

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held **Virtually - Microsoft Teams Live**, on **Monday, 20 July 2020** at **7.30 pm**

Nightline Telephone No. 07881 500 227



Head of Legal, Democracy and HR

Membership: To be confirmed following Full Council on 15 July 2020.

Please note: in accordance with Regulations in response to the COVID-19 Public Health Emergency, from April 2020 committee meetings will be held **virtually** via online video conferencing with committee members **in remote attendance only**. Any member of the public or press may observe a committee meeting (except where exempt information is to be discussed) via a link published on the Council's website **24 hours** before the scheduled start time. In order to allow committee members to take decisions without disruption, the **only** participants of this virtual meeting will be the committee members and the officers giving advice. Written statements submitted **in advance** of the meeting by supporters of or objectors to the planning applications on the agenda will be read to the committee.

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

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

Part A Business (Open to the Public)

	Ward	Pages
1. Apologies for Absence		
2. Disclosure of Interests		
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 that Councillors who have been lobbied, received correspondence or been approached by an interested party regarding 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 meeting.		
4. Minutes		5 - 10
To approve as a correct record the minutes of the Planning Committee held on 29 June 2020.		
5. Planning Application CR/2019/0322/FUL - The Gables Nursing Home, Ifield Green, Ifield, Crawley	Ifield	11 - 32
To consider report PES/353a of the Head of Economy and Planning.		
RECOMMENDATION to PERMIT.		
6. Planning Application CR/2020/0210/TPO - St Nicholas Church, Church Road, Pound Hill, Crawley	Pound Hill South & Worth	33 - 40
To consider report PES/353b of the Head of Economy and Planning.		
RECOMMENDATION to CONSENT.		
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

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Crawley Borough Council

Minutes of Planning Committee

Monday, 29 June 2020 at 7.30 pm

Councillors Present:

S Malik (Chair)

T McAleney (Vice-Chair)

L M Ascough, A Belben, J Hart, I T Irvine, K L Jaggard, G S Jhans, M Mwangale, J Purdy and P C Smith

Officers Present:

Jean McPherson Group Manager (Development Management)

Valerie Cheesman Principal Planning Officer

Hamish Walke Principal Planning Officer

Mez Matthews Democratic Services Officer

Jess Tamplin Democratic Services Support Officer

Also in Attendance:

Councillors B J Burgess, C J Mullins, and R Sharma

1. Disclosure of Interests

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Interest
Councillor A Belben	Agenda Item 7 – Planning Application CR/2020/0054/FUL – 9 Mill Road, Three Bridges, Crawley (Minute 6)	Personal interest – was lobbied by people known to him
Councillor Purdy	Agenda Item 7 – Planning Application CR/2020/0054/FUL – 9 Mill Road, Three Bridges, Crawley (Minute 6)	Personal interest – member of Hazelwick Road Conservation Area Advisory Committee

2. Lobbying Declarations

The following lobbying declarations were made by Councillors:-

Councillors Ascough, Irvine, and Malik had been lobbied regarding application CR/2020/0020/FUL – 6 Lundy Close, Broadfield, Crawley.

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Councillors A Belben and Purdy had been lobbied regarding application CR/2020/0054/FUL – 9 Mill Road, Three Bridges, Crawley.

3. Minutes

The minutes of the meeting of the Planning Committee held on 27 April 2020 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2019/0589/FUL - Sullivan Drive, Bewbush, Crawley

The Committee considered report [PES/352a](#) of the Head of Economy and Planning which proposed as follows:

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).

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

The Group Manager (Development Management) provided a verbal summation of the application. The Committee was reminded that the application had been granted planning permission in January 2020 (report [PES/328a](#)), subject to the completion of a Section 106 agreement which was required to mitigate for a shortfall in replacement trees at the application site. The applicant had since worked with Crawley Borough Council on amended plans for 59 trees to be planted within the CBC boundary at the site, and the revised level of planting was 6 more than required by policy CH6 of the Crawley Borough Local Plan 2015-2030. The tree mitigation could now be accommodated on the site and therefore the Section 106 agreement was no longer needed.

In line with the Council's Virtual Committee Procedure Rules, a statement submitted in support of the application by Mr J Beavan, the planning agent on behalf of the applicant, was read to the Committee. Details of the proposed scheme were presented such as the species mix of the trees and the intended appearance of the landscaping.

The Committee then considered the application. In response to a query from a Committee member regarding the density of the proposed trees, it was clarified that the proposed distance between the trees was in line with arboricultural standards.

A recorded vote was taken on the recommendation in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendation, along with any abstentions, are recorded as set out below:

For the recommendation to permit:
Councillors Ascough, A Belben, Hart, Irvine, Jaggard, Jhans, Malik, McAleney, Mwangale, Purdy, and P Smith. (11)

Against the recommendation to permit:
None.

Abstentions:
None.

RESOLVED

Permit subject to conditions set out in report [PES/352a](#).

5. **Planning Application CR/2020/0020/FUL - 6 Lundy Close, Broadfield, Crawley**

The Committee considered report [PES/352b](#) of the Head of Economy and Planning which proposed as follows:

Demolition of existing single storey garage & timber garden room & erection of 1x two bedroom dwelling & new detached garage for 6 Lundy Close.

Councillors Ascough, A Belben, Irvine, Jaggard, and Malik declared they had visited the site.

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

In line with the Council's Virtual Committee Procedure Rules, five statements submitted by members of the public in regard to the application were read to the Committee.

Three statements from objectors (Mr D Howard, Mrs B Taylor-Ginman and Mr C Ginman, and Mrs G Mallet) highlighted matters including:

- The potential for the placement of the proposed development to create a lack of privacy and a loss of light to neighbouring houses, impacting mental health
- A loss of light to the nearby footpath causing concerns of an increase in crime.

One statement from the applicants (Mr and Mrs Wise) highlighted matters including:

- Clarification of the proximity of the proposed two bedroom dwelling to neighbouring houses, at 10.9 metres
- The inclusion of obscured glass on one window of the dwelling to mitigate loss of privacy of neighbouring houses.

One statement from a Ward Councillor for Gossops Green and North East Broadfield (Councillor C Mullins) highlighted matters including:

- The proposed development causing a high-density feeling to the area
- A concern that neighbouring dwellings could be negatively affected by the proposed 10.9 metre separation distance due to the non-standard layout of the properties on Lundy Close.

The Committee then considered the application. Committee members sought clarification on the compliance of the driveway in terms of road safety, and it was noted that West Sussex County Council's Highways department had made no objection to the design of the shared driveway. Concerns were raised regarding the effects on neighbouring properties such as a potential loss of light and privacy. The Committee heard that these matters were deemed acceptable as the plans for the proposed dwelling were policy-compliant. Upon receiving a query regarding the owners of the site, it was confirmed that the land had not been previously owned nor sold by Crawley Borough Council.

A recorded vote was taken on the recommendation in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and

against the recommendation, along with any abstentions, are recorded as set out below:

For the recommendation to permit:

Councillors A Belben, Hart, Irvine, Jaggard, Jhans, Malik, McAleney, Mwangale, Purdy, and P Smith. (10)

Against the recommendation to permit:

Councillor Ascough. (1)

Abstentions:

None.

RESOLVED

Permit subject to the conclusion of a Section 106 agreement to secure an off-site affordable housing contribution of £8,178, and subject to the conditions set out in report [PES/352b](#).

6. Planning Application CR/2020/0054/FUL - 9 Mill Road, Three Bridges, Crawley

The Committee considered report [PES/352c](#) of the Head of Economy and Planning which proposed as follows:

Erection of two storey side and rear extension and single storey rear extension.

Councillors Ascough, A Belben, Jaggard, Jhans, and Purdy declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application. The Committee was informed that a previous application for planning permission for a separate dwelling at the site had been received and refused, partly due to its classification within Flood Zone 3a and that the applicant had failed to satisfy the flood risk tests. The current application was for an extension to the existing dwelling at the same site. The Environment Agency had advised that the site was now classified as being within Flood Zone 2, and so the application did not require those specific flood risk tests to be carried out. The application was thus to be judged against the Environment Agency's standing advice and the flood resilient measures proposed were considered to be acceptable.

In line with the Council's Virtual Committee Procedure Rules, five statements submitted by members of the public in regard to the application were read to the Committee.

Two statements from objectors (Mr A Bayne and Ms N Edwards) highlighted matters including:

- Existing difficulties with car parking in the area and access limitations due to the narrowness of Mill Road
- A potential for the proposed development to cause a loss of historical value to the Crawley Conservation Area.

One statement from the planning agent (Architecture for London) highlighted matters including:

- That issues with the previously submitted application had been addressed
- The sustainable location of the proposed development.

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Two statements from Ward Councillors for Three Bridges (Councillors B Burgess and R Burgess) highlighted matters including:

- The scale of the proposed extension in relation to the existing property
- The previous refusal of a planning application at the site and the similarities between that application and the current application.

The Committee then considered the application. Members of the Committee expressed concerns that the proposed development may not be in keeping with the size and style of properties on Mill Road due to its scale and thus would have a detrimental effect on the character of the Conservation Area. It was noted that conditions four and five of the recommendation required that details of the materials and windows to be used in the construction of the extension be submitted for approval. The Committee also considered car parking availability on Mill Road, and noted that West Sussex County Council's Highways department had no objections on highway safety grounds. It was also clarified that whilst there would be a loss of two to three off-road spaces arising from the construction of the extension, it was considered that there was sufficient capacity in terms of on-street parking.

In response to a query from a Committee member as to whether a condition could be applied to prevent the property being split into two dwellings at a later date, it was explained that such a condition would not meet the relevant tests for a domestic extension, but if the unit was subdivided, this would constitute a breach of planning control and the Council could enforce against the development.

A recorded vote was taken on the recommendation in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendation, along with any abstentions, are recorded as set out below:

For the recommendation to permit:

Councillors Hart, Irvine, Jhans, Malik, McAleney, and P Smith. (6)

Against the recommendation to permit:

Councillors Ascough, A Belben, Jaggard, Mwangale, and Purdy. (5)

Abstentions:

None.

RESOLVED

Permit subject to conditions set out in report [PES/352c](#).

