

## Crawley Borough Council

### Minutes of Planning Committee

Tuesday, 11 January 2022 at 7.00 pm

#### Councillors Present:

R D Burrett (Chair)

A Belben, I T Irvine, K L Jaggard, S Malik, S Raja and P C Smith

#### Officers Present:

Siraj Choudhury	Head of Legal, Governance and HR
Jean McPherson	Group Manager (Development Management)
Clem Smith	Head of Economy and Planning
Jess Tamplin	Democratic Services Support Officer
Hamish Walke	Principal Planning Officer

#### Apologies for Absence:

Councillors Z Ali, S Buck and M Mwagale

#### 1. Disclosures of Interest

The following disclosures of interests were made:

<b>Councillor</b>	<b>Item and Minute</b>	<b>Type and Nature of Disclosure</b>
Councillor P Smith	Planning application CR/2021/0174/FUL – Land at Faraday Road & Manor Royal, Northgate, Crawley (Minute 4)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor P Smith	Planning application CR/2021/0247/FUL – The Office, Crawley Business Quarter, Manor Royal, Northgate, Crawley (Minute 5)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor P Smith	Planning application CR/2021/0248/FUL – The Base, Fleming Way, Northgate, Crawley (Minute 6)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District

Councillor Irvine	Planning application CR/2021/0621/OUT – Car Park, Station Way, Northgate, Crawley (Minute 7)	Personal Interest – member of Crawley Walking and Cycle Forum (a consultee on the application)
Councillor P Smith	Planning application CR/2021/0621/OUT – Car Park, Station Way, Northgate, Crawley (Minute 7)	Personal Interest – member of Crawley Walking and Cycle Forum (a consultee on the application)

## 2. Lobbying Declarations

No lobbying declarations were made.

## 3. Minutes

The minutes of the meeting of the Planning Committee held on 30 November 2021 were approved as a correct record and signed by the Chair.

### Update: Water Resources in Crawley

The Chair, together with Planning Officers, provided the Committee with a verbal update regarding water resources in Crawley. It was heard that Crawley was in an area of serious water stress, as identified by the Environment Agency, and a [position statement](#) by Natural England concluded that water extraction in the Sussex North Water Resource Zone may be having a potentially negative impact on wildlife and protected habitats. As a result all planning applications were now required to demonstrate that there would be the same or less water used on site than prior to development. The Chair reminded the Committee that for three of the applications (agenda items 5, 6, and 7) there had previously been a resolution to grant planning permission, but the applications had been subject to further work to ensure they fulfilled water neutrality requirements before permission could be granted. These applications had therefore returned to the Committee for further consideration.

## 4. Planning Application CR/2021/0174/FUL - Land at Faraday Road & Manor Royal, Northgate, Crawley

The Committee considered report [PES/378a](#) of the Head of Economy and Planning which proposed as follows:

Proposed demolition of existing buildings and construction of a new warehouse building with ancillary offices, associated service yard, parking, access alterations, infrastructure, landscaping and ancillary works.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which the Committee previously resolved to permit on 31 August 2021. The application had since been affected by Natural England's position statement on water neutrality and therefore required further consideration. The report set out the proposed development's estimated water usage, which was likely to be notably lower than the current usage within the same site. This was demonstrated through a Water

Neutrality Report, an Energy and Sustainability Strategy, and assessment of the existing and proposed floorplans. An appropriate assessment document was being drawn up by officers for consideration by Natural England.

The Officer updated the Committee that, since the publication of the report, further information had been provided which gave more accurate figures than those in the report. The current annual water consumption figure was to be corrected to 11,658m<sup>3</sup>/year (from 12,636m<sup>3</sup>/year) and the annual water consumption figure for the proposed development was to be corrected to 864m<sup>3</sup>/year (from 867m<sup>3</sup>/year).

The Committee then considered the application. It was clarified that the current annual water consumption figure was based on the building being fully occupied within its lawful use (rather than its actual partly-vacant occupancy). Committee members discussed the monitoring of water usage at the site. The Officer confirmed that the proposed conditions aimed to keep water usage to the agreed level; however if it was suspected that the conditions were not being complied with the Council was able to investigate and use enforcement powers if required.

A comment was made regarding the requirement within the Construction Management Plan to provide wheel washing facilities for construction vehicles – it was queried whether the Local Planning Authority had any means to monitor or control the amount of water used for this. In response the Committee was assured that wheel washing during construction was not likely to involve a significant amount of water. Nevertheless the Local Planning Authority could potentially condition or control the water used for this purpose.

## **RESOLVED**

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England, the conclusion of a Section 106 Agreement, and the conditions set out in report PES378a.

