented.

CR/2015/0446/FUL: Creation of 12 new 1 & 2 bedroom apartments on ground floor car park undercroft and new bin store. Refused 10 November 2015. Subsequent appeal dismissed 3 November 2016.

The application was refused on the grounds of:

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- undermining the business and employment function of Manor Royal;
- unsatisfactory internal space, external amenity space and parking layout combining to create an unacceptable residential environment;
- failure to demonstrate that future residential amenity would not be harmed by noise;
- insufficient to demonstrate highway and pedestrian safety; and
- failure to secure appropriate infrastructure contributions.

The Inspector for the appeal considered that, given the residential conversion of upper floors, there would be no loss of employment floorspace and that the proposal would not undermine the business function. Considering internal space, outdoor amenity space and noise, the Inspector concluded *“that the building would not provide suitable living conditions for future occupiers.”* She concluded that there would be conflict with the internal space standards and that the external amenity spaces would be affected by pedestrian and vehicle movement, limited in size and located to the north of the building. The areas would be *“of a poor quality and quantity”* and *“would not be pleasant to use.”* The Inspector did not agree that the proposal would have a harmful impact upon highway safety, but supported the Council’s view that contributions should be made towards education and open space although not the Manor Royal contribution.

CR/2017/0078/FUL: Conversion of ground floor associated storage into 12 flats. Refused 9 May 2017 for the following reasons:

1. The proposed development, by reason of the unsatisfactory internal space, poor quality outdoor amenity space and poor outlook from the proposed flats, would be severely detrimental to the amenities of future occupiers of the development. The proposed scheme is therefore contrary to Policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and the Amenity Space Standards set out in the Urban Design Supplementary Planning Document.
2. Residents of the proposed flats would be likely to suffer unacceptably high noise levels, to the detriment of both their health and standard of amenity. The proposed mitigation, by way of substantial acoustic screening, acoustic double glazing and mechanical ventilation, would have an unacceptable and intrusive impact upon outlook from the proposed flats and would probably prevent residents being able to open their windows. The proposed development would therefore be contrary to Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
3. No agreement is in place to ensure that the appropriate infrastructure provisions, for open space and tree planting, required to support the development are secured. The proposed development is therefore contrary to Policy IN1 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure Supplementary Planning Document and the Developer Contributions Guidance Note.

PLANNING POLICY:-

National Planning Policy Framework (NPPF) (2012)

4.1 The National Planning Policy Framework 2012 (NPPF) introduced the presumption in favour of sustainable development in approving developments that accord with the development plan without delay or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts or it would be contrary to the policies in the NPPF. The NPPF states that there are three dimensions to sustainable development and the planning system performs an economic, social and environmental role. These roles are mutually dependent. The Framework requires applications to be determined in accordance with the development plan.

4.2 Relevant sections are:

- Paragraph 14: Presumption in favour of sustainable development – this means that development that accords with the development plan should be approved without delay, or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts which would outweigh the benefits or it would be contrary to the policies in the NPPF

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- The core planning principles of the NPPF (paragraph 17) states that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. In addition, development should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Section 6: Delivering a wide choice of high quality homes – this seeks to significantly boost the supply of housing. Applications should be considered in the context of the presumption in favour of sustainable development and are to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Section 7: Requiring good design - this emphasises the importance of good high quality design for all development and advises it is proper to seek to promote or reinforce local distinctiveness and the policies and decisions should address the integration of new development into the natural, built and historic environment
- Section 8: Promoting healthy communities – this section discusses the importance of facilitating social interaction and creating healthy, inclusive communities.
- Section 11: Conserving and enhancing the natural environment – states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

4.3 Crawley 2030: The Crawley Borough Local Plan 2015-2030

- Policy SD1 (Presumption in favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond to and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All New Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- Policy CH4 (Comprehensive Development and Efficient Use of Land) states that development must use land efficiently, not prejudice either the potential of adjoining land or the proper planning and phasing of wider development.
- Policy CH5 (Standards for All New Dwellings) states that all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents. New dwellings should, as a minimum, meet the nationally described space standards in accordance with Building Regulations Part M Category 2 – accessible and adaptable dwellings.
- Policy CH6 (Tree Planting and Replacement Standards) requires landscape proposals for residential development to contribute to the character and appearance of the town by including at least one new tree for each new dwelling. In addition, any trees lost as a result of the development must be replaced or mitigated. Where possible the trees are expected to be provided on site although, where this is not feasible, commuted sums will be sought in lieu.
- Policy EC1 (Sustainable Economic Growth) confirms that the site is within the Main Employment Area. The policy seeks to protect and enhance Crawley's role as the key economic driver in the Gatwick Diamond and identifies Manor Royal as the preferred location for strategic employment in the Borough and wider area.
- Policy EC2 (Economic Growth in Main Employment Areas) supports employment growth in the main employment areas and to resist proposals which result in a net loss of employment floorspace.