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.36 pm

S Malik (Chair)

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 20 July 2020
REPORT NO: PES/353(a)

REFERENCE NO: CR/2019/0322/FUL

LOCATION: [THE GABLES NURSING HOME , IFIELD GREEN, IFIELD, CRAWLEY](#)

WARD: Ifield

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND COMPREHENSIVE REDEVELOPMENT TO PROVIDE A NEW CARE HOME WITH ASSOCIATED LANDSCAPING AND ACCESS WORKS (AMENDED PLANS, NOISE ASSESSMENT AND FLOOD RISK ASSESSMENT RECEIVED).

TARGET DECISION DATE: 20 August 2019

CASE OFFICER: Mr M. Robinson

APPLICANTS NAME: Country Court Care

AGENTS NAME: Ms Kate Timmis

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
1908 - A001		Site Location Plan
1908 - A002		Existing Site Plan Topographical Survey
1908 - A003		Existing Floor Plans
1908 - A004		Existing Roof Plan
1908 - A005		Existing Elevations
1908 - A006		Existing Sections
1908 - A010	A	Proposed Site Plan
1908 - A101		Proposed Ground Floor
1908 - A102	A	Proposed First Floor
1908 - A103		Proposed Second Floor
1908 - A104		Proposed Roof Plan
1908 - A105	A	Proposed South & West Elevations
1908 - A106	A	Proposed North & East Elevations
1908 - A107	B	Proposed Sections
1908 - A108		Courtyard Elevations
3140.900		Landscape Illustrative Masterplan
3140.1000		Landscape General Arrangements Plan
		Gables - North Elevation Window Details 200220

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. GAL Aerodrome Safeguarding No objection, but comments that the proposal would be within the 63-66dBa noise contour of a second wide bodied runway at Gatwick Airport and that noise mitigation to address this will be needed.
2. Environment Agency No objection - subject to conditions to address contamination found on site, restrictions on sustainable drainage, limitations on piling and penetrative foundations, and securing the development is undertaken in accordance with the flood risk assessment.
3. WSCC Highways No objection subject to Car and Cycle parking and Construction Management Plan conditions. The access, car and cycle parking provision and impact upon the operation of the highway would be acceptable.

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4. National Air Traffic Services (NATS) No safeguarding objection.
5. Thames Water No objection - The waste water network and processing infrastructure has capacity. The applicant will need to show that wastewater discharge will be acceptable and an informative is recommended. There must be a sequential approach to surface water drainage before discharging into public sewers. Oil interceptors recommended for car-parking areas to prevent discharge of pollution into local watercourses.
6. Sussex Building Control Partnership No comments received.
7. Police No objection, advice given on perimeter security, cycle storage, vehicle parking, lighting, cctv, internal security layout/arrangements, and the use of more general security features.
8. Horsham District Council No objection subject to conditions to control: construction hours/deliveries and collections, noise/dust, noise from plant, and lighting.
9. CBC Drainage Officer No objection. – The revised development provides suitable floodwater compensatory storage, the flood resilience measures are acceptable and there would be an acceptable escape route. Conditions to require the development to be undertaken in accordance with details set out in the Flood Risk Assessment are recommended.
10. CBC Planning Arboricultural Officer No objection subject to conditions to protect the retained trees.
11. CBC Environmental Health No objection – It is considered that noise issues from existing and potential noise from Gatwick Airport and ensuring that any plant within the building does not adversely affect future occupiers or neighbours can be controlled by conditions.
12. Crawley Cycle & Walking Forum The design of the cycle store does not appear to be either secure or invisible from the highway. It should ideally be a lockable building. The cycle and mobility scooter appears to be too small to hold 10 cycles and 3 mobility scooters. The staff Travel Plan does not include cycleways relevant to the area. Further advice is given on how to make cycle parking on site acceptable.
13. CBC Refuse & Recycling Team The bin store is located close to the main entrance and would be easy to collect from. It is not known what the capacity of the bin storage will be.
14. Southern Water Ltd No objection – A water supply can be provided.
15. CBC Energy Efficiency & Sustainability No objection subject to requiring water and energy efficiency measures.
16. Ecology Officer No comments received.
17. WSCC Lead Local Flood Authority No comments received.
18. WSCC Fire & Rescue No comment received.
19. GAL Planning Department No objection. Recommends a condition to control landscaping in the interests of aircraft safety and an informative regarding the use of cranes.

NEIGHBOUR NOTIFICATIONS:-

Gurjar Hindu Union Temple Apple Tree Centre;
Troutbeck, Ifield Green;
48 and 50 Spartan Way.

RESPONSES RECEIVED:-

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Responses have been received from two nearby addresses objecting to the proposal on the following grounds:

- The construction method of the building and increased hardstanding does not take into account that it would displace water/reduce the porous area on site and that these would increase flood levels off site.
- Overlooking leading to a loss of privacy of garden and house. A 2m high fence would not screen the two storey building.
- Insufficient parking would lead to parking on nearby roads would be a hazard to the safe operation of the highway
- Insufficient access for larger vehicles
- Insufficient bin storage.
- Increased noise impact on neighbours from much larger building with 24 hour operation.
- The Gurjar Hindu Union Apple Tree Centre site will result in noise issues for future residents of the care home and the noise survey is not representative of noise emanating from this adjacent site due to the time of year it was conducted (winter).
- The emergency flood escape route is through an area of lower ground where there will be higher flood levels – this would not work.

One other nearby occupier has also commented on a financial issue relating to the future operation of the care home and whether a more modest facility would be more appropriate. *This is not a planning consideration.*

The following comments have also been received from the Ifield Village Conservation Area Committee:

Supports: re use of site as care-home, measures to cope with flood risk and the level of detail in the application.

Objects to:

- The visual impact / increased massing of the building.
- The design of the building;
- The loss of privacy to neighbours;
- Overheating of rooms in summer;
- Limited outdoor amenity space for residents;
- The impact upon the approach to Ifield Village Conservation Area;

REASON FOR REPORTING TO COMMITTEE:-

This is a “major” application of more than 1000sqm of floor space.

THE APPLICATION SITE:-

- 1.1 Situated within the neighbourhood of Ifield, the site is situated on the east side of Ifield Green. To the east is the Gurjar Hindu Union Apple Tree Centre, to the north is the detached dwelling Troutbeck, and to the south is an area of woodland. To the south-east is the rear garden of 50 Spartan Way located within the Apple Tree Farm development. To the west on the opposite side of Ifield Green is an area of undeveloped land approximately 20m wide that borders the east bank of the River Mole. The river is the Borough boundary with Horsham District). To the west of the River Mole outside the Borough is open countryside.
- 1.2 The site is predominantly flat, and is currently occupied by an early C20th two storey red brick with feature timber framing house situated in the centre-west of the site that has had extensive mid-late C20th single storey flat roof extensions to its rear/east that extend close to the north, east and southern boundaries.
- 1.3 There are landscaped areas around the building and within the courtyards, with a limited number of various tree species at different levels of maturity. The southern and eastern boundaries have quite extensive numbers of trees along them. The northern boundary with Troutbeck is formed primarily of a beech hedge of approximately 6m in height punctuated by the occasional mature tree. The western boundary to Ifield Green has a mature hedge including a number of trees at either end close to the north and south boundaries. The access comprises a pea shingle drive and parking

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area with a limited number of parking spaces. The parking area/drive is located to the front of the building and within the south-west corner of the site.

- 1.4 The building has a historic use as a nursing home, although in recent years after incidences of flooding, it has not been in active use as a nursing home. It was not at the time of the site visit in use.
- 1.5 The whole site is within an Environment Agency Zone 2 flood risk area and approximately half of the site towards the western boundary is within a Zone 3 flood risk area. The River Mole to the west is identified by the Environment Agency as a Primary River. The site is also within a Long Distance View splay from Tilgate Park and although the site is within the built-up area boundary it is also identified as being within the West of Ifield Rural Fringe Landscape Character Area.
- 1.6 To the north is the residential property of Troutbeck with its extensive boundary hedge and trees that extend along the north edge of the site. Troutbeck is identified as part of an area of Structural Landscaping. To the west of Ifield Green (outside the built up area boundary), there is an area identified as Biodiversity Opportunity Area.

THE PROPOSED DEVELOPMENT:-

- 2.1 The proposal seeks to demolish the existing buildings on site and erect a 60 bed nursing home. Twenty three parking spaces would be proposed and provision for covered cycle parking.
- 2.2 The proposed building floor plan would have a figure of eight layout set around two courtyards, with the narrower section of the building in the centre providing shared areas for residents. Bedrooms would be provided with an outlook from either from the outer elevations or into the courtyards
- 2.3 A modern contemporary design is proposed for the building using a mix of materials such as brick with differing bonds and tile hanging. The building when viewed from the front (west), would have 4 distinct bays with differing finishes and irregular gable ends facing Ifield Green. Roofs would have irregular pitches and eaves heights and would be finished in red tiles.
- 2.4 The southern half of the building would be 3 storeys in height and the northern half towards the northern boundary would be 2 storeys, with a lower eaves level along the northern return (6.2m) facing Troutbeck. At first floor level in the recess in the northern elevation and at second floor level in the recess of the southern elevation balconies are proposed. Both the north and south elevations would have a regular fenestration pattern of predominantly bedroom windows to provide an outlook for residents. The southern elevation would be finished in brick and the north elevation tile hanging to match the adjacent respective front and rear gables. The recessed areas of the north and south elevations would be part glazed and part finished in black stained timber cladding.
- 2.5 Windows at first floor in the north elevation would project from the façade and would be angled within aluminium surrounds to give outlook to the either the north-west or the north-east away from the side elevation of Troutbeck. Windows facing south would be surrounded by projecting aluminium framing. The east elevation would have the same gabled features of the front elevation with the mix of materials and finishes, but with a simpler fenestration pattern reflecting its location at rear of the site and that the windows are primarily providing outlook for bedrooms.
- 2.6 Car parking would be located towards the front/western boundary of the site on “hard” surfaces. Twenty three spaces including 2 disabled spaces would be provided. The land around the building to the north, south and east, and between the building and the car park would be landscaped and provide garden/outdoor amenity space for residents. The front of the site would incorporate hedge planting and trees to the road with a railing behind. Cycle and bin storage would be provided between the building and Ifield Green. There would be new tree planting and landscaping including 3 semi mature trees along the northern boundary.
- 2.7 The building would have a floor level 0.6m-0.9m above ground level with voids under the ground floor for flood water storage. The hardstanding areas for parking and access would be permeable and additional soakaways would hold surface water to control levels of water discharge from the site and allow the retention of some water within the site.

