

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Tuesday, 14 January 2020** at **7.30 pm**

Nightline Telephone No. 07881 500 227



Head of Legal, Democracy and HR

Membership:
Councillors

S Malik (Chair), T McAleney (Vice-Chair), L M Ascough, A Belben,
J Hart, I T Irvine, K L Jaggard, M Mwagale, J Purdy and P C Smith

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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 - 10
To approve as a correct record the minutes of the Planning Committee held on 17 December 2019.	
5. Planning Application CR/2019/0589/FUL - Sullivan Drive, Bewbush, Crawley	11 - 26
Bewbush & North Broadfield	
To consider report PES/328a of the Head of Economy and Planning.	
RECOMMENDATION to PERMIT	
6. Planning Application CR/2019/0696/FUL - Land Parcel At Jersey Farm, County Oak Lane, Langley Green, Crawley	27 - 42
Langley Green & Tushmore	
To consider report PES/328b of the Head of Economy and Planning.	
RECOMMENDATION to PERMIT	
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 9 January** 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, 17 December 2019 at 7.30 pm

Councillors Present:

S Malik (Chair)

T McAleney (Vice-Chair)

J Hart, I T Irvine, K L Jaggard, M Mwagale, J Purdy and P C Smith

Officers Present:

Heather Girling

Democratic Services Officer

Louise Mathie

Senior Lawyer & Deputy Monitoring Officer, Adur & Worthing Councils

Jean McPherson

Group Manager (Development Management)

Clem Smith

Head of Economy and Planning

Hamish Walke

Principal Planning Officer

Apologies for Absence:

Councillor A Belben

Absent:

Councillor L M Ascough

Minute's Silence

The Committee observed a minute's silence in memory of Councillor Geraint Thomas who had sadly and suddenly passed away.

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor J Purdy	CR/2019/0542/FUL – Moka, Station Way, Northgate, Crawley (Minute 5)	Personal Interest – Employed by a company that was listed as consultee (which provided no response).

2. Lobbying Declarations

The following lobbying declarations were made by Councillors:-

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All Councillors in attendance had been lobbied regarding application CR/2019/0542/FUL.

3. Minutes

The minutes of the meeting of the Planning Committee held on 18 November 2019 were approved as a correct record and signed by the Chair, subject to the following amendment to minute 9 that it be noted that as Councillor P C Smith had already declared an interest in this item he left the room and took no further part in the discussion on this item.

4. Planning Application CR/2019/0542/FUL - Moka, Station Way, Northgate, Crawley

The Committee considered report [PES/327a](#) of the Head of Economy and Planning which proposed as follows:

Demolition Of Existing Nightclub And Redevelopment Of Site Providing 152 Apartments, Ground Floor Commercial/Retail Space (Class A1, A3, A4, B1 And/Or D2 Uses) Split Between 2 TO 4 Units, New Publicly Accessible Public Realm (Including Pocket Park), New Publicly Accessible Electric Vehicle Charging Hub, Car Club And Associated Works

The Principal Planning Officer provided a verbal summation of the application and updated the Committee that further comments had been received from Environmental Health on the proposed development. The additional comments state that the proposed development would be exposed to road noise, rail noise and, potentially, plant noise. The applicant had undertaken further work on these issues, but the Environmental Health Officer did not consider that all noise and ventilation issues have been resolved. The Environmental Health Officer stated that in some areas, noise levels would exceed the Council's standards and that further acoustic design measures and mitigation were consequently required. Concerns were also raised about potential overheating within the proposed flats and the need for natural ventilation and openable windows. Environmental Health therefore required further details to address noise and overheating, which the Officer felt could be addressed by condition. Additional conditions on other noise issues were also recommended.

The Committee was informed that there were ongoing discussions concerning the façade treatment at ground and first floors of the proposed building around the proposed pocket park and it was recommended that this could be delegated to officers to resolve. In updating the Committee further, the Principal Planning Officer clarified the matters regarding the establishment of the car club (which included some free membership for residents and a review mechanism as it progressed), together with the electric vehicle charging point installation. It was noted that the implementation and maintenance of the hard and soft landscaping would now be covered by a Section 106 Agreement in order to flexibly deal with integration of the public realm and highway improvements of both the Moka and Station Gateway Improvement scheme.

It was recognised that the proposal would involve the loss of the existing nightclub. However, with the main focus of nightlife activity tending to relocate to the High Street it was felt that there was sufficient alternative provision available. It was recognised that the proposed flats all complied with the minimum Nationally Described Space Standards, and that all flats would benefit from either a 5 sqm balcony or Juliet balcony, with some units having additional windows resulting in dual aspect. There

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was acknowledgement that the proposed building would result in a loss of four protected trees which was regrettable. However, infrastructure contributions would assist in tree mitigation to ensure replanting and could be secured by a Section 106 Agreement. With reference to the affordable housing contributions, it was noted that the provision of the fifteen affordable housing units would be secured through a Section 106 Agreement and that there would also be a two stage review of the scheme's viability as it progressed.

The following revisions were made regarding the recommendation and conditions in the committee report.

Delegate to officers to agree the following details:

1. Façade treatment at ground and first floors of the proposed building around the proposed pocket park

Revised recommendation:

PERMIT subject to the completion of a Section 106 obligation to secure:

- Provision of a minimum of 10% low cost one bedroom housing units, namely 15 units (to be secured at 20% discounted sale or rent, at the Council's nomination, and to be safeguarded in perpetuity);
- Two stage viability re-assessment:
 - First stage if block has not been built up to first floor level within 24 months of grant of permission, to secure further affordable housing units on site if viable (or if agreeable to the Council an off-site affordable housing contribution may be considered); and
 - Second stage upon 75% of sale or rent of dwellings, to secure any affordable housing contribution (up to 50% of additional profit);
- Infrastructure contributions towards open space (£59,958.50) and tree mitigation (£124,600), prior to commencement;
- A car club including a minimum of 5 car club parking spaces and two/three years free membership to residents of the dwellings from first occupation, such car club to be continued and expanded for further 5 year periods if monitoring demonstrates success;
- Installation and retention of electric vehicle charging points on all 16 car parking spaces, prior to occupation;
- Delivery of the pocket park and public realm within the application site prior to occupation and on-going management and maintenance; and
- Highway improvements in association with wider Station Gateway public realm improvements, prior to occupation, including provision for a footpath/cyclepath around the proposed service bay to be adopted as public highway; and

Subject to the conditions set out in the report, subject to the amendments to conditions and to the additional Environmental Health conditions set out below:

Delete conditions:

Delete conditions 10 and 11 as listed in the report, as landscaping will now be covered through the penultimate two S106 bullet points above. This approach will allow greater flexibility to ensure appropriate integration, implementation and phasing of the current proposal and the Station Gateway public realm improvements.

Revised and additional conditions:

Subject to the agreed elevational and highways details, delegate to officers the final wording for the following two conditions:

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2. Drawing numbers (once the applicant has supplied a full set of revised drawings); and
17. Insert highway drawings numbers once final versions of these have been agreed.

In line with the comments from Environmental Health, the following amendment to condition 4 is proposed and the four additional conditions listed below are recommended to be added:

An additional bullet point is recommended to be added to condition 4 (Construction Management Plan) in the report to include:

- “the control of noise and dust emissions from the works”

Additional conditions:

30. No development shall commence unless and until a scheme to address noise mitigation and potential overheating has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to the first occupation of any of the flats hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

31. The noise emissions from any grille opening on to an amenity space or the public realm shall not exceed the background sound level for the area into which the plant is discharging as measured at the location where the discharge occurs.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

32. The motors and moving components of any security shutters or roller gates shall be acoustically isolated from the building structure to prevent the transmission of the sound to the structure.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

33. The inherent airborne sound insulation between the noise generating uses (including but not exclusively commercial uses and the waste stores) and residential properties shall be at least 65 DnTw.

Occupation of the residential properties shall not commence until the applicant has demonstrated that the value has been achieved.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

Richard Mees (on behalf of the applicant) then addressed the meeting in support of the application.

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

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- Confirmed the logistics and provision for a footpath/cyclepath around the proposed service bay to be adopted as public highway.
- Confirmed the access to the refuse bay was separate to the service bay on Station Way.
- Highlighted the advantage of progressing aspects via a Section 106 Agreement to enable the proposal to integrate with the Station Gateway scheme.
- Identified that in terms of security and safety, the applicant was aware of the comments issued by Sussex Police which included a range of Secured by Design measures to be taken into account.
- Responded to concerns regarding the use of the electric charging spaces in that it was anticipated that the car club operator would manage these and they would be open to members of the public but for the charging period only and consequently be prohibited from commuter parking.
- Confirmed the tree contribution and that there was capacity to undertake the tree planting.
- Identified that nominations rights were still to be determined but confirmed it was key to focus on the number of units and securing the 10% (15) onsite affordable units. However, the review mechanism would assess the value and viability of the scheme as it progressed and may allow additional affordable provision to be secured.
- Highlighted options for the façade treatment at ground and first floors and the Committee Members offered views on various options.

RESOLVED

Permit, subject to the completion of a Section 106 Agreement, with the amended conditions and revised recommendation above, and the conditions and informatives set out in report [PES/327a](#)

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.30 pm

S Malik (Chair)

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 14 January 2020
REPORT NO: PES/328(a)

REFERENCE NO: CR/2019/0589/FUL

LOCATION: [SULLIVAN DRIVE, BEWBUSH, CRAWLEY](#)
WARD: Bewbush & North Broadfield
PROPOSAL: CONSTRUCTION OF A BUS GATE TO ENABLE BUSES TO PASS BETWEEN THE RESIDENTIAL NEIGHBOURHOODS OF BEWBUSH AND KILNWOOD VALE ALONG WITH ASSOCIATED PEDESTRIAN WALKWAY, DRAINAGE AND LANDSCAPING (AMENDED PLANS RECEIVED)

TARGET DECISION DATE: 10 October 2019

CASE OFFICER: Mrs J. McPherson

APPLICANTS NAME: Crest Nicholson Operations Limited

AGENTS NAME: Savills

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
11950-SD-CH100	P5	Site Location Plan
11950-SD-CH-101	P3	Block Plan
11950-SD-CD-100	P6	Strategic Drainage Layout
11950-SD-CH-102	P4	Topographical Survey
11950-SD-CH-105	10	Proposed Horizontal Alignment
11950-SD-CH-106	P5	Proposed Vertical Alignment
11950-SD-CH-107	P4	Proposed Contours
11950-SD-CH-108	11	Proposed Pavement Construction
11950-SD-CH109	P8	Proposed Vehicle Tracking
11950-SD-CH110	12	Proposed Signage And Road Markings
11950-SD-CH-111	P6	Visibility Splays
11950-SD-CH112	P6	Lighting Column Locations
2754-5-SD DR-5000	P8	Landscape Proposals
2754-5-SD DR-5001	P4	Softworks Proposals
2754-5-SD DR-5500	P2	Typical Tree Pit Details
2754-5-SD DR-5600	P2	Timber Cleft Knee Rail Details
2754-5-SD DR-5601	P3	Timber Bollard Details
2754-5-SD DR-5602	P1	Cleft 3 Rail Fence Details
11950-SD-CD-110	P3	Spruce Hill Brook Proposed Culvert Details

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. Environment Agency No objection subject to conditions.
2. WSCC Highways No objection to revised plans subject to conditions and Informatives.
3. National Air Traffic Services (NATS) No objection.
4. Thames Water No comments received.
5. Horsham District Council No objections to the principle of the development.
6. CBC Drainage Officer No objection subject to conditions.
7. CBC Property Division No comments – the land has been transferred to Crest Nicholson.
8. CBC Planning Arboricultural Officer No written comments received.