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- Policy EC3 (Manor Royal) relates to the Manor Royal Estate and encourages development in the B Use Classes. Proposals that are not for B Use Class development will be permitted if it can be demonstrated that they are of a scale and function that enhances the established role and business function of Manor Royal and would not undermine the business district. All development at Manor Royal should contribute positively to the overall setting and environment of the Main Employment Area as a business district through high quality design and landscaping that is in accordance with the Manor Royal Design Guide Supplementary Planning Document.’
- Policy EC4 (Employment Development and Residential Amenity) states that where residential development is proposed within or adjacent to Main Employment Areas, the principal concern will be to ensure that the economic function of the area is not constrained. Paragraph 5.47 states that *“to promote the continued functionality of Main Employment Areas, where residential development is proposed within or adjacent to Main Employment Areas, regard will be had to the potential impact on the operation of existing economic uses as well as the amenity of future residents.”*
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- Policy H4 (Affordable and Low Cost Housing) states that 40% affordable housing will be required from all residential developments. A split of 70% Affordable/Social Rent and 30% Intermediate Tenure will be sought.
- Policy ENV2 (Biodiversity) states that all developments will be required to incorporate features to encourage biodiversity.
- Policy ENV5 (Provision of Open Space and Recreational Facilities) requires development to make provision for open space and recreational facilities.
- Policy ENV6 (Sustainable Design and Construction) requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes and also specifically to achieve BREEAM excellent for water and energy credits where viable.
- Policy ENV7 (District Energy Networks) requires that any major development proposal should demonstrate whether it can connect to an existing DEN network where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be ‘network ready’ to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- Policy ENV9 (Tackling Water Stress) requires all new dwellings to achieve the new ‘optional’ water efficiency standard introduced into part G of the Building Regulations in 2015, subject to viability and technical feasibility.
- Policy ENV11 (Development and Noise): Advises that residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. To achieve this, this policy should be read in conjunction with the Local Plan Noise Annex.
- Policy IN1 (Infrastructure Provision) states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires all residential, employment and commercial development to be designed to be connected to high quality communications infrastructure.
- Policy IN3 (Development and Requirements for Sustainable Transport) Advises that development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network.
- Policy IN4: (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council’s car and cycle standards.

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Article 4 Direction

- 4.4 The Local Plan sets a clear policy direction to ensure that the business function of Manor Royal is protected and is not undermined by the inappropriate introduction of uses that are not consistent with the overall economic objectives of the plan as set out in Policies EC3 and EC4. The Council has made two related Article 4 Directions that came into force on 29 July 2016.
- 4.5 The Directions remove permitted development rights that allow change of use from B1(a) - offices and B8 - warehouse to residential (C3) within the Manor Royal Employment Area without the need to make a planning application. The two directions respond to the significant demand for business land in Crawley, the supply of which is being significantly undermined by the loss of B1(a) office premises and B8 warehouses to residential uses under the Prior Approval process. The directions respond to concerns raised by the Council and local business groups that the introduction of residential uses into Manor Royal is undermining the economic function of the main employment area.
- 4.6 A further Article 4 Direction controlling potential changes of use from B1(c) light industrial use to residential (C3) within Manor Royal came into force on 16 October 2017.

Supplementary Planning Guidance and Documents

- 4.7 The Council's following Supplementary Planning Documents and Guidance Notes are also relevant to this application:
- Planning and Climate Change (adopted October 2016) – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport.
 - Urban Design (adopted October 2016) – With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document also sets out the car and cycle parking standards for the Borough.
 - Green Infrastructure (adopted October 2016) – Sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for open space, sport and recreation provision under Policies ENV4 and ENV5 and for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling.
 - Affordable Housing (adopted November 2017) This SPD includes further guidance on affordable housing policies within the Local Plan. For eleven or more dwellings, it confirms that 40% on-site provision will be sought, with off-site commuted payments only accepted in exceptional circumstances.
 - Developer Contributions Guidance Note (Adopted July 2016) Following the introduction of the Community Infrastructure Levy, this guidance note sets out the Council's approach to securing contributions towards infrastructure provision.

PLANNING CONSIDERATIONS:-

- 4.8 The main considerations in the determination of this application are:
- Principle of additional residential units within this Main Employment Area
 - Impact on the character and appearance of the building and surrounding streetscene
 - Residential amenity
 - Impact on neighbouring amenities
 - Impact on highways, access and parking
 - Sustainability
 - Affordable housing and infrastructure contributions
 - Other matters

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It should be noted that these relate solely to the additional residential units proposed at ground floor level and the related material alterations described as part of the application, and not to the existing residential units subject of the Prior Approval on the upper floors.

Principle of additional residential units within this Main Employment Area:

- 5.1 Manor Royal is a planned employment district and was not designed to accommodate residential development. The area is a key strategic employment area with businesses operating 24 hours a day and is in close proximity to Gatwick Airport. The area does not benefit from the amenities and services required to support a residential community which are found in all the other neighbourhoods within Crawley and the application site is in a commercial and relatively isolated location in terms of access to amenities. Furthermore, the surrounding environment is considered to be noisy and urbanised in form due to the surrounding uses. Manor Royal is not considered a high quality and well planned environment for future residents.
- 5.2 The building is located within the Manor Royal Main Employment Area defined by the Local Plan and, within which, employment uses are sought. However, the principle of conversion for residential use of this building has already been established through the permitted development rights afforded by the GPDO and the associated prior approval under reference CR/2014/0524/PA3. The adopted Local Plan contains clear policies for the ongoing protection of this important business area as set out in Section 4 above.
- 5.3 The upper floors are now occupied for residential purposes. The current application solely relates to the ground floor storage area. Whilst formerly used as part of the office car park, it is no longer in employment use.
- 5.4 The Council argued at the previous appeal that the proposed residential use of the ground floor would fail to protect employment land and represent a further constraint upon adjoining employment uses. Whilst recognising the site's location within the Main Employment Area, the Inspector considered that "the site's position on the northern edge of the MREA, its neighbouring uses and the scale of development" meant that the conversion of the ground floor would not adversely impact upon the "future function of the MREA as a whole." Given the Inspector's views, it is not considered sustainable to recommend refusal of the current application on the grounds of adverse impact upon Manor Royal's employment generating uses.
- 5.5 Whilst not assisting with the current case, it is worth noting that the Council has subsequently adopted Article 4 Directions to prevent such office conversions happening in the Main Employment Area in future without a planning application.