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2.8 The following documents have been submitted with the application:

- Design and Access Statement
- Utilities Assessment
- Energy and Sustainability Statement
- Transport Statement
- Staff Travel Plan
- Noise Impact Assessment (Updated during the course of the application)
- Hardworks Strategy
- Planning Statement
- Flood Risk Assessment and Outline Drainage Strategy (Updated during the course of the application)
- Landscape Design and Access Statement
- Tree Survey
- Arboricultural Impact Assessment and Arboricultural Method Statement
- Ecological Appraisal

PLANNING HISTORY:-

- 3.1 In 1966 planning permission was granted to use The Gables as nursing home. Ref CR/112/1966.
- 3.2 Further planning applications between 1967 (CR/0480/1967) and 2009 (CR/2009/0226/FUL) were granted permission and allowed extensions to the nursing home that include the large single storey part of the building to the rear (east end) of the site.
- 3.3 In 2015 a planning application to change the use of the site from a nursing home to a house in multiple occupation was withdrawn prior to determination. Ref. CR/2015/0503/FUL.

PLANNING POLICY:-

The National Planning Policy Framework February 2019 (NPPF)

- 4.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives - economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. At the heart of the Framework is the presumption in favour of sustainable development.

The relevant paragraphs are:

- Paragraph 11: Presumption in favour of sustainable development – this means that development proposals that accord with an up – to –date development plan should be approved without delay.
- Section 5: Delivering a sufficient supply of homes – To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Section 9 : Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued.
- Section 11 : Making effective use of land – decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 : Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Section 14 : Meeting the Challenge of climate change, flooding and coastal change. New development should be planned for in ways that avoids increased vulnerability to climate change

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and helps reduce green-house gases. It also seeks to prevent inappropriate development from taking place in areas at risk of flooding and to ensure development at risk of flooding is made safe for its lifetime without increasing flood risk elsewhere. Major developments should include Sustainable Urban Drainage Systems (SuDS).

- Section 15 : Conserving and enhancing the natural environment – decisions should prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of pollution including air and noise. Potential adverse impacts on health and quality of life are to be taken into account. In respect of noise, decisions should mitigate and reduce to a minimum potential adverse impacts and avoid noise giving rise to significant adverse impacts on health and quality of life.

National Planning Policy Guidance

- 4.2 The section on 'Noise' provides guidance on considering noise impacts in the determination of planning applications. It includes specific guidance in relation to aviation and community facility noise and applies the agent of change principle requiring the development to mitigate these impacts.
- 4.3 There is also guidance on flood risk and climate change that includes making developments flood resilient and reducing the causes and impacts from flooding.
- 4.4 Noise Policy Statement for England 2010 - *“sets out the long term vision of government noise policy, to promotes good health and good quality of life through the management of noise.”*

Development Plan Policies

Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 4.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise. The Plan was adopted on 16th December 2015. The relevant policies are listed below:
- 4.6 SD1: Presumption in Favour of Sustainable Development sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population and policy CH1 supports development in line with the neighbourhood principle.
- 4.7 CH1: Neighbourhood Principle - this will be protected and enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- 4.8 CH2: Principles of Good Urban Design states:

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

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

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g) provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

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

- 4.9 CH3: Normal Requirements of All New Development sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context, be of high quality in terms of landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. In addition, proposals must provide a good standard of amenity for future residents in compliance with internal space standards and not cause unreasonable harm to the amenity of the surrounding area by way of overlooking, dominance or overshadowing, traffic generation and general activity. The policy requires the retention of existing individual or groups of trees that contribute positively to the area and seeks to ensure sufficient space for trees to reach maturity particularly when located in private gardens to ensure dwellings receive adequate daylight. Development should also meet its operational needs in respect of parking, access, refuse storage etc. The policy also requires the development to incorporate 'Secure by Design principles' to reduce crime, consider community safety measures and demonstrate design quality through 'Building for life' criteria.
- 4.10 CH4: Comprehensive Development and Efficient Use of Land requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 4.11 CH6: Tree Planting and Replacement Standards seeks to ensure landscape proposals for residential development contribute to the character and appearance of the town and seeks to ensure 1 new tree for each dwelling and where trees are lost, seeks mitigation in line with the published replacement standards.
- 4.12 CH7: Structural Landscaping: Requires that development proposals should protect and/or enhance structural landscaping, which runs along the footpath to the east of the site.
- 4.13 CH8: Important Views. Seeks to protect important views across the town.
- 4.14 H1: Housing Provision. The council will positively consider proposals for the provision of housing to meet local housing needs, taking a pro-active approach to identifying suitable sites for housing development and working to overcome constraints wherever possible, whilst ensuring against detrimental town-cramming or unacceptable impacts on the planned character of the existing neighbourhoods or on residential amenity.
- 4.15 H3: Future Housing Mix. All housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- 4.16 ENV1: Green Infrastructure. This policy states that Crawley's multi-functional green infrastructure network will be conserved and enhanced through various measures including protection, enhancement and integration with new development, mitigating harm and maintaining and extending links where possible. Large proposals will be required to provide new and /or create links to green infrastructure where possible.
- 4.17 ENV2: Biodiversity requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 4.18 ENV6: Sustainable Design and Construction sets out the requirement for all development to maximise carbon efficiency and reduce its need to consume energy whilst addressing future climate change. New buildings being required to meet the strengthened on-site energy performance standards as required by Building Regulations, and to comply with any subsequent increased requirements.
- 4.19 ENV8: Development and Flood Risk seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding

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elsewhere. To achieve this development will be directed to areas of lowest flood risk, demonstrate that suitable mitigation measures are implemented to ensure flood risk is acceptable and is not increased elsewhere, include surface water drainage on sites of greater than 1 hectare and reduce peak surface water run-off rates and annual volumes of run-off rates through SuDS.

- 4.20 ENV9: Tackling Water Stress. This development where technically feasible and viable should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits. Applicants must demonstrate how they have achieved the requirements of this Policy within their Sustainability Statement as required by Policy ENV6.
- 4.21 ENV11: Development and Noise seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Residential and other noise sensitive development in areas that are exposed to significant noise from existing or future industrial, commercial or transport noise sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users of the development will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. Further guidance on this policy is provided in the Crawley Local Plan Noise Annex.
- 4.22 ENV12: Air Quality states that development proposals that do not result in a material negative impact on air quality will normally be permitted.
- 4.23 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. 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. Where appropriate and in line with the CIL Regulations, Section 106 agreements will address site specific issues.
- 4.24 IN2: Strategic Delivery of Telecommunications Infrastructure requires residential development to be designed and connected to high quality communications infrastructure and to ensure that fibre optic or other cabling does not need to be retrofitted.
- 4.25 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.
- 4.26 IN4: Car and Cycle Parking Standards requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.
- 4.27 IN5: The location and Provision of New Infrastructure states that the council will support the provision of new or improved infrastructure in appropriate locations where the facilities are required to support development or where they add to the range and quality of facilities in the town. Local community facilities should be located close to neighbourhood centres.

Emerging Crawley Borough Local Plan 2020 – 2035 (June 2019)

- 4.28 The Submission Draft Local Plan 2020-2035, is at the Regulation 19 consultation stage.
- 4.29 As the emerging Plan is at a relatively early stage in the adoption process at this point in time limited weight should be given to the following applicable policies:
- SD1: Presumption in Favour of Sustainable Development
 - CL1: Neighbourhood Principle
 - CL2: Making Successful Places: Principles of Good Urban Design
 - CL3: Local Character and the Form of New Development
 - CL4: Effective Use of Land: Layout, Scale, Appearance and Public Realm
 - CL5: Form of New Development - Layout, Scale and Appearance

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- CL6: Structural Landscaping
- DD1: Normal Requirements of All New Development.
- DD2: Inclusive Design
- DD4: Tree and Landscape Character Planting
- DD5: Tree Replacement Standards
- DD6: Aerodrome Safeguarding
- OS2: Provision of Open Space and Recreational Facilities
- IN1: Infrastructure Provision
- IN2: The Location and Provision of New Infrastructure
- IN3: Supporting High Quality Communications
- H1: Housing Provision
- H4: Future Housing Mix
- H5: Affordable Housing
- GI1: Green Infrastructure
- GI2: Biodiversity and Net Gain
- SDC1: Sustainable Design and Construction
- SDC2: Enabling Healthy Lifestyles and Wellbeing
- SDC3: Tackling Water Stress
- EP1: Development and Flood Risk
- EP3: Pollution Management and Land Contamination
- EP4: Development and Noise
- ST1: Development and Requirements for Sustainable Transport
- ST2: Car and Cycle Parking Standards

Supplementary Planning Guidance and Documents

Urban Design SPD 2016

4.30 With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document provides guidance on residential development including external private amenity space standards. It also sets out the car and cycle parking standards for the Borough.

Planning and Climate Change SPD 2016

4.31 This SPD sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport (relating to Policies ENV6, ENV7, ENV8, ENV9 and IN3).

Green Infrastructure SPD 2016

4.32 This SPD sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for tree replacement and new tree planting under Policy CH6. The document also links to the Urban Design SPD in respect of considering landscaping as part of high quality design and includes further guidance on development within the west of Ifield Rural Fringe Landscape Character Area.

West Sussex Local Lead Flood Authority Policy for the Management of Surface Water Nov 2018.

4.33 This includes specific policy in regard to ensuring the development is provided with suitable surface water drainage.

PLANNING CONSIDERATIONS:-

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The Principle of the Development.