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|-----|-------------------------------|--|
| 9. | CBC Environment Team | No comments received. |
| 10. | CBC Environmental Health | No objection on air quality grounds. No comments received on Noise. |
| 11. | Ecology Officer | No comments received. |
| 12. | CBC Housing | No comments received. |
| 13. | Crawley Cycle & Walking Forum | Concerned that with the revised proposal the road appears to be for buses only, it is unclear whether cyclists would be able to cycle along the bus route as per the original proposal and that experienced cyclists would wish to use the route. The RSA does not mention potential conflict between buses and cyclists. Advises that the 3m wide shared path is only acceptable up to a certain level of traffic and would prefer to see dedicated cycle lane and verge or margin along south side of shared path. All street furniture should be kept out off the 3m footpath to avoid obstruction. Would like to see cycle link extended to Bewbush neighbourhood centre. Detailed comments provided on signage, markings and kerbs. Concerned bridleway crossing which has been amended from original proposal has bends that could cause problems if 2 cyclists met travelling in opposite directions. |
| 14 | Metrobus | Originally objected to the proposal. Following re-consultation was pleased to see some positive changes including the enforcement of the bus gate through the planned use of ANPR cameras which must be fully operational when the road is opened. The revised signage is considered more effective. Disappointed by the single track nature of the road and concern over the future access provision to Henty Close which would further delay buses. |

NEIGHBOUR NOTIFICATIONS:-

36 to 45 Manorfields;
14 and 15 Warrington Close;
10 Henty Close.

Following discussions and amendments to the bus gate design, a re-consultation was carried out with all consultees and third parties who had responded to the original application.

RESPONSES RECEIVED:-

WSCC Access officer – No objection in principle to the application however the legal line of the bridleway is being altered and the Public Right of way will need to be addressed through the appropriate legal process. Detailed advice provided on process, surfacing and safety considerations etc.

British Horse Society – Object – lack of consideration to bridleway users where it crosses the bus route. Highlights the requirement to legally change or divert the route, the need for clear unobstructed visibility for all users in both directions, a clear unobstructed waiting area (proposed knee high rails would be obstruction and potentially injure a horse. Requests that a raised surface crossing be considered to maintain a level surface for users. Highlights the need for appropriate signage at the crossing point and raises concerns that the bus gate would be 'self policing' and that vehicles may not observe the 20mph speed limit and that the bridleway needs regular maintenance (currently by the Borough Council)

16 representations have been received raising the following matters:

- Supports the bus route but concerned about local park (should be relocated and not removed – it is well used and must remain accessible for children). If park can stay then no objection.
- Supports bus link for convenience but need to address environment (protect as much woodland as possible) and protect the playground.
- The park is not considered to be essential and should be relocated.

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- Children's playground should be relocated or improved as it is under used and poorly maintained.
- Supports plan but there needs to be suitable transport links for those past the Sullivan Drive roundabout where there are currently 2 bus stops serving the residents of Redditch Close and Frances Edwards Way so they do not have to walk too far. Concern about the future of these bus stops and that residents using these stops would be poorly served if the service goes via the bus gate. Would there be replacements?
- There should be an increased frequency of bus service to cater for extra passengers.
- Support cycle and path route for residents of Kilnwood Vale to commute on cycle or foot
- Route would sever a bridleway , the bridleway does not appear to be re-provided
- Concern for safety of users of bridleway including equestrians , cyclists and pedestrians – there needs to be a safe crossing point
- Object to the bus route.
- The development seems an afterthought and should have been planned from the beginning
- Not necessary for a bus gate to connect Kilnwood and Bewbush
- Proposal will involve loss of green space.
- Bus gate will not save any time and ruin greenery and the environment.
- Noise and fumes to Bewbush homes from the buses
- Concerned about the location of the bus gate and that more noise and cars might park in Kilnwood Vale and use the bus service.
- Increased risk of incidents involving buses through this proposal – less risk if buses remain on A264
- Do not want improved access to Bewbush from Kilnwood.

Non – planning

- Concerns regarding the potential Council tax implications as a result of the development
- Would like 23 bus service improved at weekends.

One neighbour has responded to the re-consultation continuing to object to the application due to loss of landscaping and increase in noise from the bus route. They consider the bus route should remain as it is and the new route would be of no benefit.

CROSS BOUNDARY DEVELOPMENT:-

- 1.1 The application site crosses administrative boundaries of Crawley and Horsham. The substantial part of the site is within Crawley Borough. The National Planning Practice Guidance (NPPG) states that where an application straddles one or more LPA boundaries, it is necessary for the applicant to submit identical applications to each Local Planning Authority (LPA). An identical application has also been submitted to Horsham District Council for its consideration (Reference DC/19/1612).
- 1.2 In the absence of any joint arrangements both Crawley BC and Horsham DC will need to take a decision on the application which would in effect be a decision on that part of the development that is on their land. It has been agreed informally at Officer level that the application will be considered by the Planning Committee at Crawley Borough Council first as the impacts and substantive part of the development is within its boundary and as the most representations have been received by it in relation to its statutory publicity. This Officer report and the decision taken by the Planning Committee will be a material planning consideration for Horsham District Council where the decision is currently delegated to officers.
- 1.3 Any decision this Council takes on the application will be applicable only to land within Crawley Borough. It is therefore important that any conditions or requirements where necessary are applied to the remaining part of the development within Horsham District. It is considered that determining the applications in this order will ensure a coordinated approach.

THE APPLICATION SITE:-

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- 2.1 The application site amounts to around 0.17 hectares of land and crosses the administrative boundaries of Crawley and Horsham with the substantial western part of the site within being Crawley Borough.
- 2.2 Within Crawley's boundary the land extends from its western administrative boundary with Horsham across to Sullivan Drive to the east. The land is currently open space and is known as Bewbush West Playing Field. The land is relatively level however the levels fall towards the southeast corner with the roundabout in Sullivan Drive.
- 2.3 The land is intersected east to west by a public footpath which connects Sullivan Drive to the public bridleway which itself crosses the site north to south along the boundary with Horsham District. Along the east to west footpath is a footbridge spanning the watercourse of Spruce Hill Brook (to the east of Manorfields) which is a main river flowing south to north with most of its floodplain extending eastwards towards Sullivan Drive. This section of the site is within the floodplain (Zone 2 and Zone 3). To the north of the footpath is the open playing field with a play area towards the western boundary.
- 2.4 There is a public bridleway which intersects the site (running north - south) along the tree belt to the west of the houses in Manorfields. This has a field ditch / culvert running parallel to it on its western side. This bridleway and tree belt mark the administrative boundary line between Crawley and Horsham. There are also a number of trees on the open space at its entrance from Sullivan Drive and along the rear boundaries with the properties in Manorfields to the south which provide screening from the playing field and footpath.
- 2.5 On the Horsham side there is a further hedge boundary and second ditch with the end of an estate road further to the west.
- 2.6 Land to the north of the application site from the bridleway in the west to Spruce Hill Brook in the east including the play area and playing fields, is identified in the Crawley Borough Local Plan as a housing allocation for up to 24 dwellings (including the re-provision of the play area).

THE PROPOSED DEVELOPMENT:-

- 3.1 The application is for the construction of a bus gate link to allow buses to pass from Bewbush neighbourhood (via Sullivan Drive) into the new development of Kilnwood Vale to the west. The proposal involves the change of use of CBC amenity land to highway / bus gate and connecting into the highway network in Kilnwood Vale.
- 3.2 The development proposes a single track bus gate connecting the spine road in Kilnwood Vale with the roundabout in Sullivan Drive. It is anticipated to take around 26 bus movements per hour. A shared footpath / cycleway is proposed along the northern side of the bus gate and the existing north to south public bridleway would be diverted and the affected section re-surfaced.
- 3.3 The existing watercourses would be culverted. The route would be wider at both ends to accommodate 2 way traffic. At the Sullivan Drive end the new road junction would provide a splitter island on the roundabout. Three lighting columns would be proposed along the northern edge of the bus route and ANPR cameras are proposed to be installed to ensure enforcement of the traffic regulations.
- 3.4 A number of trees, hedges and an area of scrub land to the north of the houses in Manorfields would be removed to create the route and to provide an open view along the road for the buses. Some new landscaping to the rear of these houses and along the route on both sides is intended to be provided as mitigation. The existing play area to the north of the route is not affected by the works. The bus route would be slightly elevated in relation to the nearest properties in Manor Fields the finished ground level being approximately 0.5 higher than the existing ground level with a 1 in 3 embankment to the roadway on both sides.
- 3.5 The application was accompanied by the following supporting documents:
Planning Statement

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Stage 1 Road Safety Audit
Stage 1 Road Safety Audit - Designers Response
Transport Report
Arboricultural Impact Assessment and Method Statement (including tree survey)
Landscape Specification - dated 19 July 2019
Landscape Management and Maintenance Plan
Ecology Assessment
Noise report
Flood Risk Assessment