Impact on the character and appearance of the building and surrounding streetscene

- 5.6 The proposal would infill the ground floor to create twelve new flats. The ground floor currently has a sloping, part louvred feature externally with no windows, so new fenestration is proposed. The new windows would be located on all elevations of the building. According to the elevation drawings, to the front (west) and north elevations, the sloping louvred areas would be removed to open up lightwells outside the windows. However, the proposed ground floor plan appears to suggest that the entirety of the sloping feature would be removed and replaced by planter boxes. Overall, despite this lack of clarity, the external physical changes proposed to the building are considered relatively minor and would be acceptable in streetscene terms subject to clarification from the applicant and detailed control by condition.

Residential amenity

- 5.7 The proposed scheme incorporates six 2-bed and six 1-bed flats. One of the one bedroom flats fails to meet the Council's adopted minimum floorspace standards for new dwellings, as it has a floorspace of only 37 square metres. The drawings indicate it to be a one person unit. However, the floorspace is highly contrived, with a substantial store located outside the bedroom in a way that does not feature in any other proposed unit. This store appears to have been solely incorporated to lower the bedroom area below the Local Plan defined size for a double bedroom, and therefore that

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of a two person flat (which would require a floorspace of 50 square metres). Regardless of that, even if it were treated as a one person studio, the proposed floorspace is only 37 square metres against a required 39 square metres for a one person studio with bathroom. This flat, due to its cramped size, is considered unacceptable as a new unit of residential accommodation. The other flats would meet the Nationally Described Space Standards required by Policy CH5.

- 5.8 Two flats on the eastern wing would be dual aspect, two would have windows around an external corner, two around an internal corner and the remainder would be single aspect. The outlook from the flats would be either directly onto London Road, north onto the space between First Choice House and the Ibis Hotel or south/east onto the vehicular/pedestrian access, bin and cycle stores and communal space. None of these outlooks are considered to be acceptable or result in a satisfactory level of residential amenity for new dwellings.
- 5.9 As stated above, the proposed elevations appear to show that the existing lightwell structures along the front (west) and side (north) elevations of the building would be retained. These existing structures, due to their siting, height and overall size, would obstruct outlook from west facing flats. Their removal would only offer outlook onto a busy dual carriageway so, in either case, the outlook from the proposed flats with windows facing west is considered unacceptable. The lightwell structures may also prevent light from reaching some of the proposed ground floor windows, resulting in unacceptable levels of natural light within the flats.
- 5.10 The north facing flats would be dark, particularly those that would be single aspect, and would have a communal area immediately outside their windows, resulting in potential loss of privacy. The east facing flats would look onto the vehicular and pedestrian access, which the previous Inspector considered to be unacceptable due to resulting disturbance through issues such as movements, noise and headlights. Many of the flats, including the one adjacent to the communal garden area, could suffer significant loss of privacy from pedestrians passing close to their windows. The proposed flat to the north of the entrance hall would have extremely limited fenestration, dark rooms and would be overlooked.
- 5.11 Since the last application, the applicant has attempted to address poor outlook by the provision of planter boxes. Whilst these may provide some softening in outlook, the general outlook in all directions is poor and, for many flats, natural light levels would be likely to be low. The provision of planter boxes is not considered sufficient to address the fundamental unacceptability of single aspect flats facing a dual carriageway from a distance of only six metres. Many of the kitchens are located some distance from windows and would receive very limited natural light or ventilation. None of the bathrooms would have natural light or ventilation. Overall, the level of internal residential amenity within the proposed scheme is considered wholly unacceptable.
- 5.12 The submitted plans show a communal garden area to the rear of the building and planter boxes and patio areas along other elevations of the building. The landscaping would be a noticeable visual improvement on the previous scheme. However, the main timber deck would have an area of only around 130 square metres. Size, aspect, usability and sense of enclosure all need to be taken into account in assessing whether outdoor space would provide sufficient living conditions for the future occupants. This part of the application site is currently entirely hard surfaced and already available to existing occupiers of the flats on upper floors. It does not form an attractive and usable private amenity space.
- 5.13 Council policy within the Urban Design SPD seeks a “minimum of 5 sqm of private outdoor space, where the smallest dimension is not less than 1500mm, is provided for 1 to 2 person flats plus and extra 1 sqm for each additional occupant.”
- 5.14 No additional amenity space is proposed beyond that which is available for existing residents and, in that sense, the scheme fails to meet the standards. The application does propose the use of planters, decking and other soft landscaping to improve the visual appearance of the existing amenity space and this represents an improvement on the previous scheme. Other than the decked area though, the amenity space appears to include features such as benches adjacent to the vehicular access, cycle and bin stores. The “Proposed Communal Patio” to the north of the building would directly overlook the flats facing onto this area as well as being wholly overshadowed for

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most of the day. The outdoor areas are not suitable for young children to play in due to the proximity of passing cars and would not form appropriate places for residents to relax.