- 5.1 The existing use of the site is as a nursing home with 56 bedrooms. The proposed use of the site would also be as a nursing home, but with an increase in the number of rooms to provide 60 bedrooms. This would result in a modest increase in the number of residents, and due to the changed layout with an increase in the number of floors, a substantially larger overall amount of floor space increasing from 1549sqm to 3031sqm and an increase in the number of staff.
- 5.2 The use of the site is already established and an increase in the intensity of the existing use would be considered to be a more efficient use of the land. It is therefore considered that in principle the development is supported subject to consideration of the following issues:
- The impact upon the street scene, the character of the area and visual amenity.
 - The impact on neighbouring occupiers' amenities.
 - The impact upon trees and structural landscaping.
 - The impact upon the operation of the highway and the site, and parking.
 - Sustainability;
 - Flood risk and drainage
 - The acceptability of living conditions for future occupiers including noise considerations.
 - Ecology

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

- 5.3 The site is located within the built-up area boundary, but is also identified as being within the west of Ifield Rural Fringe Landscape Character Area. It appears as a transition site with larger buildings and more urban form of development the Gurjar Hindu Union Apple Tree Centre and the Apple Tree Farm housing development to the east and south-east contrasting with the woodland to the south and a single detached house (Troutbeck) in a large garden to the north. It has a distinctly rural character. The existing main building itself is two storey with its single storey element behind, but is set back from Ifield Green and is surrounded by hedges, trees and landscaping, that are now, due to a recent lack of maintenance, starting to take on a wilder appearance. Notwithstanding the extensive overall footprint of the existing building the site is considered to be sympathetic to the more rural character of the road in this area and its wider countryside setting including taking into account the undeveloped nature of the land to the west.
- 5.4 Local Plan Policy CH2 includes a requirement for development to a) respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets. Policy CH3 a) requires development to be based on an understanding of context, whilst demonstrating how attractive or important features which make a positive contribution to the area would be integrated, protected and enhanced. CH3 b) also requires development to *"be of a high quality in terms of urban, landscape and architectural design and relate sympathetically to their surroundings..."* and d) seeks to *"Retain "individual or groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity..."*
- 5.5 The frontage of the site is 24.5m wide along Ifield Green. The development would result in a building that would be 14m in width within a site at that point where the site is narrower at 21m wide. At its closest point to the boundary with Ifield Green to the front, it would be 17.5m away that would be approximately 1/3 of the total length of the site. The important hedge and tree boundaries to the north, south and east boundaries would be retained. To the front of the building, and notwithstanding the parking proposed, there would be space around the entrance and along the frontage for the provision of hedge and additional tree planting.
- 5.6 The proposed building when viewed from the front (west elevation) would be two storeys in height for two of the gabled bays, approximately half its width and increase to three storeys in height for two further gabled bays comprising the southern half of the west elevation. These storey heights would be continued along the length of the building as it extends towards the eastern boundary (two storey along the northern boundary and three storey along the southern boundary). In terms of design, a contemporary approach has been adopted to the front/west facing elevation with irregular roof angles/eaves heights and mix of irregular and regular fenestration patterns within the four

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gabled bays facing the road. Each bay would have a different material or brick bond and detailing, to provide differentiation from its neighbour. It is considered that subject to controls over the specific materials and detailing this design approach would create visual interest in the front elevation of the building, whilst allowing the use of more traditional materials and gables features that would be relatively sympathetic to the materials and form of the building that it would replace.

- 5.7 Views of the sides of the building proposed would be limited due to the screening from the wood to the south and the trees / 6m high Beech hedge along the northern boundary with Troutbeck. The side elevations would have regular fenestration patterns with the overall length broken into two distinct parts by the recesses created where the central communal areas would be provided. The north elevation would not have full two storey height eaves, thereby reducing its overall massing and would also have windows with angled projecting aluminium surrounds at 1st floor level puncturing the eaves adding interest to this elevation. The south elevation would be full three storeys in height and as with the north elevation would be divided by the central recess into two distinct parts. This elevation would have a regular fenestration pattern of first and second floor windows in aluminium surrounds within a relatively plain façade. The woodland to the south would screen this almost completely from public vantage points. At the rear (east elevation) of the building, there would be the continuation of the gable ends from the front elevation with the same mix of brick bond, hanging tile finishes and varied fenestration pattern to add further visual interest. Views of this rear elevation would also be limited by the retained trees along the eastern boundary and the bulk of the Gurjar Hindu Union Apple Tree Centre that backs onto this site and has no significant outlook towards the application site.
- 5.8 It is considered that the development in terms of its overall siting and massing, the mix of two and three stories, the 17m set back from the road and the provision of landscape planting to the front (west) would not result in the building having a significantly greater impact than the existing building on site when viewed from the street. The front elevation with its distinct gable features and the use of differing traditional finishes, is considered to draw some inspiration from the architecture of the existing building but in a modern contemporary style. There would be only limited articulation to the side elevations, but due to the set back from the road and existing tree and hedge screening to be retained, views of these from public vantage points would be limited. The rear east elevation is acceptable even though public views of it would be very limited.
- 5.9 The structural landscaping in Troutbeck to the north would be reinforced by the proposed planting of a number of additional trees along the northern boundary. It is also considered that the set back siting, design, massing and screening provided by the woodland to the south would not result in a harmful impact on Ifield Village Conservation Area that at its closest point is 17m away to the south-west.
- 5.10 It is therefore considered that subject to controls to ensure that the materials and detailing on the building are of high quality, conditions to retain and provide trees and soft landscaping, and careful consideration of the materials for hardstanding areas, the proposed building and its rural setting would be protected. The impact upon visual amenity, the street scene and the character of the area would therefore be acceptable.

The impact on neighbouring occupiers' amenities.

- 5.11 There are no neighbours to the south (woods) or the west (River Mole) and to the east is the Gurjar Hindu Union Apple Tree Centre. To the north is the side elevation and gardens of Troutbeck. This two storey house has a kitchen window and door, living room window and utility room window at ground floor, and three first floor obscure glazed windows facing the site. To the rear/east of the main house there is a conservatory and ground floor living room and 1st floor bedroom windows. The floor levels of the house are significantly elevated relative to the surrounding land level as it incorporates flood mitigation in the form of under floor voids.
- 5.12 The proposal would result in the erection of a 53.5m long two storey side elevation facing this dwelling (Troutbeck). It would be 6m from the common boundary that is marked by a substantial evergreen hedge. The eaves of this elevation would be 6.2m in height with the closest roof ridge rising to 9.4m approximately 11.5m from the boundary. The first floor windows in the north elevation

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would all now be angled to face 45° to either the north-east or north-west to direct views away from the side elevation with its facing windows and the conservatory of Troutbeck to the north.

- 5.13 There would be 5.6m gap from the north elevation of the proposal to the common boundary at its closest point, and the 20m gap to the facing side elevation of Troutbeck. Taking into consideration the Urban Design SPD recommends a requirement for 10.5m between a rear elevation of a house to side two storey gable end to prevent a harmful overbearing relationship, it is considered that even though this building would be much longer than the average side gable of a house, the distance between the house at Troutbeck and the proposal and its design with eaves level (6.2m), is significant enough that the two storey character of the development would not be harmfully overbearing. There is also an extensive hedge with occasional trees (to be supplemented by additional semi mature trees being planted by the developer), in the ownership of this neighbour that currently provides a significant screen, and its height, if retained would result in the facing wall of the development being obscured from Troutbeck with only the roof sloping away above being visible. Whilst the relationship between Troutbeck and the application site will therefore change significantly, it is considered that the design and the set back of the elevation by at least 5.6m from the hedge boundary would not result in the proposed building, (having a similar appearance to a short terrace of houses), having such an adverse impact in terms of the impact upon outlook and overbearing effect as to be harmful to the amenities of the occupiers of this dwelling, even without the hedge.
- 5.14 In terms of the impact upon the privacy of the owners of Troutbeck, the distance of 20m from the north elevation to the side elevation of this house. This is already very close to the 21m distance that the Urban Design SPD recommends between 2 storey facing windows on the rear elevations of two storey houses. It is therefore considered that the angling of the 1st floor windows to the north-east and north-west, would prevent direct overlooking of the side elevation of the neighbour's house, its side garden and the areas of garden to the immediate front and rear of the house where privacy would be expected. As a result the overlooking from the north elevation would primarily be over the front garden, (already open to public view from Ifield Green to the west), the toward the back of the rear garden, close to the boundary with the Gurjar Hindu Union Apple Tree Centre. The areas of the neighbour's property that should be afforded privacy would be protected from overlooking from these windows. It is considered that this would afford Troutbeck a greater degree of privacy than a comparable 21m window to window relationship from directly facing windows recommended by the Urban Design SPD. The 1st floor balcony area would be set back 2.5m from the main north facing elevation with side views restricted by the proposed building. It would be over 22m from the south facing side elevation of Troutbeck, and it is considered therefore that it would not result in a harmful level of overlooking, even if the neighbours substantial hedge was not in place. It is considered that the impact of the development upon the occupiers of Troutbeck in terms of protecting their privacy would be acceptable.
- 5.15 In terms of access to light and overshadowing, it is considered that the 20m separation between the north side elevation of the dwelling and the side elevation of Troutbeck, would not result in a harmful loss of light to these windows and there is unlikely to be additional overshadowing, even from the three storey elements of the building that would be set away 21.5m from the common boundary.
- 5.16 To the south-east, the rear elevation of 50 Spartan Way would be approximately 25m away from the south east corner of the building that would be 3 storeys' in height at its closest point. The separation distance and angle and orientation to this nearby dwelling-house to the south are considered adequate to prevent overlooking, an overbearing relationship or any loss of light. Views are also screened by the intervening off-site woodland, but even if this was removed the relationship would still be considered to be acceptable.
- 5.17 In terms of noise and disturbance, the activity associated with the use of the site as a nursing home (current use) is not considered to be one that would be inappropriate in a residential area. Whilst the development would include plant, the proposal has been specifically designed to incorporate this within a dedicated plant room within the building envelope. It is considered that this will help to reduce potential noise from any plant proposed, but should also help ensure than neighbouring occupiers amenities are safeguarded. It is considered expedient to control through conditions the specific plant to be installed, and if necessary any mitigation required to limit its effect on nearby residents.

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- 5.18 In terms of disturbance during demolition and construction, whilst there may be some impact upon neighbours during the implementation of the development, the controls to protect nearby residents from the effects of dust, noise, hours of work etc. are enforceable through other legislation. The implementation of a construction management plan can be controlled through a planning condition.
- 5.19 It is therefore considered that whilst there would be an impact upon the occupiers of Troutbeck to the north and 50 Spartan Way to the south-east, the siting, scale, massing and design of the development would prevent a harmful loss of privacy, an overbearing impact/loss of outlook or a significant loss of light/overshadowing. The impacts from noise from the nursing home once operational would be acceptable and excessive noise controlled during construction. It is therefore considered that the development would accord with the requirements of the Urban Design SPD 2016, and policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030 in this regard.

The impact upon trees and structural landscaping.