PLANNING HISTORY:-

- 4.1 Kilnwood Vale (formerly known as West of Bewbush) was identified as a strategic allocation for a new neighbourhood of 2,500 dwellings by both Horsham and Crawley Councils working jointly on their respective Core Strategies which were adopted in 2007. Work on this new neighbourhood with its associated facilities was progressed jointly by both authorities and in 2009 the 'West of Bewbush Joint Area Action Plan' was adopted by the Local Authorities. This document set out the development vision, principles and objectives for the neighbourhood. It included a series of policies dealing with the neighbourhood development.
- 4.2 Policy WB25 required the delivery of sustainable transport infrastructure at appropriate phases during the implementation of the neighbourhood. This included a Bus and Fastway access (bus gate) at Sullivan Drive, Bewbush. The location of this bus gate was shown indicatively on the approved 'West of Bewbush Joint Area Action Plan – Conceptual Masterplan' which accompanied the JAAP document.
- 4.3 In July 2010 a hybrid planning application was submitted to Horsham DC DC/10/1612 for "Outline approval for the development of approximately 2500 dwellings, new access from A264 & a secondary access from A264, neighbourhood centre, comprising retail, community building with library facility, public house, primary care centre & care home, main pumping station, land for primary school & nursery, land for employment uses, new rail station, energy centre & associated amenity space. Full planning permission for engineering operations associated with landfill remediation & associated infrastructure including pumping station. full permission for the development of phase 1 of 291 dwellings, internal roads, garages, driveways, 672 parking spaces, pathways, sub-station, flood attenuation ponds & associated amenity space. Full permission for the construction of a 3 to 6 metre high (above ground level) noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway & service provision".
- 4.4 Planning permission was granted in 2011 and condition 35 required delivery of the bus gate subject to agreement of a 'specification' to be approved and implemented prior to occupation of the 900th dwelling.
- 4.5 At the time and separate to the planning process the developers entered into a land transfer agreement with CBC Property to secure the route. This land has now been transferred.

PLANNING POLICY:-

National Planning Policy Framework (NPPF)

- 5.1 The updated 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 – Achieving 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

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our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.

- Section 8 – ‘Promoting healthy and safe communities’ seeks to ensure planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible so that crime and disorder and fear of crime do not undermine quality of life and enable and support healthy lifestyles. It seeks to protect existing open space and protect and enhance existing rights of way and take opportunities to improve these linkages.
- Section 9 – ‘Promoting sustainable transport’ sets out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations. Opportunities to promote walking, cycling and public transport use should be pursued.
- Section 12 - ‘Well designed places’ states that good design is a key aspect of sustainable development and that the planning and development process should achieve the creation of high quality buildings and places.
- Section 14 ‘Planning and Flood Risk’ requires that inappropriate development in areas at risk of flooding should be avoided and where development is allowed this should be demonstrated through an appropriately flood risk assessment including appropriate drainage and mitigation measures.
- Section 15 – Conserving and Enhancing the Natural Environment. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

- 5.2 Policy SD1 (Presumption in Favour of Sustainable Development) states that the Council will take a positive attitude towards approving development which is sustainable.
- 5.3 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.
- 5.4 Policy CH3 (Normal Requirements of All New Development) states that all new developments should meet the requirements necessary for their safe and proper use, in particular with regard to access, circulation and manoeuvring. Proposals should be based on a thorough understanding of the significance and distinctiveness of the site in its immediate and wider context and demonstrate how attractive or important features to area (such as views, rights of way, green spaces) would be integrated, protected or enhanced. Proposals should be well landscaped and supported by a future management and maintenance plan.
- 5.5 Policy CH4 (Comprehensive Development and Efficient Use of Land) requires development to use land efficiently and not unduly restrict the development potential of adjoining land.
- 5.6 Policy CH6 (Tree Planting and Replacement Standards) requires that where proposals result in the loss of trees, the losses 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.
- 5.7 Policy CH7 (Structural Landscaping). The area is identified as Structural landscaping making an important contribution to the character and appearance of the area. Development that affects this role should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate. Opportunities will be sought to deliver enhancements.

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- 5.8 Policy CH11 (Rights of Way and Access to the Countryside) seeks to ensure proposals which detract from the character of a right of way adequately mitigate the impacts or provide a new resource of better or equal value.
- 5.9 Policy ENV1 (Green Infrastructure) seeks to conserve and enhance Crawley's multi-functional green infrastructure network. The policy sets out 6 measures including that :-
- Proposals which reduce, block or harm the functions of the green infrastructure will be required to be adequately justified, and mitigate against any loss or impact; and,
 - Opportunities to maintain and extend links will be encouraged.
- 5.10 Policy ENV2 (Biodiversity) requires all development proposals to incorporate features that encourage biodiversity and where possible enhance existing features of nature conservation value within and around the development. Habitat and species survey will be required to accompany applications on sites with likely ecological value.
- 5.11 Policy ENV4 (Open Space, Sport and Recreation) sets out the criteria the Council will use to determine proposals that affect open space. Proposals will not be permitted unless an assessment of the needs for open space, sport and recreation clearly show the site to be surplus to requirements, or the loss resulting from the development would be replaced by equivalent or better provision.
- 5.12 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.
- 5.13 Policy ENV8 (Development and Flood Risk) states that where development may be vulnerable to flooding it must be demonstrated through a Flood Risk Assessment how appropriate mitigation measures will be implemented as part of the development to ensure flood risk is made acceptable on site and is not increased elsewhere.
- 5.14 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.
- 5.15 Policy IN3 (Development and the Requirements for Sustainable Transport) encourages modal change particularly to public transport, cycling and walking and, taking advantage of opportunities to utilise the public transport, cycling and walking network.
- 5.16 Policy H2 (Key Housing Sites) - This policy identifies the land north of the bus gate (including the existing play area) as a 'Developable' housing site for 24 dwellings. It states that development of this site must '*provide a replacement play area of equivalent or better quantity and quality in a suitable location*'. Further justification is provided in para 6.52 of the supporting text.

Supplementary Planning Documents

- 5.17 The following planning documents are applicable to the development of this site and can be viewed at www.crawley.gov.uk/crawley2030spd.
- Planning and Climate Change SPD (adopted October 2016) – Sets out guidance seeking to reduce energy consumption, minimise carbon emissions during development, support 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.
 - Green Infrastructure (adopted October 2016) – Sets out the Council's approach to trees, open space and biodiversity. It also includes the justification and calculations for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling and to cover net tree loss as a result of any development.
 - Urban Design SPD (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.

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- 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.

Emerging Local Plan – Crawley Borough Local Plan 2020-2035 – November 2019 – Regulation 19 Draft

5.18 This draft Local Plan has been approved by Full Council at its meeting on the 16th December 2019 and will be subject to public consultation between January and March 2020. This emerging Local Plan is still at a relatively early stage in its consultation and adoption process and therefore its policies have limited weight in the determination of planning applications at this time. The following policies are of relevance:

- SD1: Presumption in Favour of Sustainable Development.
- SD2 Enabling Healthy Lifestyles and Wellbeing
- CL2 Making Successful Places: Principles of Good Urban Design
- CL3 Local Character and the Form of New Development
- CL4 Effective Use of Land: Sustainability, Movement and Layout
- CL6 Structural Landscaping
- DD1 Normal Requirements of All New Development
- DD4 Tree and Landscape Character Planting
- DD5 Tree Replacement Standards
- OS1 Open Space, Sport and Recreation
- OS3 Rights of Way and Access to the Countryside
- IN2 The Location and Provision of New Infrastructure
- GI1 Green Infrastructure
- GR2 Biodiversity and Net Gain
- H2 Key Housing Site. (Land at Henty Close remains a housing allocation.)
- EP1 Development and Flood Risk
- EP4 Development and Noise
- EP5 Air Quality
- EP6 External Lighting
- ST1 Development and Requirements for Sustainable Transport

PLANNING CONSIDERATIONS:-

- 6.1 The principle of the creation of a bus gate has been accepted as part of the Kilnwood Vale neighbourhood. The land in question is playing field however, as part of the current adopted Local Plan an indicative bus gate route was already 'excluded' from the open space calculations due this commitment in the Joint Area Action Plan. Furthermore, in the evidence base to support the adopted local plan the provision of the bus gate was also considered necessary in order to allow a vehicular access to the housing allocation at Henty Close.
- 6.2 It is therefore not considered that a further Open Space Assessment is necessary in this case in order to satisfy the requirement of policy ENV4 as the tests under this policy are not considered applicable for the reasons set out in paragraph 6.1 above.
- 6.3 While the principle of the use is acceptable, the site has some significant environmental constraints and the design needs to address the other policy requirements of the local plan as set out below:
- Impact on trees, ecology and landscape
 - Impact on green infrastructure and rights of way
 - Impact on the amenities of nearby residents
 - Drainage and Flood Risk
 - Impact on roads and traffic
 - Comprehensive Development

Impact on trees, ecology and landscape

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- 6.4 The proposal would result in the loss of a number of trees and related landscaping. On the HDC side the applicants state the removal of this landscaping has been agreed as part of earlier permissions. On CBC land an area of self-seeded woodland/ scrub to the north of the rear gardens of numbers 37-42 Manorfields is proposed to be removed. Further trees are to be removed around Spruce Hill Brook footbridge in order to carry out the necessary drainage infrastructure works.
- 6.5 Based on the tree survey provided by the applicant, 3 Willow, 3 Alder, 1 Norway Maple, 1 Silver Birch and 1 Poplar are proposed to be removed along with an area of self-seeded woodland where the survey identifies 19 trees. Based on the planting standards set out in policy CH6, 34 replacement trees are required for the 9 individual specimen trees identified for removal and a further 19 trees are required to replace those lost within the self-seeded woodland, making a total of 53 trees.
- 6.6 A number of replacement trees are proposed to be planted by the applicants including 18 Silver birch along the rear boundary with the properties in Manorfields and a further 16 trees along the northern side of the bus gate. It is not considered that the replacement planting is appropriate for the site as the proposed species mix is limited and there is little space for the trees to mature. The numbers proposed would not fully mitigate those lost in line with policy CH6. It is considered however that a revised landscaping scheme can be agreed and secured via conditions along with a legal agreement to provide payment in lieu for any deficit.
- 6.7 An ecological report was provided with the application, CBC have no specific consultee comments but HDC ecological advisor is satisfied there would be no adverse impact upon protected species and nearby sensitive habitats. It is considered that this specialist advice can be relied upon in this instance.
- 6.8 The site is also designated as an area of structural landscaping identified under policy CH7 as making an important contribution to Crawley and its neighbourhoods in terms of character, appearance, structure and screening. The development would clearly introduce a visual gap between the established landscaping to allow for the introduction of the bus gate. While this will introduce gap in the landscaped backdrop to Bewbush, the width of the gap is considered limited given the single track nature of the gate. This gap is not considered to weaken the structural landscaping in the area and is proposed to be supplemented by additional tree planting. It is considered that the proposal subject to suitable planting would comply with the policy requirements of policy CH7.