- 5.15 The limited outdoor space provided is therefore expected to meet the needs of the existing and proposed residents of between 106-113 flats, which it is manifestly incapable of doing. There would be no reasonable way to make the space available to the twelve currently proposed flats whilst excluding existing residents. Overall, the outdoor amenity space proposed is considered unacceptable in terms both of area and quality of the space.
- 5.16 The Council's Environmental Health officer has raised very strong concerns about noise levels in this area and the severely harmful impact that these would have upon residents' health and wellbeing. The site lies on a dual carriageway close to a roundabout, in a position where vehicles are braking and accelerating. The applicant has submitted a noise survey carried out in relation to an earlier application. This demonstrates the extremely high noise levels in the area, including maximum noise levels. The report recognises the unacceptable nature of the noise levels and proposes the use of double glazing and mechanical ventilation to address this. The effect of this would be some single aspect flats with sole outlook onto a dual carriageway and their occupants being unlikely to open windows for the comfort and enjoyment of natural ventilation due to the noise levels outside. These flats would not benefit from a satisfactory level of amenity and are not acceptable.
- 5.17 The Inspector for the previous appeal upheld the Council's reason for refusal, concluding that there would be "an unsatisfactory living environment for future occupiers" and, whilst hard and soft landscaping has now been proposed and ground level car parking has been deleted, officers consider that little has been done to address the failings of the previous scheme and that the current proposal would still create a wholly unacceptable living environment for its inhabitants. Refusal is recommended for these reasons.

Impact on neighbouring amenities

- 5.18 The proposed flats would be located within a non-residential area, albeit that there would be flats above and there is a hotel immediately to the north. Given that the creation of the proposed flats relates to the ground floor level of the existing building and would not extend beyond the existing footprint, it is not considered that significant neighbour amenity concerns would arise.

Impact on highways, access and parking

- 5.19 The proposal would retain the existing vehicular access to/from London Road. The Local Highway Authority raises no objection and considers that the proposal would generate only a small increase in vehicle movements to/from the site over current and recent levels. There have been no recorded accidents in the vicinity within the last three years and the access is considered to be acceptable. The comments note that unauthorised parking on the street frontage has been occurring, but that this is being dealt with under highways powers. It is concluded that there would not be a severe impact upon the highway network arising from the proposal.
- 5.20 Overall, First Choice House would have a total of 120 car parking spaces. Clarification has been sought from the agent on the number of existing and proposed flats as the application documents are inconsistent. No response has been received. It appears that the maximum number of existing and proposed flats may be 113 units. The parking standard set out in the Urban Design SPD seeks a minimum of 1.2 spaces per one bed flat and 1.5 spaces per two bed flat. The applicant's Transport Statement, based on an assumption that there would be 106, rather than 113, flats, states that this gives a minimum requirement of 148 car parking spaces. This would represent a shortfall of 28 spaces. The Local Highway Authority has raised no objection and recognises the site to be in a relatively sustainable location in terms of access to public transport. However, the Local Highway Authority comments were based on a total parking figure of 145 spaces provided in the Transport Statement. Further clarification will be sought, but it seems unlikely that refusal could be sustained on parking grounds.

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- 5.21 The Local Highway Authority recommends conditions covering provision of car parking and a Construction Management Plan, which could be applied if the scheme were otherwise acceptable.

Sustainability

- 5.22 The applicant's Design and Access Statement makes limited reference to sustainability. It is clear that no thorough assessment has been carried out and no specific commitments are made. The Council's Forward Planning team understandably objects on this basis. Further information has been requested from the applicant, but no response has yet been received. Issues such as the requirement for the development to meet the BREEAM Excellent standard for energy and water credits, to achieve the Building Regulations optional requirement for tighter water efficiency and to demonstrate that it is ready for connection to a District Heat Network are a significant cause for concern.

Affordable Housing and Infrastructure Contributions

- 5.23 Policy H4 of the Crawley Borough Local Plan 2015-2030 states that 40% affordable housing will be required from all residential developments. The Affordable Housing SPD, adopted in November 2017, provides further guidance on interpretation of the affordable housing requirements. The applicant has made no reference to the provision of affordable housing within the application documents. A total of five on-site affordable housing units would be sought if the scheme were otherwise acceptable.
- 5.24 The proposed development would be liable to pay the Community Infrastructure Levy. The development would also be liable to pay the tree planting contribution set out in the Green Infrastructure SPD and an appropriate contribution towards provision of off-site open space to cater for the needs of future residents. The Inspector for the previous appeal supported the need for an open space contribution. The Forward Planning team has advised that a contribution of £2,856 should be sought towards improvements to the MUGA, BMX track or adventure playground facilities at Cherry Lane playing fields. Additional tree planting was not discussed at the previous appeal hearing as the Green Infrastructure SPD had not been adopted at that point. It forms recent and up to date guidance adopted after the appeal and it is appropriate that a contribution be sought from this proposal. The total contributions that would be sought in this case would be £4,956 (£2,100 for tree contribution and £2,856 for open space).
- 5.25 At the time of the previous appeal, the Council sought the Manor Royal public realm improvement commitment relating to developments in this area. Unfortunately, the Inspector took the view that this contribution was only required from employment floorspace proposals. Regardless of the fact that all employees and residents of Manor Royal would benefit from public realm improvements such as pocket parks, particularly where amenity space is inadequate, officers do not consider that refusal on this basis can be justified given the Inspector's previous comments. Education contributions were also discussed at the previous appeal hearing. The Inspector accepted the need for such contributions, but these have subsequently been covered by the Community Infrastructure Levy.
- 5.26 The applicant has not submitted a unilateral undertaking to cover the required above contributions towards affordable housing, open space and tree planting. In the absence of such a commitment, the proposed development fails to address the infrastructure requirements associated with it and fails to meet current local planning policy requirements. Refusal is recommended on this basis.

CONCLUSIONS

- 5.27 The proposed development would create residential accommodation incapable of meeting decent standards for residential occupiers, due to high noise levels, poor outlook, disturbance from vehicle movements and lack of acceptable outdoor amenity space. Refusal is recommended for these reasons. As it stands, the proposal also fails to meet the Council's adopted requirements for infrastructure provision.