- 5.20 The development would retain the more significant trees around the site and the tree protection measures proposed during construction are considered adequate by the CBC Arboricultural Officer.
- 5.21 Sixteen trees and two groups of small trees/shrubs within the site would however be removed, although it is considered that most of these are of low amenity value due to their size or location. The impact from the loss of the trees to be removed is not considered to be harmful to the street scene or the character of the area as the trees with the most amenity value providing the setting to the site would be retained.
- 5.22 The proposals include the planting of 25 trees (three of which would be semi-mature for instant effect), to replace those that would be lost, with a number of these to be planted along the frontage of the site adjacent to Ifield Green and along the northern boundary to supplement the hedge with its limited number of existing trees. It is considered that as the trees mature, their positions would result in an increasing level of canopy cover around the site that would result in a net benefit to the rural character of the area. The tree planting proposed is therefore considered to comply with policy CH6.
- 5.23 The area to the north of site including the hedge line between Troutbeck and the application site is defined as structural landscaping (policy CH7) and makes an important contribution to the character of the Ifield neighbourhood. In addition to the retained trees around the boundaries of the site, the additional planting of semi-mature trees along the northern boundary with less mature trees across the front of the site is welcomed and is considered would reinforce the existing structural landscaping to the north and the site rural setting of the site when viewed from Ifield Green.
- 5.24 It is therefore considered that the loss of trees proposed would be adequately mitigated by the replacement tree planting and that the replacement trees would have space to mature resulting in additional tree cover in the area. In addition the proposals would reinforce the structural landscaping to the north of the site. The proposal would therefore comply with policies CH3 (d) and CH6 and CH7 of the Local Plan.

The impact upon the operation of the highway and the site, and parking.

- 5.25 The proposal is for a 60 bedroom nursing home, an increase of 4 bedrooms overall. The current nursing home on site could have up to 56 beds. A Transport Statement and Staff Travel Plan have been submitted in support of the application.
- 5.26 WSCC as the Highways Authority have confirmed that on the basis of the TRICS data the proposal at its capacity would be likely to result in an increase of one additional peak morning and one additional afternoon trip compared to the use of the existing development on site. This very modest increase in traffic would not result in a severe impact upon the operation of the highway.
- 5.27 The maintenance of the existing access and widening of the access road would be acceptable in terms of highway safety, and WSCC do not object to the removal of one of their trees to improve the visibility splay as there are other trees in the area and this tree is also close to a lighting column and

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telegraph pole. As the tree in question is a highway tree, its removal by WSCC as the Highway Authority can be undertaken for highway safety/operational requirements at any time and its retention is not therefore subject to control from Crawley Borough Council as the Local Planning Authority. It is also considered that the removal of this tree would be compensated for by the planting of the additional trees within the site, and it is therefore considered that the impact of the changes to the access and the requirements for the provision of a visibility splay are acceptable.⁶

- 5.28 The Urban Design SPD (2016) sets out the parking standards and sets a minimum requirement for 1 space per 20 residents (3), and 1 visitor space per 8 residents (8) and 1 staff space per 5 residents (12). The minimum car-parking spaces required would be 23 and this number is proposed, 2 of which would be disabled spaces. There is not a minimum standard for disabled spaces a care/nursing home use however, it is considered that an 8% provision would be acceptable taking into account that buildings open to the general public would usually have to provide 6% as disabled spaces. WSCC confirm that the car-parking would be in line with its standards. The parking proposed would accord with the requirements of the policy IN4 of the Crawley Borough Local Plan and the Urban Design SPD.
- 5.29 It is proposed that there would be 10 secure cycle storage spaces. This could be made larger to take into account the comments of the Crawley Cycle & Walking Forum regarding the need to park mobility scooters. There is also some potential to the front of the building for more visitor cycle parking. There are no adopted standards for cycle parking for nursing homes in Crawley, however WSCC have confirmed that the provision would be acceptable, and subject to a condition requiring the provision of acceptable cycle parking it is considered the proposal would be acceptable in this regard.
- 5.30 The location and provision of refuse storage would be close to the entrance and easily accessible by collection vehicles and WSCC has commented that the swept path analysis provided for a refuse vehicle and ambulance is acceptable.
- 5.31 WSCC has also confirmed it has no objection to the staff travel plan, and it is therefore recommended that this should be implemented and controlled by condition.
- 5.32 In conclusion, the impact upon the operation and safety of the highway would be acceptable. Car and cycle parking would comply with the standards in the Urban Design SPD (2015) or the requirements of WSCC. Within the site the turning areas for refuse vehicle and ambulances would be acceptable. Subject to conditions to require car and cycle parking, provide the access visibility splays, operate a construction management plan and require the implementation of the staff travel plan it is considered the impact upon the operation of the highway and parking would accord with policies CH3 and IN4 of the Crawley Borough Local Plan.

Sustainability:

- 5.33 An Energy and Sustainability Statement was submitted with the application. It proposes a number of measures to address the requirements of policies ENV6: Sustainable Design and Construction and ENV9: Tackling Water Stress. Further details of the requirements for these policies are set out in the Planning and Climate Change SPD.
- 5.34 The supporting statement demonstrates that the development will incorporate features that result in energy efficiency measures and photovoltaic panels will enable the building to have a BREEAM Excellent rating for Energy credits. This would comply with the requirements of policy ENV6. It is however expedient to ensure that these measures are implemented and a condition is therefore recommended to achieve this.
- 5.35 In terms of ensuring compliance with policy ENV9 the development must meet the BREEAM Excellent standard for water efficiency. A number of measures relating to how water will be used, monitored and controlled are proposed, including the efficiency level of sanitary ware. This demonstrates that the development can comply with the requirements of the policy and therefore

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subject to a condition to require implementation to achieve the BREAAAM Excellent Standard policy ENV9 would be complied with.

Flood risk and drainage

- 5.36 The site is all within an Environment Agency Zone 2 Flood Risk Area and the western half of the site is also within a Zone 3 Flood Risk Area. The site is known to flood and has done so at least twice in the last 20 years. The site has a current use as a nursing home and the principle of this use within the flood plain is therefore already established and a sequential test is not therefore considered necessary. This application also includes the potential to improve upon the current flood mitigation measures that apply to the existing building. The Environment Agency has stated that it has no objection in principle to this development at this location subject to conditions. The development therefore needs to ensure that it is resilient to flooding events, can provide residents with a safe evacuation route and does not result in an increase in flooding elsewhere.
- 5.37 The development is proposed to have a finished ground floor level above the 1:100 year flood event level and this would prevent the building itself flooding. An acceptable emergency escape is also proposed to the rear and would utilise a route though the Gurjar Hindu Union Apple Tree Centre site to the east.
- 5.38 Initial concerns that the design of the proposal with solid floors would result in an increase in water displaced from the site onto other nearby sites have now been addressed by the applicant having changed the design of the foundations to include cavities to allow the water flow through. This would prevent displacement flooding elsewhere. The Council's Drainage Engineer therefore confirms that there is now no objection to the proposal on flooding/drainage grounds, that the design incorporates acceptable flood resilience measures and would not increase flooding off-site. Subject to conditions to ensure the flood resilience measure and SuDS are provided, the impact from and upon flooding is considered to be acceptable in regard to policy ENV8 of the Crawley Borough Local Plan 2015 - 2030.

The acceptability of future occupiers living conditions including noise

- 5.39 All residents would be provided with a room with a reasonable outlook to the landscaped site boundaries or into one of the internal courtyards.
- 5.40 There were concerns regarding the impact of noise nuisance on future residents. The Gurjar Hindu Union Apple Tree Centre is identified as creating a disturbance particularly during events and festivals and in terms of future noise a second wide bodied runway at Gatwick Airport would result in the site being within the 63-66 dBA noise contour, (a noise level where future residents could be adversely affected by aircraft noise).
- 5.41 The applicant has submitted additional noise reports during the course of the application to substantiate and justify the acceptability of the proposal in regard to noise issues.
- 5.42 The quality of the accommodation as a whole therefore needs to be considered, in addition to its acoustic design. There would be bedrooms on the north elevation of the building where the potential noise impacts would be greatest if a second wide bodied runway was to be provided at Gatwick Airport. It would be better acoustically if the rooms on this elevation were to be utilised for functions that would be less susceptible to noise pollution. However, it is considered that there also advantages for residents in having windows on the outer elevations, as it provides more bedrooms with a better outlook and more natural light. The new building can incorporate additional noise mitigation measures including the use of mechanical ventilation when windows are closed.
- 5.43 Whilst the building is not of an optimum acoustic design it is considered that the requirements to ensure that all residents have rooms that are provided with some sort of outlook and substantially upgraded levels of accommodation/facilities when compared to the existing building on site should be given significant weight. On the basis of the evidence provided, the north facing rooms would be able to keep noise levels down to acceptable levels that would not have a harmful impact upon residents.

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- 5.44 In regard to noise from the Gurjar Hindu Union Apple Tree Centre to the east, this is primarily a place of worship with an attached sports/community hall. In its day-to-day operation, it does not create significant noise. There is however the potential for festivals and events to create noise disturbance at night. This is however the current situation on site if the existing building was brought back into use as a nursing home. Whilst more bedrooms would face this neighbouring use, the new building would provide an increased overall level of acoustic performance and quality of accommodation and this is considered would clearly outweigh any potential occasional noise issues from this community use.
- 5.45 The development would be provided with outdoor courtyard areas within the centre of the site as well as amenity space along the north, east and west boundaries and to the front/west of the building. Whilst these areas are not substantial they do provide outdoor amenity areas for residents, and the courtyard areas and area between the building and the southern boundary would also be screened from potential Gatwick Airport aircraft noise. The outdoor amenity provision would therefore be considered to be acceptable.
- 5.46 On balance the Councils Environmental Health Officer considers the development would result in an acceptable noise environment subject to conditions. The development would provide better facilities for residents in a new building with improved acoustic protection and whilst the building has not been designed using the optimum acoustic design, it is considered noise issues can be mitigated. It is considered that the overall benefits of the development would substantially outweigh any negative and on this basis the level of accommodation for future residents would be acceptable.

Ecology

- 5.47 The application is supported by a Preliminary Ecological Appraisal. It identifies that the site shows potential for a number of protected species to be present on site, including bats, other mammals, birds and reptiles. The survey observed that there could be bat roosts in the existing buildings and that the site was likely to have moderate potential to support bat foraging. The site is also used by badgers, is likely to have nesting birds and hedgehogs. The report advises there will be a need for further surveys to be undertaken as regards bats to inform mitigation strategies and that bat roosts should be provided in the roof of the building. Furthermore, there will be a need to manage the landscape to support bat foraging and the lighting strategy in the Design and Access Statement has been designed in accordance with the Bat Conservation Trust guidance.
- 5.48 There are also proposals to include features that support bird nesting, notably including a "sparrow terrace" and integrated swift boxes. Further surveys to identify and the likely low populations of reptiles are proposed and these would inform subsequent appropriate mitigation. In relation to hedgehogs, the site will be cleared by hand to ensure their protection and the retention of hedgerows and trees and the provision of a hedgehog house will provide enhancement.
- 5.49 It is considered that the additional Phase 2 surveys be included in Ecological Management plan that would be required by and subject to control through planning conditions. As there has been no objection to the proposal on Ecology grounds it is considered the impact in this regard is acceptable.