Impact on rights of way and green infrastructure

- 6.9 As set out in 6.1, the principle of the loss of the land as open space was established in the JAAP and adopted Crawley Borough Local Plan. However, policy ENV1 seeks to conserve and enhance the multi-functional green network of which this land is part in terms of its visual impact (already discussed above) but also in terms of the value of such land to wildlife and for recreation purposes. It is considered that the impact on the remaining playing field and playground are acceptable. The routes to the playing field from Sullivan Drive are retained and will be improved with lighting, a wider pedestrian path and new cycle link onto the bridleway. Links from Bewbush direct to Kilnwood Vale would also be improved with a new direct route that would benefit residents from both neighbourhoods, access to green space and provide additional permeability of travel east to west on foot or bicycle.
- 6.10 The existing bridleway will be severed by the bus gate and the route diverted. The right of way will be retained and the area around the bus gate would be resurfaced. It is noted that the British Horse Society remain concerned about the visibility and the appropriateness of the proposed signage however it is considered that such details are for the public rights of way team and WSCC highways to implement. While the severing of the bridleway would result in potential conflict between equestrians and cyclist using the route by slowing travel along this route slightly, the balance needs to be considered against the improved east west route for cyclists, pedestrians and buses and in this case the it is considered that the bridleway as amended would still remain safe and convenient and therefore the proposal would not conflict with policy CH11 of the Local Plan.

Impact on amenities of neighbouring occupiers

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- 6.11 The properties most affected by this proposal are numbers 37 -42 Manorfields to the south that have their rear gardens overlooking the self-seeded woodland which would be removed to make way for the bus gate. The loss of the trees would change the rear outlook for these houses by removing the screening from the playing field that is currently enjoyed by the residents. The rear boundaries of these properties are delineated by a 1.8m close boarded fence. While this boundary is not proposed to be changed with the removal of the intervening landscaping the rear boundary would feel much more open than at present and there could be a loss of privacy to the gardens as a result of the more open outlook.
- 6.12 The nearest part of the bus gate (road surface) would be set back 16.5m from the closest rear boundary and would be on a slight embankment. The change in levels would not be significant at the western end adjacent to no 37 but would increase to 800mm behind no 40 which appears from the levels drawing to be the highest point of the road. A section has been requested from the applicants to show the relationship of the road behind to this property. With the carriage way set higher than the existing ground level and bus passengers sitting higher in the vehicle than for cars, there would be an increase in overlooking to these properties.
- 6.13 It is not considered there is any harmful loss of privacy to the rear facing rooms of these properties, the gardens measure a minimum of 11.5m in length and combined with the slight setback of the bus gate carriageway from the property boundary is considered there would be sufficient distance to safeguard privacy to the rear facing rooms.
- 6.14 It is considered that suitable mitigation could be provided with appropriate boundary treatment. The applicants are currently proposing planting, however, the current tree mix is not considered effective and a more robust boundary to the rear gardens would be more appropriate. It is considered that an appropriate level of boundary screening though a mix of a suitable barrier and planting /hedging could be secured via condition. Such details also need to consider maintenance and the required forward visibility for the buses using the gate to ensure sight lines are retained. In terms of pedestrians and cyclists, they would be using the footpath a further 3.8 metres beyond the nearest edge of the carriageway(along the northern side of the route) which further reduces the opportunity for overlooking, any impacts from these users in terms of privacy would also be mitigated by improved boundary screening.
- 6.15 Comments are still awaited from environmental health on the submitted noise report and an update will be provided at the meeting.

Drainage and Flood Risk

- 6.16 Spruce Hill Brook watercourse is a key constraint on the development and during the course of the application there have been extensive discussions between the applicant, Environment Agency and the CBC Drainage Officer. A technical design solution has now been agreed by all parties and it is considered that the detailed aspects can be controlled via planning conditions.

Impact on Roads and traffic

- 6.17 The proposed bus gate is designed for use by buses and emergency vehicles only. The applicants had originally proposed passive enforcement measures for the bus gate and its use by taxis and emergency vehicles however CBC Officers and Metrobus were concerned that this would lead to abuse of the bus gate as a short cut by other vehicles. It is now proposed that the bus gate would be used by buses and emergency vehicles only and enforced with the use of ANPR cameras installed at the outset. Precise details of the design and siting of these cameras have not yet been provided by the applicant. It is however, considered that the use of these cameras would be an appropriate enforcement measure provided they are installed and operational on first use of the bus gate. Metrobus have commented that they are pleased with the proposed enforcement measures.
- 6.18 WSCC have commented that they have no overriding concerns with the design of the bus gate which is a single track route that requires west bound vehicles having to give way to east bound vehicles. Turning and tracking arrangements are considered adequate. WSCC has commented that they are satisfied with the arrangements made for cyclists having received some amended plans

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showing these details. WSCC comment that to enforce the bus gate the applicants would need to fund a TRO (Traffic Regulation Order) which would be subject to its own consultation. WSCC now support the use of enforcement cameras to remotely monitor the operation of the bus gate. The enforcement measures would need to be secured via planning condition and a separate Highway Agreement.

- 6.19 The concerns of the cycle forum following re-consultation are noted and have been passed onto WSCC and the applicant for further comment, in particular in respect to the discrepancy highlighted between the Road Safety Audit and WSCC response and whether or not cyclists can use the bus lane as opposed to just using the shared footpath/cycle path. It is considered that most of the detailed comments raised by the cycle forum would be covered through the traffic regulation order. There is insufficient width to provide a dedicated cycle lane or verge between the bus lane the shared pavement/ cycleway and it is considered that this design has struck an appropriate balance between the needs of various sustainable transport modes.
- 6.20 Some residents in Bewbush have raised concern about the impact on existing bus stops with the change to the route. The applicants have responded that Metrobus to date has made no concrete decision on the day to day operation of its bus services through the gate at this time, the final schedule would be agreed in consultation with WSCC as bus stops are not subject to control through the planning system.

Comprehensive Development

- 6.21 Policy CH4 seeks to use land efficiently and not unduly restrict the development potential of adjoining land. Officers have sought to ensure that the potential housing allocation site at Henty Close is not prejudiced by the design of the bus gate. The applicants have provided a plan showing an indicative future access to the Henty Close allocation however the practicalities of the design and its relationship with the efficient working of the bus gate would need to be carefully considered if the site were to come forward along with the other environmental constraints relating to drainage which impact the land. From the limited information supplied the current bus gate design suggests that a future access to serve the housing allocation is capable of being delivered and the proposal would therefore comply with Policy CH4.

Infrastructure Contributions

- 6.22 It is considered that a section 106 Agreement will be necessary to secure the appropriate tree mitigation as not all the required replacement trees are able to be accommodated on the site. Based on the indicative landscape drawings which Officers consider need further refinement, there is a deficit of at least 10 trees which would equate to an infrastructure contribution of around £7000 based on £700 per tree. It is considered that a formula based agreement would be appropriate to calculate the required contribution once a final planting plan has been agreed. The formula would be as follows:
- (Number of trees to be removed from site (based on CH6 calculation) x £700) minus (Number of new trees to be planted on site x £700)

CONCLUSIONS:

- 7.1 It is considered that the principle and need to provide the bus gate is firmly established. The route would provide an improved link to Kilnwood Vale and would enhance the operational efficiency of the local buses by providing a dedicated link between Bewbush and Kilnwood Vale avoiding the congestion and delays on the A264.
- 7.2 It is considered that the single track design is an appropriate balance between land take from the public open space and requirements of the bus company. The concern of Metrobus about the proposed design and the slowing down of buses is noted however, it is considered that any delay would be limited given likely frequency of the buses and furthermore the narrower carriageway and slightly slower buses through gate would be appropriate given the route crosses an existing bridleway, is adjacent to the homes in Manorfields, a children's play area and cuts across a playing

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field. The resultant design has also had to address extent of hard surface vs flood risk which has been a key consideration

- 7.3 It is considered that an appropriate balance has been struck between the competing needs of cyclists, pedestrians, equestrians and buses. The diversion / alteration to the existing bridleway is considered acceptable and the 3m wide shared foot/cycleway would be an improvement on the existing provision. A balance needs to be struck in regard to the loss of playing field and competing transport modes.
- 7.4 It is considered that there would be an impact on nearest houses especially to the rear gardens in terms of privacy in the short term, however, privacy can be safeguarded with appropriate boundary treatment and landscaping. It is considered appropriate re-planting can be provided to mitigate the loss of trees and encourage biodiversity
- 7.5 The development would result in a new piece of sustainable transport infrastructure to improve local bus services and improve linkages for cyclists and pedestrians. The proposal is considered to comply with the relevant local plan policies set out in Section 5 above and subject to securing a legal agreement to address tree mitigation is recommended for permission with the following conditions:

RECOMMENDATION:

To permit the application subject to securing a S106 agreement and the following conditions:

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. Notwithstanding any design submitted with the application details, the culvert should be no more than 20m long with a 'v' notch shaped to the base of the culvert.
REASON: To control the detail of the design and ensure the development does not increase the risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
4. Prior to first use of the bus gate, at least 5m of channel length either side of the culvert must be restored by removing the existing concrete channel and replacing with 20mm sized gravels. The 5m of restoration of the culvert should start from the end of the culvert headwall either side.
REASON: In order to ensure adequate mitigation for the culvert and to avoid the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
5. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Reference 11950 and associated drainage note revision F1) and the following mitigation measures it details save as varied by the points listed below:
The low flow channel within the culvert is to be set 300mm below the existing bed level.
There is a minimum freeboard of 150mm from the anticipated 1 in 1000 year water level and the top of the culvert.
The culvert is sized as 1500mm x 1500mm.
The proposed drainage strategy is correctly implemented.
The minimum orifice on the flow control pipes is 75mm.
These mitigation measures shall be fully implemented prior to the bus gate being brought into operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter through the lifetime of the development.
REASON: To prevent an increased risk of flooding to the area and to reduce the risk of blockage to the control pipes in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.