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RECOMMENDATION RE: CR/2017/0880/FUL

Refuse for the following reasons:

1. The proposed development, by reason of the unsatisfactory proposed internal floorspace, the insufficient and poor quality proposed outdoor amenity space areas and the poor outlook from the proposed flats, would be severely detrimental to the amenities of future occupiers of the development. The proposed scheme is therefore contrary to Policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and the guidance set out in the Urban Design Supplementary Planning Document.
2. Residents of the proposed flats would be likely to suffer unacceptably high noise levels, to the detriment of both their health and standard of amenity. The proposed mitigation, by way of acoustic double glazing and mechanical ventilation appears unacceptable in noise terms and would probably prevent residents being able to open their windows and benefit from natural ventilation. The proposed development would therefore be contrary to Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
3. No agreement is in place to ensure that the appropriate affordable housing and infrastructure provisions for open space and tree planting required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure Supplementary Planning Document, the Affordable Housing Supplementary Planning Document and the Developer Contributions Guidance Note.

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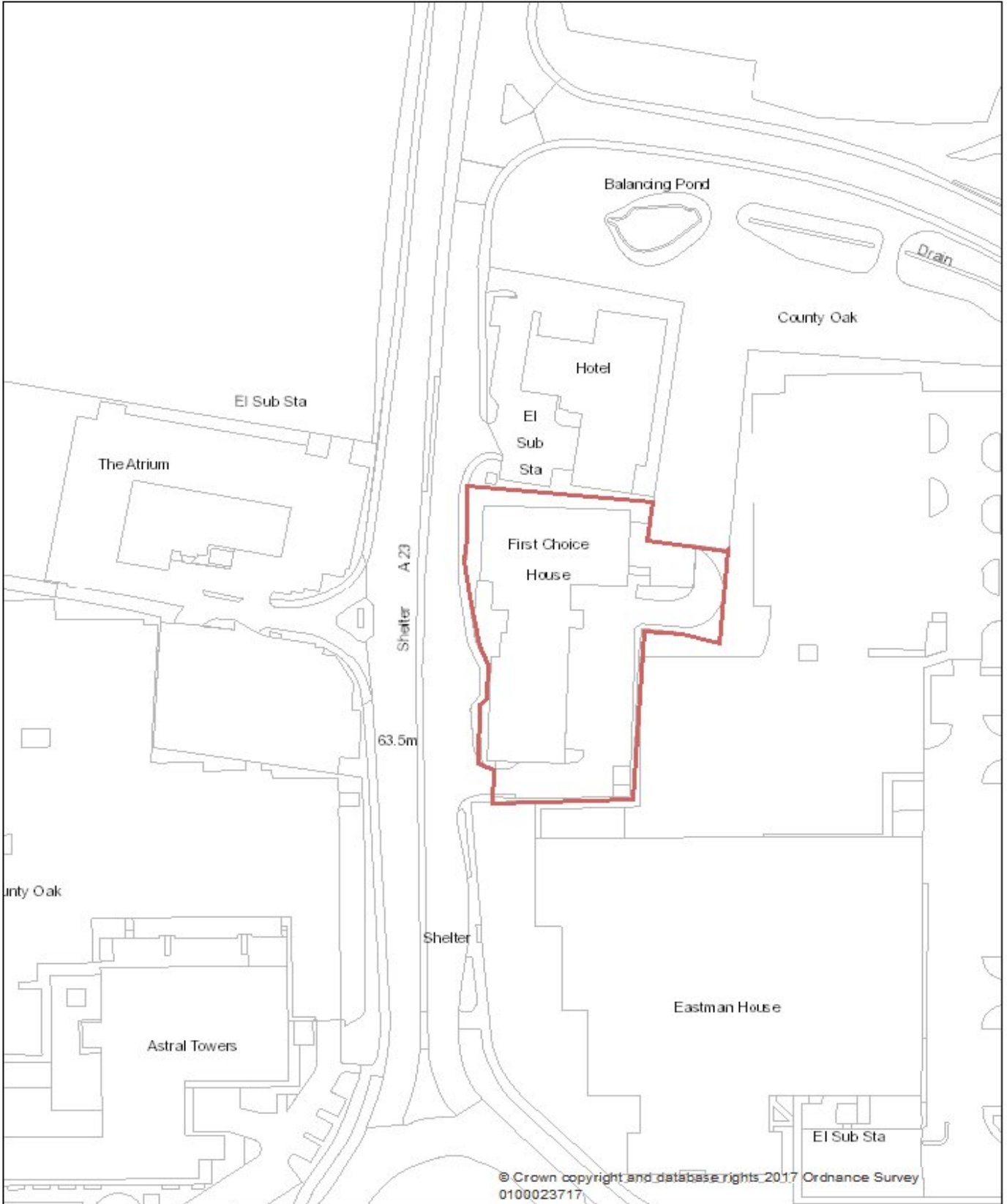


ArcGIS Web Map



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Agenda Item 6

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 20 March 2018
REPORT NO: PES/246(b)

REFERENCE NO: CR/2017/1019/TPO

LOCATION: [LAND ADJACENT TO THE MUSEUM, THE TREE, 103 HIGH STREET, NORTHGATE, CRAWLEY](#)

WARD: Northgate

PROPOSAL: T16.6.9A - HORSE CHESTNUT: REMOVE FOR SAFETY REASONS
T16.6.9T2 - HORSE CHESTNUT: REDUCE BY UP TO 1.5M ALL ROUND IN ACCORDANCE WITH BS3998 2010 AND CARRY OUT RESISTANCE TEST EVERY 18 MONTHS TO MONITOR CONDITION

TARGET DECISION DATE: 30 January 2018

CASE OFFICER: Mr R. Spurrell

APPLICANTS NAME: CRAWLEY BOROUGH COUNCIL

AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

0001, Tree Plan

REASON FOR REPORTING TO COMMITTEE:

CBC is the applicant

CONSULTATION:

The application was advertised by a site notice

REPLIES RECEIVED:

Two written representations were received from the same member of the public objecting to the application for the following reasons:

- Tree is part of heritage
- Trees need a trim but are not a safety risk

The objector has been contacted and the reasons for the removal of the tree were explained, he was also reassured that a replacement tree would be provided.