CONCLUSIONS:-

- 6.1 The site has a current use as a nursing home. The proposal would result in a very modest intensification of the existing use in a new building. In principle the development is considered to be acceptable. The impact upon the character of the area and the rural setting of the street scene would be acceptable subject to control of the building detailing and materials. The alterations to the design of the building during the course of the application would prevent harm to neighbours amenities, and also address concerns that the flood resilience measures would have increased flooding outside the site. The impact upon the operation of the highway would be acceptable and the operational requirements of the site, including the provision of car-parking, cycle-parking, manoeuvre space for larger vehicles and bin storage would be met. Landscaping and ecological measures are proposed.
- 6.2 It is considered that the future occupants would have an acceptable environment to live in with each room having an outlook and open outdoor areas provided. Potential future noise from a second

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runway at Gatwick Airport and the noise from the adjacent Gurjar Hindu Union Apple Tree Centre can be mitigated. The proposed development is therefore considered to be acceptable and would accord with the relevant development plan policies, design guidance and National Policy. It is therefore recommended that planning permission be granted subject to the following conditions:

RECOMMENDATION RE: CR/2019/0322/FUL

To permit subject to 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 development above ground level shall be carried out unless and until a schedule of materials and finishes samples of such materials and finishes to be used for all external walls, roofs, window frames, window surrounds, balconies of the proposed building(s) have been submitted to and approved by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. The land levels and the finished floor levels of the development hereby permitted shall be constructed in accordance with the approved levels shown on the Proposed Site Plan Drawing no. 1908 - A010 Rev A.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. Notwithstanding the submitted elevation drawings, no above ground development shall be carried out unless and until detailed drawings at appropriate scales of not more than 1:20, showing the proposed types of brick bond and tile hanging, fenestration (including the projecting windows on the north elevation and all window surrounds and reveals) , entrance and doorways, soffits, fascias and bargeboards have been submitted to and been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.
REASON: As insufficient detail has been provided to enable the Local Planning Authority to control the development in detail to achieve a building of visual quality and to ensure the setting of the Ifield Village Conservation Area is protected in accordance with Policies CH3 and CH13 of the Crawley Borough Local Plan 2015-2030.
6. No construction shall take place on site unless and until a Bird Hazard Management Plan has been submitted to and been approved in writing by the Local Planning Authority. It shall subsequently 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 roofs in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Gatwick Airport through the attractiveness of birds in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.
7. Construction Management Plan
No development shall take place, including any works of demolition, 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 anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,

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- 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.

REASON: In the interests of highway safety and the amenities of the area and to accord with Policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.

8. No burning of materials or waste obtained by site clearance or from any other source shall take place within the site.
REASON: To protect trees and vegetation from fire damage and to protect residential amenity in accordance with policies CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.
9. No above ground development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a detailed scheme of landscaping, hard and soft, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained.
REASON: In the interests of amenity and of the environment of the development in accordance with policy CH7 of the Crawley Borough Local Plan 2015 - 2030.
10. 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 as set out in Greengage, Arboricultural Impact Assessment and Arboricultural Method Statement April 2019 or as may be alternatively agreed in writing by the Local Planning Authority. The implementation development shall thereafter be undertaken in strict accordance with the details in part 6, Arboricultural Method Statement.
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy CH7 of the Crawley Borough Local Plan 2015 - 2030.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment of the development in the accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
12. No part of the development shall be occupied until 10 covered and secure cycle parking spaces, space for 3 mobility scooters and a waste storage area have been provided in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority. The cycle parking, space for mobility scooters and waste storage area shall thereafter be retained and kept available for their designated purpose in accordance with the approved details.
REASON: To encourage sustainable travel options and in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015 - 2030 and the parking standards set out in the Urban Design SPD 2016.
13. The building shall not be occupied until the parking spaces, and the manoeuvring and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, manoeuvring and turning of vehicles.
REASON: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and the parking standards set out in the Urban Design SPD.
14. The Staff Travel Plan for the site shall be implemented as specified within the approved document.
REASON: To encourage and promote sustainable transport and in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015 - 2030.

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15. Before any above ground works are carried out, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to ensure that future occupants are protected against noise from the Gurjar Hindu Union Apple Tree Centre to the east and the potential noise from a second runway at Gatwick Airport to the north.
1. For the purposes of this condition the scheme shall include:
 - (i) Identifying the level of noise exposure for each bedroom and communal living area and the means by which the noise level within any (unoccupied) communal living area or bedroom, with windows open, shall be no more than 35 dB LAeq,16hr (between 0700 and 2300) and no more than 30dB LAeq,8hr (between 2300 and 0700); and
 - (ii) the means by which the noise level within any (unoccupied) communal living area or bedroom with windows open, shall not normally exceed 45dB LAFMax between 2300 and 0700.The standards in (i) and/or (ii) must be achieved with the use of alternative window and façade design which mitigates against the ingress of noise.
 2. Where the standards in (i) and/or (ii) above are not fully achievable then the scheme must demonstrate how the standards will be achieved with windows shut and alternative forms of natural ventilation provided, which will effectively deal with summer overheating.
 3. If it can be demonstrated that standards in (i) and (ii) above cannot be achieved by the provision of natural ventilation then it must be demonstrated that they can be achieved with windows shut and how an alternative form of mechanical ventilation will be provided to effectively deal with the summer overheating requirements for each (unoccupied) communal living area or bedroom. The building hereby permitted shall not be occupied until the approved scheme has been implemented and it shall thereafter be retained for the duration of the life of the development.
REASON: In the interests of residential amenity by ensuring an acceptable noise level for future occupants and in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015 - 2030.
16. Prior to the installation of any plant, including kitchen extracts, details of its acoustic performance and any proposed noise mitigation to ensure there would be no adverse impact on nearby residential properties shall first have submitted to and been approved in writing by the Local Planning Authority . The plant and mitigation shall be installed and retained in accordance with the approved details.
REASON: To ensure the amenity of neighbours is protected in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 215-2030.
17. Within three months of the occupation of the development a full BREEAM Assessment shall have been carried out and post construction BREEAM Certification to achieve the minimum Energy and Water credits required for BREEAM "Excellent" shall have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of sustainable design and construction in accordance with the Local Plan Policies ENV6 and ENV9.
18. No development or any preparatory works shall take place until a Ecological Management Plan (EMP), based on the recommendations of the Preliminary Ecological Appraisal, March 2019 has been submitted to, and been approved in writing by the Local Planning Authority. This shall include but not be limited to Phase 2 surveys for Bats and reptiles.

No development or any preparatory works shall take place other than in strict accordance with approved EMP. The measures shall be implemented in full prior to any occupation of the building and the site shall be managed in accordance with the provisions of the approved EMP for the life of the development.
REASON: To protect biodiversity in accordance with Crawley Borough Local Plan 2015 - 2030 Policy ENV2.
19. The external lighting for the site shall be undertaken in accordance with the details of the lighting strategy and there shall be no other external lighting unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the visual amenity of the area and to ensure ecological interests are protected in accordance with policies CH3 and ENV2 of the Crawley borough Local Plan 2015-2030.

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20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.
REASON: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located above a Secondary Aquifer).
21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.
22. The development shall be carried out in accordance with the submitted flood risk assessment (ref: December 2019 / FRA and Outline Drainage Strategy v.1.0 Final / Avison Young) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 62.8 m above Ordnance Datum (AOD).
 - All flood resilience measures included in the FRA are implemented but not limited to.
 - A Flood Warning and Evacuation Plan is developed for the site.
 - Safe access and egress is secured for the site, including but not limited to an emergency access gate within the south eastern boundary of the site.
 - The natural and existing flow path is maintained.
 - The building footprint is smaller than the existing building footprint.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the water can flow its natural route in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.

INFORMATIVES

1. The water efficiency standard required under condition 24 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015) at Appendix A paragraph A1.
2. Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the hours the noisy works are permitted.

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

0800 to 1800 Monday to Friday and

0800 to 1300 on Saturday.

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

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

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

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3. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

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 the applicant and 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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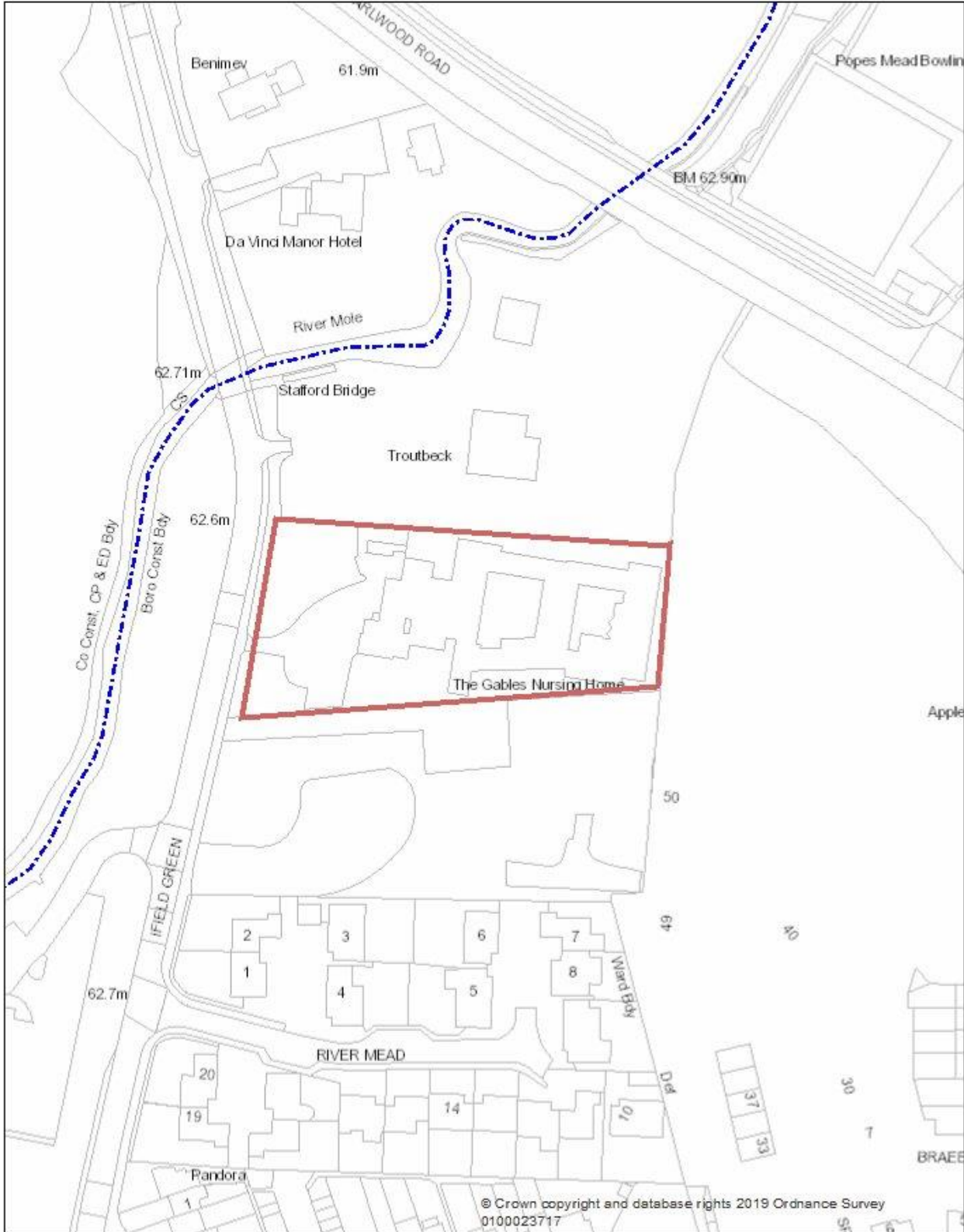