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6. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on and off site have been protected in accordance with the details set out in the Arboricultural Method Statement and accompanying tree retention / removal plan 2754-5-SD DR-5701-S4-P4. Within the protected areas, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
7. The development hereby approved shall not be brought into use unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping hard and soft which shall include details of the following:
1. Details of all soft planting (species, numbers of specimens, plant size, spacing, medium for planting and method of implementation);
 2. Details of paving /surfacing;
 3. Details of all fencing to include the proposed boundary treatment for the rear boundaries of numbers 37-42 Manor Fields;
 4. Details of the retaining wall structures and landscaping thereof;
 5. Details of any external lighting (to accord with the recommendations in the submitted Ecological Assessment);
 6. Details of the enhancement opportunities provided within the layout to address the requirements in for mitigation as set out in the Ecological appraisal;
 7. Details of maintenance and management of the hard and soft landscaping.
The approved details of the landscaping shall be carried out by the end of the first planting and seeding season, following the completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment to ensure appropriate species mix and adequate screening / privacy for the residents of Manorfields in accordance with policies ENV2, CH6 and CH3 of the Crawley Borough Local Plan 2015 - 2030.
8. The bus gate shall not be first used until enforcement cameras have been implemented on the bus gate in accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The submitted details shall include but not be limited to the locations and specification of the proposed enforcement cameras and how they will operate.
REASON: To prioritise sustainable transport to Kilnwood Vale and to ensure these are appropriately located to safeguard the privacy of adjoining residents in accordance with policies SD1 and CH3 of the Crawley Borough Local Plan 2015-2030.
9. No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
- the method of access and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works,
 - those measures necessary to safeguard the users of the bridleway number 1550.
- REASON: In the interests of highway safety and the amenities of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

INFORMATIVES

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1. PROVISION OF ADOPTABLE HIGHWAY

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Highway Agreement Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

2. TRAFFIC REGULATION ORDER

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed prohibition of driving along the bus gate for vehicles other than passenger transport and emergency vehicles. The application would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

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

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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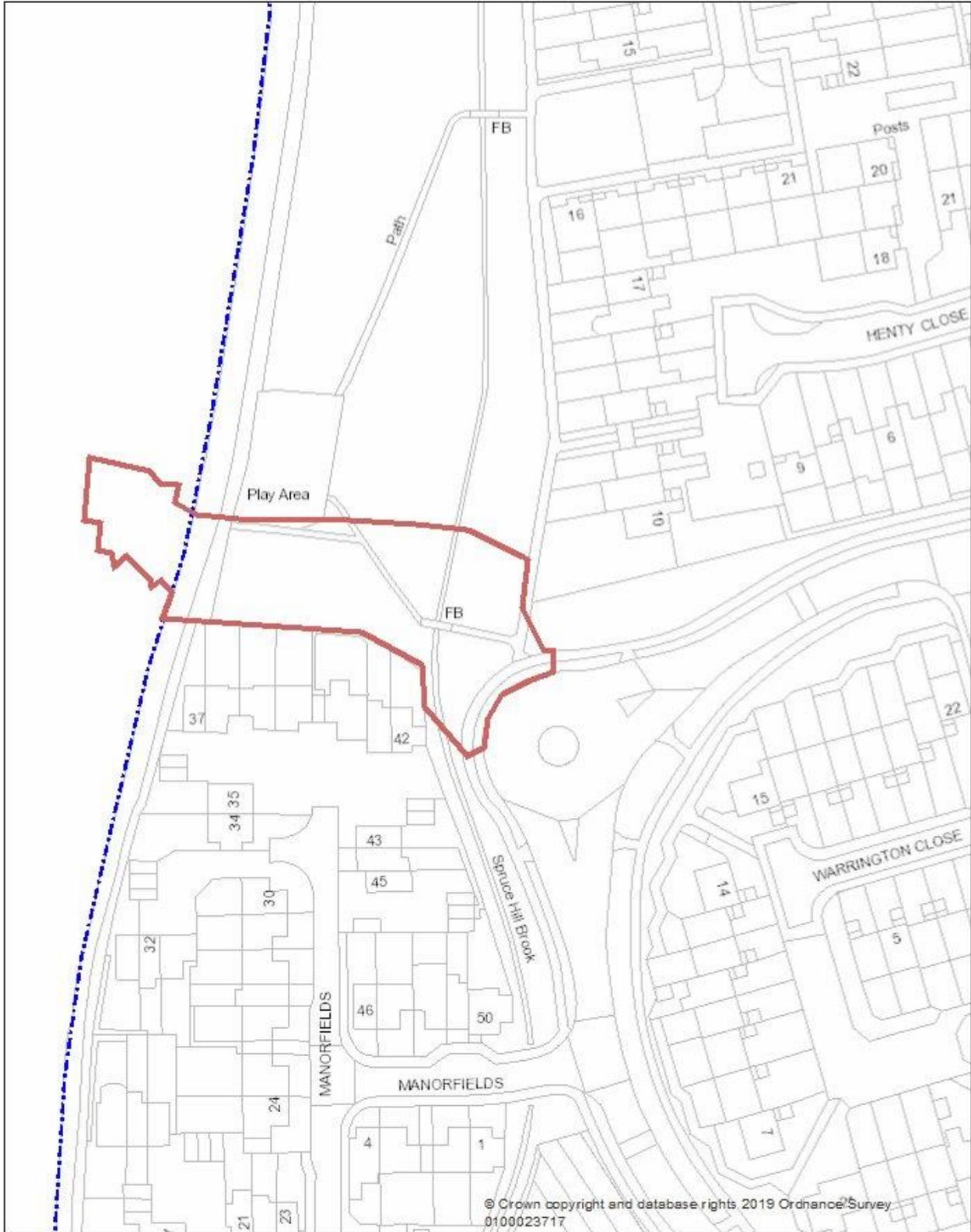


ArcGIS Web Map



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

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 14 January 2020
REPORT NO: PES/328(b)

REFERENCE NO: CR/2019/0696/FUL

LOCATION: [LAND PARCEL AT JERSEY FARM, COUNTY OAK LANE, LANGLEY GREEN, CRAWLEY](#)
WARD: Langley Green & Tushmore
PROPOSAL: ERECTION OF A WAREHOUSE BUILDING TO PROVIDE B8 USE TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING (AMENDED PLANS AND DESCRIPTION).

TARGET DECISION DATE: 18 December 2019

CASE OFFICER: Mr M. Robinson

APPLICANTS NAME: Mr G Scott

AGENTS NAME: Robert Davies John West Ltd

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
390-RDJWL-01-XX-DR-A-0015	C1	Site Location Plan
390-RDJWL-01-XX-DR-A-0016	C1	Block Plan
390-RDJWL-01-XX-DR-A-0020	C1	Proposed Site Layout
390-RDJWL-01-ZZ-DR-A-0025	C1	Proposed Floor Plans
390-RDJWL-01-ZZ-DR-A-0030	C1	Proposed Elevations
263-01-02	B	Landscape Mitigation Strategy
263-01-03	A	Planting Plan
390-RDJW-01-ZZ-DR-A-0040	C1	Proposed 3D Views - Sheet 1
390-RDJW-01-ZZ-DR-A-0041	C1	Proposed 3D Views - Sheet 2

CONSULTEE NOTIFICATIONS & RESPONSES:-

- GAL Planning Department

No objection – No hard-landscaping shown in the area safeguarded for a second runway. Would prefer no landscaping in this area as it would be removed if a second runway were to be realised in the future. LPA to consider whether these elements of landscaping on safeguarded land integral to proposal. It also falls within the Crawley Draft Local Plan 2035 Indicative Search Corridor for Crawley Western Relief Road (CWRR). Considers that LPA needs to consider what weight should be given to CWRR Policy ST4 whilst having regard to the ongoing need to safeguard land for an additional runway and this development.
- GAL Aerodrome Safeguarding

No objection. Bird Hazard Management Plan condition and cranes informative recommended.
- Environment Agency

No comment as the development would have a low environmental risk.

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|-----|--|---|
| 4. | WSCC Highways | No objection to the original submission that proposed greater floor-space, subject to travel plan, construction management plan, access and parking conditions, and informatives. A S106 to address site specific infrastructure requirements is recommended. A further update to the revised reduced proposal for just the B8 Use Class will be provided at the meeting. |
| 5. | National Air Traffic Services (NATS) | No objection. |
| 6. | Surrey County Council | No comment. |
| 7. | Mid Sussex District Council | No comment. |
| 8. | Thames Water | No objection – Surface water will not discharge into the public network so approval should be sought from the Lead Local Flood Authority. An informative is recommended. |
| 9. | Mole Valley District Council | No objection. |
| 10. | Sussex Police | No objection – Recommends measures to mitigate against any identified local crime trends and site specific requirements should be considered. |
| 11. | Horsham District Council | No objection. |
| 12. | CBC Drainage Officer | No objection in principle. More information required |
| 13. | CBC Property Division | No comment received. |
| 14. | CBC Planning Arboricultural Officer | No objection – No significant loss of amenity due to the removal of the hedgerow between the site and the adjacent site to the south. |
| 15. | Tandridge District Council | No objection. |
| 16. | Reigate and Banstead Borough Council | No objection. |
| 17. | CBC Environment Team | No comment received. |
| 18. | CBC Environmental Health | Recommends that an emissions impact assessment/calculation is provided. |
| 19. | Crawley Cycle & Walking Forum | No objection – Cycle parking provision is greater than the minimum requirement in the Urban Design SPD. Comments have been provided as to the design for cycle parking and how improvements to access can be made. The commentary on cycle networks is lacking. Walking and bus information is relevant. |
| 20. | Southern Water Ltd | No objection – Can provide a water supply to the site. An informative is recommended. |
| 21. | CBC Energy Efficiency & Sustainability | No objection subject to conditions. |
| 22. | CBC Retail & Employment | No comment received. |
| 23. | CBC Urban Design | No comment received. |
| 24. | Ecology Officer | To be advised, but there was no objection subject to conditions to the previous proposed development of the site granted under ref CR/2015/0453/FUL. |
| 25. | WSCC Lead Local Flood Authority | No objection –Surface Water - low risk of flooding, existing surface water flow paths should be maintained. Groundwater - Low risk of flooding, Local or field boundary ditches should be maintained. |
| | Historic flooding | No records having been reported. SUDS – recommended that this is reviewed by the Borough Council Drainage Engineer. |
| 26. | CBC Countryside & Open Space | No comments received. |
| 27. | Gatwick Diamond Grow Group | No comments received. |

NEIGHBOUR NOTIFICATIONS:-

The development was advertised by an advertisement in the press and site notices posted around the site on 9th October 2019.