PLANNING HISTORY:

- 1.1 The trees were protected in 1988 under Order Reference P16.6.9 'The Crawley Borough (The Tree) Tree Preservation Order 1988
- 1.2 The trees are sited in front of 'The Tree', this building is a Grade II listed building recently extended with permission to be used as museum.

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PLANNING POLICY:-

- 2.1 This application must be considered in the context of Part VIII of the Town and Country Planning Act 1990 and The Town and Country Planning (Tree Preservation) (England) Regulation 2012.
- 2.2 National Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.
- 2.3 The Council's Green Infrastructure Supplementary Planning Document (2016) is a non-statutory document.

PLANNING CONSIDERATIONS:-

- 3.1 The determining issues in this application are the effect of the proposal on the health, character and appearance of the trees and the level of amenity that they provide within the surrounding area.

- 3.2 T16.6.9a – Horse Chestnut: remove for safety reasons

Contribution to public visual amenity	Excellent – this is a very prominent tree in the street scene with significant social importance
Estimated remaining contribution	<10 yrs – tree is infected with bleeding canker and resistograph tests reveal that the tree is unsound
Are works justified?	Yes

- 3.3 The tree is located on the footpath of The Boulevard adjacent to 'The Tree', 103 High Street (the specimen closest to the High Street). The tree is infected with *Pseudomonas syringae* pv. *aesculi*, a bacterial canker that is causing bleeding from the stem and branches as well as bark lesions. This infection causes crown dieback which in the case of this tree is significant and will eventually result in the death of the tree. The resistograph results also show that the wood is degraded and of insufficient density and therefore could fail. It is considered that the tree should therefore be removed on safety grounds, the tree being located on a pavement and adjacent to a public (listed) building. It is proposed to be replaced with a Hornbeam as this is considered a more suitable species for the site.

- 3.4 T16.6.9 T2 – Horse Chestnut: reduce by 1-1.5m all round in accordance with BS3998 2010 and carry out resistance test every 18 months to monitor condition

Contribution to public visual amenity	Excellent – this is a very prominent tree in the street scene with significant social importance
Estimated remaining contribution	20-40 years
Are works justified?	Yes

- 3.5 The tree is located on the footpath of The Boulevard adjacent to 'The Tree', 103 High Street. The tree is infected with *Pseudomonas syringae* pv. *aesculi* though not as severely as the other tree. The works are required in order to safely manage and retain the tree for as long as possible. The regular resistograph tests which involves making a drill hole into the tree will enable the applicant monitor the tree's condition.

CONCLUSION:

- 4.1 These two trees provide significant amenity value and provide a setting to the listed building behind.
- 4.2 The removal of Horse Chestnut T16.6.9a is regrettable but unavoidable as its poor condition precludes it from being retained. It is considered that the replacement Hornbeam would be of reasonable size and would have instant impact making a good contribution to the green amenity as soon as it is planted.

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- 4.3 The second horse chestnut is also in decline and the proposal is to manage this trees condition. The works would allow this tree to retain some amenity in the short term.
- 4.4 The approach proposed by the applicants allows for the unsafe tree to be removed and its replacement established while managing the decline of the second tree, this is considered the best course of action to protect the visual amenity of the area and the setting for the listed museum.

RECOMMENDATION RE: CR/2017/1019/TPO

Consent – subject to the following conditions:

1. This consent (with the exception of the resistance testing) is valid for a period of two years from the date of this notice and shall only be carried out once.
REASON: To enable the Local Planning Authority to control the works in the interests of good tree management in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
2. All works should be carried out in accordance with BS3998: 2010 'Tree Work Recommendations'.
REASON: In the interests of visual amenity and to ensure the continuing health of the tree(s) in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.
3. Within 12 months of the felling of the tree which shall include the removal of the stump and as much root material as practical, the owner of the land shall plant a Hornbeam tree, in the same location as the felled tree. The tree shall be not less than 25cm in girth and conform to British Standard 3936: Nursery stock specification. In the event that the tree dies within five years following such planting, it shall be replaced with a similar tree in a similar position during the next planting season.
REASON: In the interests of the amenity of environment of the locality in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

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ArcGIS Web Map



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Agenda Item 7

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 20 March 2018
REPORT NO: PES/246(c)

REFERENCE NO: CR/2018/0131/RG3

LOCATION: [THE BARN, TILGATE NATURE CENTRE, TILGATE PARK, CRAWLEY](#)
WARD: Tilgate
PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION ON SOUTHERN ELEVATION

TARGET DECISION DATE: 23 April 2018

CASE OFFICER: Ms K. Ingram

APPLICANTS NAME: Crawley Borough Council
AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

TBP3 Loc 1:1250, Location Plan
TBP3- Block, Block Plan scale 1:500
TBP3-EE, Existing elevations
TBP3-PE, Proposed elevations
TBP3-PFP, Proposed floor plan
TBP3-EFP, Existing floor plan

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. CBC - Property Division No objection
2. Sussex Gardens Trust No comments yet received

NEIGHBOUR NOTIFICATIONS:-

The Crafts Units 1,2,3,4,5,6,7 & 9, Gardeners Cottage and Tilgate Park Nurseries

RESPONSES RECEIVED:-

No representations have been received at the time of writing. The notification period ends on 19 March 2018 and an update will be provided at the Committee Meeting on 20 March 2018.