ArcGIS Web Map



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

1:1,250



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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 20 July 2020
REPORT NO: PES/353(b)

REFERENCE NO: CR/2020/0210/TPO

LOCATION: [ST NICHOLAS CHURCH, CHURCH ROAD, POUND HILL, CRAWLEY](#)
WARD: Pound Hill South and Worth
PROPOSAL: T6 - TURKEY OAK - FELL
T7 - COMMON LIME - FELL

TARGET DECISION DATE: 1 June 2020

CASE OFFICER: Mr R. Spurrell

APPLICANTS NAME: Fr Michael Boag
AGENTS NAME: ACS (Trees) Consulting

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
TS2_WC		Tree Survey Plan (Church Path)

REASON FOR REPORTING TO COMMITTEE:-

Member call in (Councillor Jaggard).

INFORMATION CONSIDERED:

- Application form dated 6th April 2020
- Description of proposed tree works and tree plan dated 4th April 2020
- Email from Agent dated 27th May 2020

CONSULTEE COMMENTS

None

PUBLIC CONSULTATIONS

Site notices attached to trees

REPLIES RECEIVED

One representation has been received objecting to the proposed works for the following reasons:

- In the previous application to justify removal of the whole avenue the argument was put that felling of selected individual 'offending' trees was not good arboricultural practice (due to the degree of interdependence of each tree upon its neighbour - structurally, physiologically and aerodynamically).
- Removal of the end two trees particularly would expose the avenue group as a whole to a 'domino effect'.
- Disputes both trees being 'overmature' and 'reaching the end of their life' given recent survey suggested useful life expectancy of 20-40 years.
- Disagrees with applicants that there is no option but to remove the trees as the feasibility of an earlier design for a Building Regulations Part M compliant (wheelchair friendly) alternative route has not been disproved.
- The 800mm shown as the width remaining between the above-ground root flares of trees T6 and T7 is not impassable to a standard wheelchair width of 700mm.

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- Whilst not suggesting that the removal of only one tree at this stage would be any more acceptable, this would be less damaging to the group than removing the two proposed.

THE APPLICATION SITE

- 1.1 The application relates to the two trees (T6 and T7) at the far southern end of the narrow avenue of trees along the sides of the path that runs from the lychgate to the western entrance door of the church. The path is the primary access route for worshipers to the church and extends from Church Road to the north-west under the lychgate to the main door of St Nicholas Church, which is a Grade I listed building located within the Worth Conservation Area.
- 1.2 The trees are protected by the 'Crawley Borough Council (12 Apostles, St Nicholas Church) Tree Preservation Order served provisionally on 8 October 2019 and confirmed on 7th April 2020 (Reference 12/2019 Tree Numbers T1-T12)

THE PROPOSAL

- 2.1 The proposal is to fell T6 – Turkey Oak and T7 – Common Lime, these trees are located either side of the path at the southern end of the avenue nearest to the Church.
- 2.2 The agent is ACS (Trees) Consulting acting on behalf of St Nicholas Church (the applicant). The reasons for the tree felling are summarised as follows:
 - The trees are causing a significant trip hazard.
 - The trees are causing unreasonable access restrictions and continued damage to the path.
 - The trees are over-mature.
 - The gap between the trees is becoming increasingly narrow (distance between the tree roots is now 800mm).
 - The encroachment of the roots prevents wheelchair users and pallbearers who have to carefully negotiate the obstacles.
 - The roots along the length of the path are causing surface damage resurfacing is a costly remedial measure and temporary.
 - Pruning out roots nearest to the path, which are roots important to tree anchorage, will destabilise the trees and permit the ingress of decay and disease.
 - The trees are over-mature and their removal is on the grounds of sensible arboricultural management.
 - The removal of the two identified trees will have no material adverse impact upon visual amenities, the quality of the treed landscape or the character of the conservation area.
 - The Church has statutory duty under Disability Discrimination Act 1995 to take reasonable steps to remove or alter physical features to improve access for disabled people or make alternative access available.
- 2.3 The applicants state that they have considered the following options prior to the submission of the application:
 - 1 Cutting the roots away from pathway - This has been discounted due to concerns about the future stability of the trees post works and would pre-dispose the trees to serious decay, physiological stress and possible death.
 - 2 Re-surface pathway – This does not resolve the problem of restricted width (now 800mm) and biannual resurfacing would be required which is financially unsustainable.
 - 3 Re-route pathway – Not feasible owing to the constraints of church's established consecrated land and the positions of existing graves etc.
 - 4 Remove / replace all trees and refurbish path: This option was refused by the Council's Planning Committee on 10th March 2020 (application ref: CR/2019/0739/TPO).
- 2.4 The current proposal has been put forward in light of the concerns raised by the Planning Committee in March in respect of 'option 4' above. The applicants consider this is a significantly different and 'lighter touch' application than the recently refused proposal.

PLANNING HISTORY:-

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- 3.1 CR/2019/0739/TPO - Lime T2 - Fell, Lime T3 - Fell, Lime T4 - Fell, Lime T5 - Fell, Turkey Oak T6 - Fell, Lime T7 -Fell, Wych Elm T8 - Fell, Turkey Oak T9 - Fell, Lime T10 - Fell, Lime T12 – Fell and replace with 12 no. Glastonbury Thorns as per drawing no. P2179 - 014 (amended description) – REFUSED for the following reason:

“The trees have amenity value and make a positive contribution to the approach to and setting of the church, the conservation area and Crawley’s environment. It has not been demonstrated to the satisfaction of the Local Planning Authority that the scheme for the proposed removal of all the trees is justified or that all alternatives have been fully explored.”

- 3.2 CR/2019/0633/TCA - Fell 12 trees which flank the entrance pathway between the lychgate & the church (Objection and TPO served). TPO 12/2019 ‘the Crawley Borough Council Twelve Apostles, St Nicholas Church Tree Preservation Order was made on the 8th October 2019 and protects 12 trees along the church footpath comprising 8 limes, 2 turkey oaks, 1 wych elm and a horse chestnut.
- 3.3 CR/2017/0952/TCA - group of 13 x trees made up of 10 lime trees, 3 x turkey oaks and 1 x horse chestnut tree from entrance down to church - section fell to ground level, grind out stumps and replace footpath. – Request withdrawn

PLANNING POLICY:-

- 4.1 This application must be considered in the context of Part VIII of the Town and Country Planning Act 1990 and The Town and Country Planning (Tree Preservation) (England) Regulation 2012.

National Planning Practice Guidance – “Tree Preservation Orders and trees in conservation areas”.

- 4.2 This states that *“In considering an application, the Local Planning Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it” (Para 089)*

- 4.3 *“When considering an application the authority is advised to:*
- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
 - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
 - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
 - consider whether any requirements apply in regard to protected species;*
 - consider other material considerations, including development plan policies where relevant; and*
 - ensure that appropriate expertise informs its decision.*

Authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.” (Para 090)

Green Infrastructure Supplementary Planning Document (2016)

- 4.4 This non-statutory document (adopted October 2016) sets out further guidance on the importance of green infrastructure within the Borough. Pages 24 and 25 deal specifically with trees protected by a TPO.

Worth Conservation Area Statement (February 2018)

- 4.5 The document states that St Nicholas Church is at the heart of Worth Conservation Area and the desire to preserve and enhance its character and setting was a key reason for its designation in 1987. The key feature of the area is the rural landscape character of the former low density rural hamlet.

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- 4.6 The Church is a Grade I listed Saxon building and the churchyard is integral to its context, that of the Conservation Area and the wider countryside setting that offers “a feeling of tranquil contemplation that reinforces the area’s rural character”. The document highlights that the churchyard is largely enclosed by mature trees and contains a number of mature yew trees. The document also references the ‘narrow avenue of lime trees’ visible on the 1875 map known as the ‘Twelve Apostles’ which lead to the lychgate.
- 4.7 Part 5 in the document entitled ‘Conservation Area Management Plan’ makes specific reference to the avenue of trees stating:
“The Council is aware that the row of trees known as the ‘Twelve Apostles’ in the churchyard of St Nicholas’ are, as a result of root and trunk growth, obscuring access to the path for church users, particularly for people with mobility issues and also pallbearers during funerals. The Crawley Borough Council Arboricultural Officer has advised that the trees are near the end of their natural life, and it is possible that the trees may need to be felled in the near future. Given the important heritage contribution made by the tree-lined avenue, particularly in shaping the secluded rural character of the churchyard, should the trees need to be felled, the tree-lined avenue should be reinstated through replacement tree planting of a suitable species”.