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Unit 38 Basepoint Business Centre.

RESPONSES RECEIVED:-

Manor Royal BID – Supports the application as a sensible extension to Manor Royal in keeping with its primary uses and providing much needed new employment floor-space.

REASON FOR REPORTING TO COMMITTEE:-

The planning application is for a “major” development of greater than 1000sqm of floorspace.

THE APPLICATION SITE:-

- 1.1 Located to the west of the County Oak Way and the north west of the Dualit building, the site comprises a roughly triangular area of undeveloped field. There are trees and hedging along the south-eastern boundary whilst the north-west and south west boundaries would be open to the remaining parts of the field and the countryside beyond. There is public footpath to the north west of the field running along part of the hedge/trees that form the field boundary. This provides extensive views across the field towards the site.
- 1.2 To the south-west of the site are Cherry Lane playing fields, to the south is the large Dualit commercial building and to the north-east is a line of mature trees with the two storey Merlin Centre beyond.
- 1.3 An area of CBC owned land runs along the south-east side of the site. This appears to provide access from Cherry Lane playing field to County Oak Way, although it is not recognised as a public right of way and at the time of the site visit was in places starting to become overgrown with vegetation.

THE PROPOSED DEVELOPMENT:-

- 2.1 The proposal has been amended since submission, and permission is now only sought for a building for a Storage or Distribution use (class B8). This planning application seeks permission for effectively a two storey building (main ground floor space and mezzanine) with a floor space 1692sqm. The building would be situated in the centre of the site with an access road running from County Oak Way along the northern boundary to form a significant turning head to the north of Cherry Lane Playing Fields. It is proposed that there would be parking for 20 cars with 3 being provided as disabled spaces. There would also be parking for 3 lorries. Six of the car parking spaces would be to the front of the building, including the disabled spaces, that would be located under the proposed canopy and close to the main entrance. The remaining 14 car parking spaces, lorry parking and service yard would be to the rear. It is proposed to provide 4 electric car charging points.
- 2.2 The building would have a flat roof and has been designed with a canopy supported by piers to define the north-east facing front elevation. In terms of overall articulation, the building would be relatively simply designed with minimal glazing and the walls would be predominantly made of Kingspan (outer envelope) insulated panels. The south-west, north-west and south-east elevations would also include elements of green walls. The panels to the north east, north-west and south west elevations would be finished in a “dazzle ship” design of light and dark greys to break up the outline/extent to the facades on view from nearby public viewpoints.
- 2.3 The main building would be 68m in length with canopy projecting from the front (north east) elevation of 14m in length. The building would be irregular in shape. The front of building would be an irregular trapezoid shape as its side elevations would be parallel to the boundaries of the site, whereas to the rear the building would be rectangular in shape. This would result in the creation of a triangle of landscaped land adjacent to the access road at the side of the rear of the building. At its north-eastern narrowest end it would be 16m wide and at the south-western widest end it would be 23m wide. The building at its highest point would be 10m high.

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- 2.4 There would be cycle parking and bin stores to both the front (close to the entrance under the canopy) and to the rear of the building. An electrical sub-station is proposed to the front of the building close to County Oak Way. Up to 20 cycle spaces in total are proposed.
- 2.5 Most hedging and some of the trees along the southern boundary adjacent to the CBC Land would be lost to make way of the development although replacement planting of trees is proposed. Landscaping is proposed on land owned by the applicant to the north of the access road within land safeguarded for a potential second runway for Gatwick Airport and to the west of the carpark adjacent to Cherry Lane playing fields.
- 2.6 Some landscaping would also be provided within the site, notably to the front (north-east) of the building close to the proposed access onto County Oak Way and around the rear car-park and service yard.
- 2.7 The following documents have been submitted in support of the application:
- Design and Access Statement
 - Planning Statement
 - Transport Statement
 - Economic Statement
 - Air Quality Assessment
 - Sustainability Statement
 - Utilities Infrastructure Statement
 - Landscape Report
 - Combined Ecological & Arboricultural Appraisal Report
 - Flood Risk Assessment and Drainage Strategy

PLANNING HISTORY:-

- 3.1 In 2018 planning permission was granted for the CONSTRUCTION OF AN INDUSTRIAL WAREHOUSE BUILDING COMPRISING THREE UNITS, A, B AND C, TO PROVIDE B2 AND B8 USEAGE, TOGETHER WITH ASSOCIATED PARKING AND AMENITY SPACE. Ref. CR/2015/0453/FUL. The site was similar to the site for the current application, but did not include planting on the land outside the application site within the ownership of the applicant as currently proposed. There is no evidence that this has been implemented.

PLANNING POLICY:-

- 4.1 This site is located outside the built-up area boundary and within the Upper Mole Farmlands Urban Fringe. The area safeguarded for a potential second runway for Gatwick Airport runs directly along the northern boundary of the site.

National Planning Policy Framework (June 2019)

- 4.2 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 – Achieving 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 6 – ‘Building a strong, competitive economy’ emphasises the need for the planning system to help create conditions where businesses can invest, expand and adapt in order to support the need for economic growth and productivity. Significant weight should be placed

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on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- Section 12 – Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change. In addition to supporting the increased use of renewable and low carbon energy and reducing greenhouse gas emissions, including complying with local sustainability requirements, flood risk should not be increased elsewhere and sustainable drainage systems should be incorporated in major developments.
- Section 15 – Conserving and enhancing the natural environment. Planning policies and decisions should contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and biodiversity, and recognising the intrinsic character and beauty of the countryside. Development should also not add to or be at risk from pollution.

Crawley Borough Local Plan 2015-2030

4.3 The following policies are relevant:

- 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.
- CH2 (Principles of Good Urban Design) To assist in the creation, retention or enhancement of successful places in Crawley, development proposals will be required to:
 - a) *respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets;*
 - b) *create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas;*
 - c) *create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society, including disabled and elderly people;*
 - d) *make places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport networks;*
 - e) *provide recognisable routes, intersections and landmarks to help people find their way around;*
 - f) *consider flexible development forms that can respond to changing social, technological and economic conditions; and*
 - g) *provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.*

Applications must include information that demonstrates that these principles would be achieved, or not compromised, through the proposed development.
- CH3 (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- CH4 (Comprehensive Development and Efficient Use of Land) Proposals must use land efficiently and not prejudice the development potential of adjoining land.
- CH9 (Development Outside the Built-Up Area Boundary). Sets out policies to ensure the Towns compact nature and attractive setting is maintained. The grouping of buildings, views,

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character lighting, parking and storage, activity and noise and traffic are all issues to be considered. Whilst not an allocated site within the Local Plan 2015-2030, it is recognised in the supporting statement for policy CH9 that areas outside the area to be safeguarded will be considered favourably for minor extensions to the Main Employment Area provided they are appropriate to the location and the countryside setting. B use Class development maybe acceptable within the Upper Mole Farmlands Fringe.

- EC1 (Sustainable Economic Growth). The supporting statement para 5.20 identifies that minor extensions abutting the Manor Royal boundary within the Upper Mole Rural Fringe area may be appropriate on site outside safeguarding subject to the impact on the countryside and provided it delivers B Use Class floor-space.
- EC3 (Manor Royal) relates to the Manor Royal which is the principal business location for Crawley, and instrumental to success of the wider Gatwick Diamond. Development that is compatible with the area's economic function and role in the wider sub-region will be permitted where it falls within the B Use Class and would result in the reuse, intensification, or change of use of the land or buildings. All development should contribute positively to the overall setting and environment of the Main Employment Area.
- ENV2 (Biodiversity) requires all development proposals to incorporate features to encourage biodiversity where appropriate.
- ENV6 (Sustainable Design and Construction) states development for new non-domestic buildings should achieve BREEAM Excellent rating for water and energy credits where technically and financially viable.
- ENV7 (District Energy Networks) states any major development within the borough and all development proposals within a priority area for District Energy Networks that would involve the creation of a new dwelling or the creation of over 1000sqm of internal floor-space, should consider how it may include site-wide communal energy systems and consider developing its own system for supplying energy to any surrounding existing or planned buildings. All development subject to the requirements of Policy ENV7, must be supported through the submission of a sustainability statement in compliance with the Planning and Climate Change SPD.
- ENV8 (Development and Flood Risk) All development must avoid areas at unacceptable risk from flooding and must not increase flood risk elsewhere.
- ENV9 (Tackling Water Stress). For non-residential development, where technically feasible and viable, development should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits. Should BREEAM be replaced, or any national standards increased, then this requirement will also be replaced by any tighter standard appropriate to an area of serious water stress. Applicants must demonstrate how they have achieved the requirements of this Policy within their Sustainability Statement, required by Policy ENV6.
- 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.
- 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.
- 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.

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- GAT2 (Safeguarded Land) Protects land for a second potential runway from inappropriate development.

Crawley Borough Local Plan 2020-2035 November 2019 (Regulation 19 draft)

4.4 This Draft Local Plan was approved by Full Council on 16th December 2019 and will be subject to the Regulation 19 public consultation that is due to begin in January 2020. This emerging Local Plan is still at a relatively early stage in its adoption and has therefore limited weight in the determination of planning applications at this time. The following policies are relevant:

- SD1 Presumption in Favour of Sustainable Development
- SD3 North Crawley Area Action Plan
- CL2 Making Successful places: Principles of Good Urban Design
- CL3 Local Character and the Form of New Development
- CL4 Effective Use of Land: Sustainability, Movement and Layout
- CL5 Form of Development Layout, Scale and Appearance
- CL8 Development Outside the Built –Up Area
- DD1 Normal requirements of All New Development
- DD4 Tree and Landscape Character Planting
- DD5 Tree Replacement Standards
- DD6 Aerodrome Safeguarding
- EC1 Sustainable Economic Development
- EC3 Manor Royal
- EC12 Rural economy
- G11 Green Infrastructure
- G12 Biodiversity and Net Gain
- SDC1 Sustainable Design and Construction
- SDC2 District Energy Networks
- SDC3 Tackling Water Stress
- EP1 Development and Flood Risk
- EP5 Air Quality
- EP6 External Lighting
- ST1 Development and Requirements for Sustainable Transport
- ST2 Car and Cycle Parking Standards
- ST4 Safeguarding of a Search Corridor for a Crawley Western Link Road

4.5 Policies SD3 - North Crawley Area Action Plan, and ST4 - Safeguarding of a Search Corridor for a Crawley Western Link Road, are of particular relevance to this application as the site is located within the areas of search for both of these policies.