REASON FOR REPORTING TO COMMITTEE:-

Crawley Borough Council is the applicant.

THE APPLICATION SITE:-

- 1.1 The application site comprises the single storey barn building known as The Barn, which is located within a cluster of buildings that form part of the main complex at the Tilgate Nature Centre. It is constructed of timber cladding with a corrugated roof.
- 1.2 The Nature Centre is located within Tilgate Park which is designated in the Local Plan as a Historic Park and is outside the built-up area of Crawley within the Tilgate/Worth Forest Rural Fringe.

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- 1.3 The Barn is bounded to the west by one of the animal compounds, to the north by single storey buildings associated with the Nature Centre, to the east by the Crafts Units and to the south by an area of hardstanding. It is used as a training and meeting facility and was recently refurbished with the replacement of steel roller shutter doors with glazed tri-fold doors on the southern elevation. The building has an open fronted canopy on its southern side due to the southern wall being recessed back from the roof edge, but the sides of this veranda area have timber clad side walls.

THE PROPOSED DEVELOPMENT:-

- 2.1 The application is seeking planning permission for the erection of a single storey extension on the southern elevation of The Barn measuring 2.3m deep x 6.59m wide with an eaves height of 2.8m. Materials of timber cladding would match existing. It would be constructed beneath part of the canopy area.

PLANNING HISTORY:-

- 3.1 CR/2017/0866/RG3- Erection of an aviary measuring 32.5m long x 8.1m wide, and 5.2m max height with external materials comprising timber uprights, painted mesh and viewing windows – **Permit, under construction**
- 3.2 CR/2016/0558/RG3 - Removal of metal shutters on south elevation of the barn and replace with stud work wall clad with timber and bi-fold doors – **Permit, implemented**
- 3.3 CR/2013/0136/RG3 - Discovery Centre Building, Nature Centre, Tilgate park, Tilgate Drive, Crawley – erection of single storey extension to form new animal housing – **Permit, implemented**
- 3.4 CR/1999/0142/RG3- Erection of Timber Frame Barn adjacent to Stable Block- **Permit**
- 3.5 CR/1998/0028/RG3 - Change of use from potting sheds to two offices and 5 craft units – **Permit, implemented**

PLANNING POLICY:-

- 4.1 National Planning Policy Framework 2012.

Relevant sections are:

- Section 17 sets out a set of core land use principles that should underpin both plan-making and decision taking. These include supporting the transition to a low carbon future in a changing climate, and encouraging the use of renewable resources.
- Section 28 states that planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas.
- Section 73 states that access to high quality open space and opportunities for sport and recreation can make an important contribution to health and well-being.
- Section 132 requires consideration of the impact of the development on heritage assets.

- 4.2 Crawley Borough Local Plan 2015-2030

- Policy SD1- Presumption in favour of Sustainable Development states in line with the planned approach to Crawley new town and the spatial patterns relating to the neighbourhood principles, when considering development proposals the council will take a positive approach to approving development which is sustainable.
- Policy CH2- Principles of Good Urban Design, sets out the seven principles of good urban design. Development proposals will be required to assist in the creation, retention or

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enhancement of successful places in Crawley. Amongst other things development will be required to:

- a) respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets.
 - f) Consider flexible development forms that can respond to changing social, technological and economic conditions
 - g) Provide diversity and choice through a mix of compatible development and uses that work together to create viable places that respond to local needs
- Policy CH3- Normal Requirements of all New Development - requires all proposals, among other things, to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context and demonstrate how attractive and important features would be integrated, be of a high quality in terms of urban and landscape design and relate sympathetically to its surroundings, not cause harm to the amenity of the surrounding area, meet requirements for the safe and proper use of the site in particular with regards to access, circulation and parking and to comply with all relevant Supplementary Planning Guidance.
 - Policy CH9- Development Outside the Built Up Area - states that to maintain Crawley's compact nature and attractive setting development outside the built up area boundary must among other things be grouped with existing buildings, reflect local character and distinctiveness in terms of scale and texture, and not generate an unacceptable level of noise or traffic. Development in the Tilgate/Worth Forest and Fringes should conserve the high landscape value of the area.
 - Policy CH17- Historic Parks and Gardens - states that the Council will support development unless it has a negative impact on the historic setting and character of the Historic Park or Garden.
 - Policy EC9- Rural Economy- states that outside the built up area boundary the extension or replacement of buildings for small-scale economic development when well designed will be supported.

4.3 Urban Design Supplementary Planning Document (adopted October 2016)

- With reference to development in the public realm, the Urban Design SPD states that a good public realm should be human in its scale and respond to people's needs, while stimulating the senses and encouraging a variety of activities and uses, whilst providing through routes and clear connections (2.22).

PLANNING CONSIDERATIONS:-

The main planning considerations in the determination of this application are as follows:

- Impact on the visual amenities of the site, on the Landscape Character Area and on the Historic Park
- Neighbouring amenities
- Parking and highway considerations

Impact on the visual amenities of the site, on the Landscape Character Area and on the Historic Park

- 5.1 The extension is of a modest scale and massing, constructed beneath the existing roof canopy on a recessed outdoor area on the southern elevation of the building. The extension has a depth of 2.3m and does not extend over more than half the width of the southern elevation (6.59m) and accommodates 2 x toilets and a store room. Materials of timber cladding would match existing.
- 5.2 Tilgate Historic Park status is in relation more to its landscape setting than for its historic buildings. The main 19th Century estate house was replaced in the 1960s with the contemporary building which now houses the Smith and Western pub by the main car park entrance. The Crafts Units are converted potting sheds which were once part of the estate kitchen gardens.