PLANNING CONSIDERATIONS:-

- 5.1 The determining issues in this application are the effect of the proposal on the health, character and appearance of the trees and the level of amenity that they provide within the surrounding area and whether in the light of this assessment the proposal is justified in accordance with the criteria set out in Para 090 of the Planning Practice Guidance.

Amenity value

- 5.2 The two trees are large and mature with an estimated useful life expectancy of 20-40 years. The trees form part of the attractive avenue leading up to the west door of the Church which as a group has the effect of largely screening the Church from view when entering the church yard. T6 and T7, while substantial in form are over mature and the dominant girth of the trunks are a significant feature along the pathway. These two trees are growing closer together and their trunks are causing a significant obstruction to users the pathway.
- 5.3 Whilst the two trees are individually large specimens, they are viewed in the relatively limited landscape context of the churchyard and are not especially visible in wider views from within the conservation area, as they are located closest to the church at the end of the pathway avenue. T6 and T7 are only visible from within the churchyard and considered to contribute very little to the wider green amenity of the conservation area due to their limited visibility from outside of the churchyard.

Justification for the felling the trees

- 5.4 The applicant’s justification for felling the trees is set out in paragraph 2.2, 2.3 and 2.4 of this report.
- 5.5 The trees were planted as part of an avenue over 100 years ago to form a landscaped entrance leading up to the Church. Unfortunately they were planted very close to the edge of the path and over the years they have increased in girth to the point where the path has become badly damaged and uneven. The trees have also narrowed the path to the point that it is becoming increasingly impassable for pallbearers and wheelchair users, with the gap between T6 and T7 being the most narrow with only 800mm separation between them, that will only get narrower as the trees age.
- 5.6 It is considered there is little that can be done to manage the encroachment of the trunks and roots into the path without damage to the amenity or health of the trees. The issue of restricted access as well as the health and safety issues to users of the path (the main route to the church) being caused particularly by T6 and T7 needs to be resolved, but it is considered that this is not possible as long as these two trees remain.
- 5.7 The two trees, but especially the lime, are now over-mature and are posing an increasing risk to those visiting the church. It is considered that their useful life expectancy is now relatively limited

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(20-40 years) and their condition will only deteriorate and pose an increased trip hazard risk and increased level of obstruction over time.

- 5.8 It is considered that the applicants have provided a reasonable justification in this case for the removal of these two trees which happen to be causing the most encroachment and damage to the footpath, and are the least visible of the larger group in the wider conservation area.

Protected Species

- 5.9 The trees have not been surveyed for protected species and given their species and maturity protected species may be present. It is therefore recommended that the applicants are reminded of their duties under the Wildlife and Countryside Act and that appropriate checks should be made to ensure that no protected species are present and where found the appropriate licences are obtained for their safe removal prior to the felling of the trees.

Development Plan and Other Material Considerations

- 5.10 The Development Plan and Green Infrastructure SPD acknowledges the significant amenity value that trees (and landscaping) can contribute to the setting of development. It encourages space for trees to be included in designs and landscaping, and that trees with amenity value should be retained. It acknowledges the importance of Tree Preservation Orders in protecting the trees with a high level of public amenity.
- 5.11 The Worth Conservation Area Statement estimates the trees to be over 100 years old, however the Church is of the Saxon period and therefore very much older (over 1000 years old). The trees were planted in Victorian times when avenues of large trees were popular at the time, this reflected the tastes of this period. The Conservation Area Statement while referencing the trees affords them only limited historic significance in the wider context of the Church, churchyard and conservation area. The enclosed wooded boundaries of the churchyard reinforce the wooded character and setting of the Church and rural nature of the conservation area to a much greater degree the trees that are the subject of this application, albeit reference is also made to the importance of the large yew trees within the churchyard.
- 5.12 The Conservation Area Statement does acknowledge the importance of retaining a tree lined avenue leading up to the Church but it is considered that the subject trees, which are now reaching the end of their lives, should be removed and replaced with trees which can be positioned so as not to cause ongoing damage to the path or obstruct its use.

Other Matters

- 5.13 While the representation is noted, the option of rerouting the path has been rejected by the Diocese due to the potential for disturbance to unmarked graves and underlying archaeology. Worth Church has over 1000 years of history and the recording of grave locations only began to be kept relatively recently and it is therefore highly likely that unmarked graves would be disturbed during excavations for any new path route.
- 5.14 It is considered that the removal of T6 and T7 from the end of the avenue would not result in a significant destabilising impact upon the other trees or leave them susceptible to wind forces that they will not easily be able to adapt to. The avenue of trees occupies a relatively sheltered location protected by existing trees around the boundaries of the church yard and the church itself, the site does not therefore have conditions or characteristics which would result in the remaining trees becoming destabilised.
- 5.15 The trees are causing a health and safety hazard and the Church has a duty of care to maintain the site in a safe condition that does not put visitors at risk. It is considered that therefore only practical solution is to remove these two trees to alleviate these risks.

CONCLUSION:-

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- 6.1 The two trees are clearly causing damage and access issues for visitors and worshipers at the Church. Furthermore, the trees are deteriorating in condition and have a relatively limited useful life expectancy and could soon begin to pose a risk to the public due to the likelihood of the increased shedding of deadwood etc. (this applies to all the trees within the group that makes up the 'Twelve Apostles').
- 6.2 There would only be very limited loss of visual amenity within the churchyard from the felling of the two trees, with the retained trees within the avenue remaining as a key feature in the churchyard. The impact upon amenity is therefore considered acceptable when weighed against the safety risks and access issues being caused by these two specimens in particular, and the need to balance the direct conflict there with the requirements for safe and adequate public access to the Church to be provided.
- 6.3 It is therefore recommended that the two trees should be removed in order to allow the path to be repaired and that two replacement trees of a similar species be planted further away from the path in order to maintain the ongoing long term amenity of the avenue.

RECOMMENDATION RE: CR/2020/0210/TPO

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

1. This consent is valid for a period of two years from the date of this notice and shall only be carried out once.
REASON: To enable the Local Planning Authority to control the works in the interests of good tree management in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
2. All works should be carried out in accordance with BS3998: 2010 'Tree Work Recommendations'.
REASON: In the interests of visual amenity and to ensure the continuing health of the tree(s) in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.
3. Within 12 months of the felling of trees T6 & T7, the owner of the land shall plant 1 no. Common Lime and 1 no. English Oak, in a location to be agreed with the Local Planning Authority either side of the footpath within the grounds of St Nicholas Church, Worth. The trees shall be not less than nursery standard size and conform to British Standard 3936: Nursery Stock Specification. In the event that the trees die within five years following such planting, they shall be replaced with similar trees in a similar position during the next planting season.
REASON: In the interests of the amenity of environment of the locality in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

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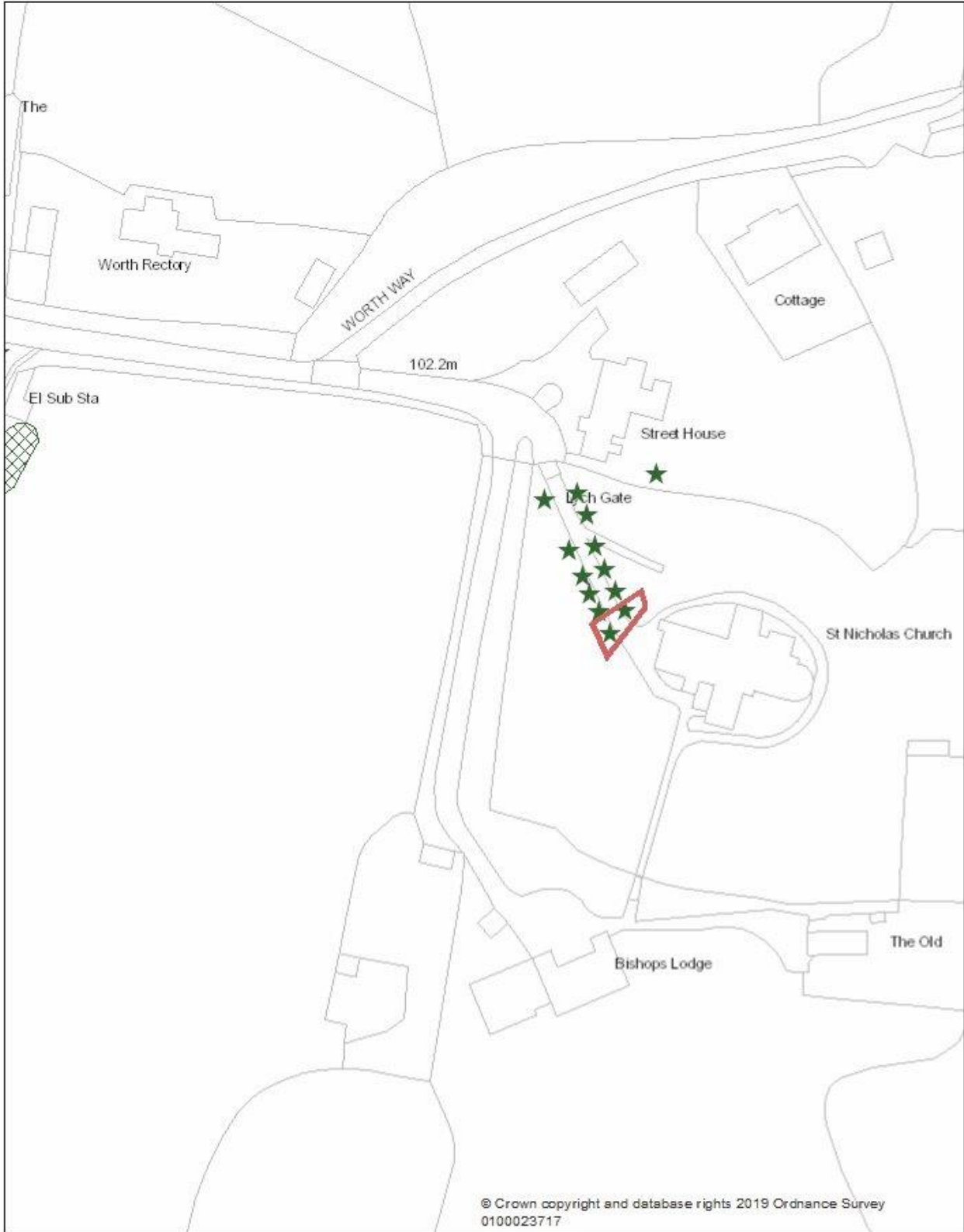


ArcGIS Web Map



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