Supplementary Planning Documents (SPDs)

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

Manor Royal Design Guide SPD (July 2013)

4.7 This document is also relevant and constitutes the planning guidance in relation to the Manor Royal Business District to ensure new development makes a significant contribution to the uplift of the area and secures high quality development which supports the key business function. It provides details of potential improvement projects that could be delivered by a variety of landowners and agencies to enhance the wider public realm. In particular, it requires all development to demonstrate the following:

- New buildings to be of high quality design and urban design.
- Proposals seek to provide active frontages to routes.
- Materials and finishes of good quality and support the principles of identity and sustainability.
- Proposals to achieve a high level of security.
- Surface Water drainage considered.

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- Water efficiency measures considered.
- The development must positively contribute to the landscape and identity of Manor Royal.

4.8 The document emphasises the importance of landscaping as a key consideration in creating a sense of place for Manor Royal and improving the quality of the public realm. This is through achieving robust and consistent frontages along Manor Royal to improve the quality of the environment. It requires parking and servicing to be adequate to meet the needs of the development and to consider landscaping and seek to reduce monotonous surfacing of parking areas. Boundary treatments must be appropriate in scale and context. Landscaping to reduce the visual impact of fences and barriers is encouraged.

Urban Design Supplementary Planning Document (SPD) Oct 2016.

4.9 In addition to providing guidance in regard to massing, materials, public realm, signage, sustainable development, street design and parking layouts, the document also includes the Councils current adopted indicative minimum parking standards. For a storage and warehousing (B8) use there is a requirement for 1 car parking space per 100sqm and 1 lorry space per 500sqm of floorspace. Disabled provision should be 5% of total car-parking, with additional requirements for 1 cycle parking space per 200sqm and 1 motorcycle space per 10 car spaces.

Planning and Climate Change SPD Oct 2016

4.10 This provides additional guidance to support the sustainability requirements of policies ENV6, ENV7, ENV8, ENV9 and IN3.

Green Infrastructure SPD Oct 2016

4.11 This includes details as to how to assess the impact of development on the specific Landscape Character Areas situated outside the built up area boundary including the Upper Mole Farmlands Fringe.

CIL charging schedule July 2016 and the Developers Contributions Guidance Note.

4.12 Regulation 123 of the CIL Regulations requires the council to publish a list of infrastructure that it intends to fund wholly or partly through CIL money. The purpose of the list is to distinguish between those types of infrastructure that the council intends to fund through CIL and those areas where a Section 106 Planning Agreement or S278 Highways Agreement will be sought. This will ensure that that a developer/landowner is not charged twice for the same piece of infrastructure. As set out in the Regulation 123 list, a contribution to Public Realm Improvements in Manor Royal is set at a level of £2 per square metre for new floor-space and it would be provided via a S106 Agreement.

PLANNING CONSIDERATIONS:-

5.1 In addition to a consideration of the acceptability in principle of the development of this site for a storage or distribution (B8) use, the following are considerations in respect of this development:

- The impact on visual amenity and the character of the Upper Mole Farmland Rural Area;
- The impact on users of the Highway, parking and the operational requirements of the site;
- Ecology, Trees and landscaping;
- Sustainability measures;
- The impact on nearby occupiers/neighbours;
- Infrastructure;
- Comprehensive development.
- Flooding;

Whether the principle of the development of this site for storage and distribution B8 uses is acceptable

5.2 The site is situated outside of the built-up area boundary within the Upper Mole Farmlands Fringe. The northern boundary of the site would be against current extent of land safeguarded for a second

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runway for Gatwick Airport, although some landscape planting would be situated on the safeguarded land. Gatwick Airport Limited (GAL) have advised that there is no objection to the proposal in terms of impact upon the potential delivery of a second runway as there would be no “hard” development in this area. GAL does however advise that it would be preferable to have no new landscaping within this area, and that the planting landscaping would need to be removed if an additional runway were to be realised in the future. It is not therefore considered in principle that the development would conflict with the Gatwick Airport safeguarding.

- 5.3 The NPPF requires LPA's to proactively encourage sustainable economic growth to meet anticipated needs over the plan period. The site is adjacent to County Oak/Manor Royal main employment area and it has been accepted within policies CH9 and EC1 of the Crawley Borough Local Plan 2015-2030 that land within this area could be made available for B use class development. In principle therefore it is considered that the proposed development for Class B8 use would not conflict with the Local Plan, subject to consideration of its impact.
- 5.4 With regard to the emerging Draft Crawley Borough Local Plan 2020-2035, the site would be included within the area of the proposed North Crawley Area Action Plan (AAP) (policy SD3) and part of the site is in the area of search for the Crawley Western Link Road (CWLR) (policy ST4). Both of these policies seek to restrict development that would be incompatible with the future delivery of a full Crawley Western Link Road or would prejudice the comprehensive planning of the wider area in the event that the land is no longer required to be safeguarded for a second runway at Gatwick Airport. Policy SD3 states that:- *“Minor extensions to Manor Royal could however be permitted on land outside the amended safeguarded area if they don't prejudice future comprehensive development within the AAP area”*.
- 5.5 The exact location of the CWLR has not been fixed and the AAP has not been published. There is also an extant planning permission on this site granted permission prior to the publication of the emerging Local Plan, and this could be implemented Ref. CR/2015/0435/FUL. The proposal would not extend the area of the site that would be developed when compared to the extant permission and it is not therefore considered that the development would have a greater impact upon the delivery of any future CWLR or the AAP than the implementation of the extant planning permission. It is not therefore considered that the development would conflict with emerging policies SD3 and ST4.
- 5.6 The applicant is aware of the AAP and the CWLR and that the site could in the future potentially be required to enable the delivery of development connected with these policies. This is however a future risk and as neither the CWLR nor the AAP have been agreed, it is not considered that the two policies can at this time be given significant weight.
- 5.7 As noted in para 5.2, the developable site (excluding the landscaping to the north of the proposed access road) is outside the area safeguarded for a potential second runway at Gatwick Airport, is adjacent to Manor Royal and subject therefore to an assessment of its impacts, it could therefore be acceptable as a minor extension to Manor Royal.

The impact on visual amenity and the character of the Upper Mole Farmlands Fringe;

- 5.8 The proposal would be erected on an open field to the north of the Dualit site at the western end of County Oak Way. The applicant has sought to locate the proposed building centrally in the site and it would not project beyond furthest extent of the neighbouring Dualit Building to the south-west. To the north and north-west of the building the proposed access road would extend from County Oak Way to the west with a large turning head located beyond the west of the Dualit site and north of the Cherry Lane playing fields. The area to the west of the proposed building beyond the south-west boundary of the Dualit site would include the access road, parking areas (some in grasscrete), cycle and bin storage, and landscaping. The site itself has been reduced in size from the original submission and it would now match the site granted planning permission under ref. CR/2015/0435/FUL.
- 5.9 The building would be 82m long (including the canopy) and between 16-23m wide with a maximum height to the ridge of 10m. Finished in cladding with a dazzle pattern and green walls it would be a modern two storey purpose built commercial building, the design is considered visually acceptable.

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- 5.10 The existing tree line to the north east of the site adjacent to the Merlin centre would be unaffected by the development although a significant proportion of the hedge, small embankment and ditch along the southern boundary with the CBC owned land would be removed. The embankment, ditch and hedge adjacent to Cherry Lane Playing Fields would be retained with additional trees and hedging planted to supplement it. The hedgerow close to County Oak Way would also be retained and reinforced by additional planting. There would be planting to the north west of the building within the site and along the access road. To the north of the road and outside the site the applicant is proposing additional tree planting.
- 5.11 It is considered the proposed siting of the development within the field but close to existing buildings would appear as an extension to the existing commercial area without appearing dominant in the wider area. Views from Cherry Lane would be limited due to the position of the building and the existing tree/hedgerow screening and landscaping proposed, that would also screen the access/parking area. Although views from the informal path from Cherry Lane to County Oak Way would be significantly altered by having a development along its northern side, the loss of hedge and a number of relatively small trees would be partially mitigated by replacement planting. From County Oak Way the removal of the bund at the end and clearing of some hedgerow to create the entrance would be relatively modest changes that could be mitigated by the landscaped area proposed and the new hedgerow.
- 5.12 This site would be viewed from the public footpath to the north west of the site. The building would be viewed against the backdrop of the larger Dualit building to the south/south east, and landscaping within the site would provide some screening. Notwithstanding the planting outside the site to the north of the access road cannot be guaranteed to be retained given this area is safeguarded land for a second potential runway for Gatwick and because it is also within the area of search for the CWRR, it is considered on balance that the reduction of the building from its original siting and size, and the additional landscaping shown would result in the impact of the development on the character of the countryside being acceptable.
- 5.13 In order to prevent significant impact from light spill a condition is recommended to control all external lighting.
- 5.14 It is therefore considered that the loss of a small amount of the field would not have a demonstrably harmful impact on the Upper Mole Farmlands Fringe as it would be grouped close to existing buildings, would not result in the loss of important views and it would reflect the character of area, in particular the character of development to the west. It is therefore considered that subject to conditions to control materials and ensure the provision of landscaping that the impact upon visual amenity would be acceptable and there would not be a harmful impact upon the Upper Mole Farmlands Fringe.

The impact on users of the Highway, parking and the operational requirements of the site;

- 5.15 A new access would be provided from the western end of County Oak Way that would run along the northern boundary of the site. The initial response from WSCC to the larger development as originally proposed required additional information and this has been addressed by the applicant. WSCC has confirmed that there was no objection to the original submission on highways grounds. Further comments are required to address the current proposal for just a B8 use on a reduced site with a reduced floor area, however, as the number of vehicle movements for the proposal would be reduced from the original submission it is considered that the proposed development would be likely to continue to be acceptable in highways terms.
- 5.16 The proposed building as revised would have a floor-space of 1692sqm. On the basis of the B8 (Storage or Distribution) there is a minimum parking requirement for 17 car parking spaces and 3-4 lorry parking spaces. The proposal would provide 20 car-parking spaces, including 3 disabled spaces (more than a minimum 5% provision). It is not apparent where the requirement for 3 motorcycle parking spaces would be accommodated, but given that the number of car parking spaces exceeds the minimum required in the Urban Design SPD, it is considered that these could be provided on site without having a harmful impact on parking provision or the landscaping/layout.