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- 5.3 Given the small scale of the extension, its design and its location among an existing cluster of buildings it is considered that the proposal would not harm the visual amenities of the site, the landscaped character of Tilgate Park or the landscape setting of the Historic Park, and would comply with Policies CH2, CH3, CH9 and CH17 of the Crawley Borough Local Plan and the relevant provisions of the Urban Design SPD.

Neighbouring amenities

- 5.4 The nearest residential property is Gardeners Cottage 45m to the north, adjacent to the Nature Centre staff parking area. There would be no impact on neighbouring amenity from the extension.

Parking and highway considerations

- 5.5 The extension would be constructed within the footprint of the existing building and would not result in the removal of any on-site parking for the Nature Centre or Crafts Units.

CONCLUSIONS:-

- 6.1 The extension would be located within the footprint of The Barn Building beneath an existing canopy area on the southern elevation. Materials of stained timber cladding would match existing. The scale and location of the extension would not result in a harmful impact on the visual amenities of the site, the open, landscaped or historic character of the Park and would have no detrimental impact on neighbouring amenity. As such it would comply with Policies CH2, CH3, CH9 and CH17 of the Crawley Borough Local Plan and the relevant provisions of the Urban Design SPD.

RECOMMENDATION RE: CR/2018/0131/RG3

PERMIT – Subject to the following condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. 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.

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.

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

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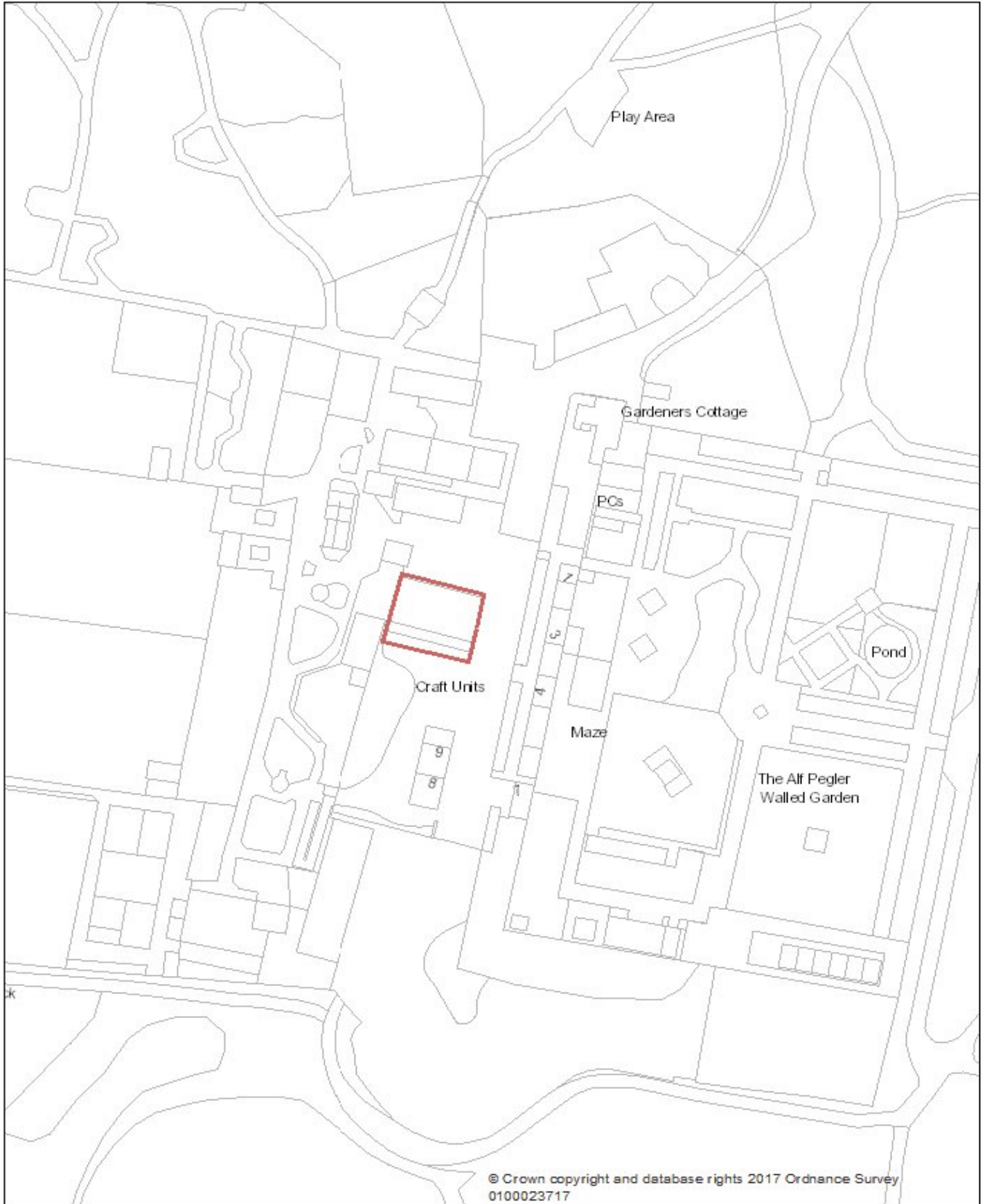


ArcGIS Web Map



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