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- 5.17 There would be up to 20 cycle parking spaces provided and this would exceed the Urban Design SPD requirement for 1 cycle parking space per 500sqm for staff and 1 space per 1000sqm for visitors (6 spaces required). Further details of the actual shelters proposed will however be required via a condition.
- 5.18 The development can cater for its own waste storage needs within the site, and WSCC has considered how larger vehicles can access the site, there would be no adverse issues with access for waste collection vehicles.
- 5.19 It is considered that the access, vehicle and cycle parking and waste arrangements would be satisfactory and the proposal would therefore be able to meet its own operational requirements without risk to users of the highway or adverse impacts on amenity.

Ecology, trees and landscaping;

- 5.20 The proposal will result in the loss of some 31m of hedgerow and the removal of 3 Ash trees within it as well as involving building on an undeveloped field and its adjacent ditch.
- 5.21 The application has been submitted with biodiversity and ecology reports that are being considered by the Council's ecology consultant. Comments from the Ecology Consultant are still awaited however, permission has previously been granted for a similar level of development on the site and it is therefore considered that in principle this development would not have an acceptable impact upon ecology.
- 5.22 In terms of the three 3 Ash trees to be removed from the hedge along the southern boundary, these trees are not considered to have significant amenity and their loss would not be harmful to the character of the area given the replacement planting proposed comprising extensive numbers of trees either on site and on the adjacent land to the north, the replacement tree planting would mitigate the trees that would be lost.
- 5.23 Hedgerow planting with native species is proposed around the western and northern boundaries of the site. This would be similar to other field boundaries in the area. There is also quite extensive tree planting to the north, north-west and north-east of the building on site and this would provide additional screening when it matures. The shrub planting along the southern boundary, whilst not replacing the mature hedge, would provide some screening from the adjacent Crawley Borough Council land. Overall therefore the landscaping proposed would be considered acceptable to ensure the setting of this building adjacent to the fields that comprise this part of the Upper Mole Farmland Rural Area is acceptable.

Sustainability measures;

- 5.24 The applicant has proposed that the building would be erected to a BREEAM excellent standard and will be made ready for any proposed district energy network. The proposal is therefore considered to meet the requirements of policies ENV6 and ENV7 and it is recommended that the proposed sustainability measures are controlled by condition.

The impact on nearby occupiers/neighbours;

- 5.25 The closest buildings to the south and north contain existing commercial uses and the proposal would not adversely impact upon the occupiers of these buildings. To the south west are the Cherry Lane playing fields and beyond these approximately 400m to the south west are the closest dwellings. Given the distance to this housing it is not considered there would be harm from noise and disturbance to their occupiers. The playing fields are subject to intermittent use and are extensive as they include two cricket pitches, given the existing relationship with closer commercial uses along the eastern boundary it is not considered that this proposal would demonstrably impact upon users of the playing fields more than existing nearby uses.

Infrastructure;

- 5.26 The proposal seeks to provide a building with 1692sqm of gross internal floor-space. The CIL Reg

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.123 Reg list identifies that development in Manor Royal is subject to infrastructure “...contributions to public art and the street scene required as part of a development in line with Policies CH3 & EC3 of the Local Plan 2015-30”.

- Manor Royal: £3384. This is based on a requirement to provide £2 for every development exceeding 50sqm within the Manor Royal employment area. £2 x 1692 = £3384.

5.27 As regards Transport Infrastructure, the CIL Reg 123 list states in regard to S106 agreements: “Transport and sustainable access measures including transport related public realm improvements necessary to make the development acceptable in planning terms, and any improvements which are required directly as a result of a development.” can be required in addition to the potential payment of CIL. West Sussex County Council have identified a number of proposals in the area directly related to the development and the following contribution to Transport infrastructure based upon the development as originally submitted is therefore required.

- Transport Total Access Demand £80,361 for Implementing a one way system within the County Oak area, Improved bus waiting. And the Provision of new zebra and Toucan crossings.

5.28 It must be noted that the Transport Infrastructure requirement may change when the formal response from WSCC to the consultation on the current reduced floor-space proposals for only storage and distribution B8 use class development is received.

5.29 The applicant has agreed to the infrastructure contributions and a S106 agreement is currently being prepared.

Flooding

5.30 Crawley Borough Council’s Drainage Engineer has no objection to the proposal subject to conditions to ensure the SUDs is provided and operated in accordance with the submitted details. WSCC as the Lead Local Flood Authority have commented that existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed. The site is an Environment Agency level one flood risk area and there is therefore low risk of the site flooding. There is therefore no objection to the proposal on flooding grounds subject to a Sustainable Drainage System being implemented.

Comprehensive Development

5.31 The application includes a clear indication of a turning head and access road that could in future be used to potentially develop further land in the nearby area subject to a decision being taken on a second runway for Gatwick Airport or the AAP/CWLR and a detailed consideration of future development site boundaries. The access and road is based on a larger area and providing a significantly greater amount of commercial floor-space. Given the identified requirements for Crawley to provide additional employment floor-space within the current Local Plan period 2015-2030, it is considered that the applicants work in providing potential access arrangements for the development of a larger area in the future would accord with policy CH4 that seeks to use land efficiently and not unduly restrict the development potential of adjoining land.

CONCLUSIONS:-

6.1 The use of the site is supported by National and Local Plan policies and would have a potentially positive impact in terms of the local economy. The design of the development and the landscaping would not adversely impact upon the character of the Upper Mole Farmlands Fringe. The operational needs of the site in terms of access, parking, cycle and motor cycle parking can be met, and the Highway Authority West Sussex County council have confirmed there are no objections in terms of impact upon road capacity or highway safety. The proposals relating to drainage would be acceptable and the sustainability measures would provide a BREEAM excellent rating for water and energy credits.

6.2 Subject to the completion of the S106 agreement for off-site infrastructure requirements in Manor Royal and transport are met it is considered that the proposal would accord with the relevant

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sections of the NPPF the relevant policies of the Local Plan 2015-2030 and relevant Supplementary Planning Guidance. On this basis it is recommended that planning permission be granted.

RECOMMENDATION RE: CR/2019/0696/FUL

To permit subject to the conclusion of a S106 agreement to provide contributions for public realm improvements in Manor Royal and transport infrastructure in County Oak directly related to the development and the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No work to implement the buildings on site shall be undertaken unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs and glazing of the proposed building have been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken 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.
4. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by fencing erected in accordance with details that have first been submitted to and approved in writing by the Local planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The soft landscaping for the site and within the area outlined in blue shall be carried out in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment of the development in the accordance with policy CH3, CH6 and CH9 of the Crawley Borough Local Plan 2015-2030.
6. No buildings shall be occupied until such walls and/or fences associated with them have been erected in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority.
REASON: In the interests of amenity in accordance with policy CH2, CH3 and CH9 of the Crawley Borough Local Plan 2015-2030.
7. Development should not commence until the proposed surface water drainage designs for the site have been approved in writing by the Local Planning Authority.
Full details of the maintenance and management of the SuDS system should also be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

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The scheme shall subsequently be implemented and subsequently maintained in accordance with the approved details before the development is occupied.

REASON: To ensure development can drain surface water acceptably in accordance with policy ENV8 of the emerging Crawley Borough Local Plan 2015-2030.

8. Before any work for the implementation of this permission commences, detailed plans, cross sections and particulars of the finished land levels for the surrounding parking, service and landscape areas and the finished floor levels of the building shall be submitted to and have been approved in writing by the Local Planning Authority, and the development 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 Policies CH2, CH3 and CH9 of the Crawley Borough Local Plan 2015-2030.
9. The development hereby permitted shall not be occupied unless and until the access, parking spaces and service areas for the site have been designed, laid out and constructed in accordance with plans and details that have first been submitted to and been approved in writing by the Local Planning Authority. The access, parking spaces and service areas shall thereafter be maintained for these purposes in accordance with the approved details.
REASON: In the interest of highway safety in accordance with policy CH3 and IN4 of the Crawley Borough Local Plan 2015-2030.
10. The building shall not be occupied unless and until the access from the site to the public highway (County Oak Way) has been designed, laid out and constructed in accordance with details that have first been submitted to and been agreed in writing by the Local Planning Authority
REASON: In the interest of highway safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
11. The development hereby permitted shall not be occupied unless and until cycle parking is provided in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority. The cycle parking hereby approved shall be retained in accordance with the approved details.
REASON: To ensure the site can meet its own operational requirements in accordance with saved policy IN4 of the Crawley Borough Local Plan 2015-2030.
12. No development shall commence until a wildlife protection and enhancement plan/method statement has been submitted to, and approved in writing by, the local planning authority. The development and subsequent occupation shall thereafter be carried out in accordance with the wildlife protection plan/method statement.
REASON: to ensure that the proposal does not harm the biodiversity of the area, particularly during construction operations and to ensure that landscape proposals subsequent management makes an appropriate contribution to future biodiversity, in accordance with the NPPF and policy ENV2 of the Crawley Borough Local Plan 2015-2030.
13. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:
 - Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.

The Bird Hazard Management Plan shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.
REASON: It is necessary to manage the roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.
14. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

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REASON: To safeguard the amenity of the Upper Mole Farmlands Fringe, in the interests of the protection of wildlife and to safeguard the operation of Gatwick Airport in accordance with Policies CH2, CH3, CH9 and ENV2 of the Crawley Borough Local 2015-2030.

15. Before construction of the building commences, details of the provisions made within the scheme design to enable the development to be 'network ready' in the event that a District Energy Scheme is delivered in the locality shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable design and construction, in accordance with policy ENV7 of the Crawley Borough Local Plan 2015-2030.

16. Within three months of the occupation of the development a post-construction report shall be submitted to and agreed in writing by the local planning authority, verifying that the unit has achieved the minimum Energy and Water standards for BREEAM 'Excellent'.

REASON: In the interests of sustainable design and construction in accordance with the Local Plan Policies ENV6 and ENV9.

INFORMATIVES

1. The applicant is strongly encouraged to safeguard the space identified within the development to enable the building to be 'Network Ready' in the event the Manor Royal Energy Scheme is delivered allowing the development to benefit from this technology.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/policy-safeguarding.htm).
3. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that CAP393: Air Navigation The Order & The Regulations, Part 28, Article 221(1) grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

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.

- Liaising with consultees, respondents and the 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.