### **5. Planning Application CR/2021/0247/FUL - The Office, Crawley Business Quarter, Manor Royal, Northgate, Crawley**

The Committee considered report [PES/378b](#) of the Head of Economy and Planning which proposed as follows:

Demolition of existing building and associated structures and redevelopment for storage and distribution warehouse within use class B8.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which the Committee previously resolved to permit on 20 July 2021. The application had since been affected by Natural England's position statement on water neutrality and therefore required further consideration. The report set out the proposed development's estimated water usage which was considered, via assessment, to be lower than that of the previous site occupant. This was demonstrated through a Water Neutrality Statement and an Energy and Sustainability Statement, and assessment of water usage records, building specifications, and the existing and proposed floorplans. An appropriate assessment document was being drawn up by officers for consideration by Natural England.

The Committee heard that since it had first considered the application, the applicant had used the delay to provide further information which removed the need for pre-commencement conditions. This information regarded proposed air quality mitigation measures as well as a number of new plans and documents, which were agreed to by all relevant consultees. There were also minor changes to the design and appearance of the building.

The Officer updated the Committee that, since the publication of the report, further information had required that minor amendments be made to conditions 6 and 27.

Eric Hall, the agent (TDH Estates) on behalf of the applicant, spoke in support of the application. Matters raised included:

- The reasons for the delays in the process of granting planning permission. The intended operator of the proposed development (Hermes) was fully committed to the scheme, which was otherwise ready to progress.
- Job creation, both during the construction period and once the warehouse becomes fully operational, which would also greatly increase the occupier's capacity for parcel delivery.
- A reduction in water demand and the BREEAM 'excellent' rated environmental performance of the scheme.

The Committee then considered the application. Following a query regarding the estimated water consumption at the proposed development, the Officer explained that the calculation was modelled on maximum occupancy of the building and 24 hour use of a vehicle wash system, but this was an overestimate that represented the highest possible water consumption as it was unlikely that the wash system would be in constant use. As there was a known occupier for the development, details of the specific wash system had already been provided so calculations of its estimated water usage were more precise than those of the two similar applications on the agenda.

A Committee member praised the proposed air quality mitigation measures and in doing so asked the Officer for clarification on the total mitigation figure required, which was confirmed as £47,000, and the actual mitigation figure to be provided, which was confirmed as £54,700.

## **RESOLVED**

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England, the conclusion of a Section 106 Agreement, and the conditions set out in report PES378b including amended conditions 6 and 27 as follows:

*6. The development hereby permitted shall be carried out in accordance with the Air Quality Assessment in particular Table 22 - Mitigation of Construction Activities, dated July 2021, The Air Quality Mitigation document dated 7<sup>th</sup> November 2021 and drawing P417 rev B Air Quality Mitigation Measures, submitted with the application which must be implemented during the construction of the development.*

*REASON: To ensure that the development does not have a negative impact on Air Quality in accordance with Policy ENV12 of the Crawley Borough Local Plan 2015 - 2030.*

*27. Prior to first occupation of the building hereby permitted, the water efficiency measures including the physical fittings and vehicle wash system as specified in the Technical Note 21171-WRC-TN-02 Rev C03 prepared by Water Environment (as set out in the accompanying documents listed in paragraph 1.5 and 1.6 of this note) shall be implemented in full.*

*REASON: Taking account of the Natural England Position Statement on water neutrality received on 14 September 2021 and to ensure that the development does not cause an adverse impact upon protected habitats in the Arun Valley, including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), the Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar sites, in breach of the Conservation of Species and Habitats Regulations 2017.*

## **6. Planning Application CR/2021/0248/FUL - The Base, Fleming Way, Northgate, Crawley**

The Committee considered report [PES/378c](#) of the Head of Economy and Planning which proposed as follows:

Demolition of the existing buildings and redevelopment of the site to provide two buildings (use class B8 - storage or distribution) with ancillary offices, parking and service yards, new site access, landscaping, boundary treatments and associated works.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which the Committee previously resolved to permit on 29 June 2021. The application had since been affected by Natural England's position statement on water neutrality and therefore required further consideration. The report set out the proposed development's estimated water usage which was considered, via assessment, to be lower than that of the previous site occupant. This was demonstrated through a Water Usage Analysis Report, Water Neutrality Report, BREEAM water consumption calculations, and information on likely occupancy and metering rates. An appropriate assessment document was being drawn up by officers for consideration by Natural England.

The Committee heard that since it had first considered the application, the applicant had used the delay to provide further information which removed the need for pre-commencement conditions. This information included details of the materials and design of the building, a revised Construction Management Plan to address issues of ecology, an acceptable contamination strategy, and revised district energy network requirements.

The Officer updated the Committee that, since the publication of the report, minor amendments had been required to condition 5. Conditions 25 and 26 were also subject to amendment and were to be merged to create a single condition 25. It was also explained that the wording of the recommendation was to be changed to remove mention of the completion of a Section 106 agreement as this agreement had been finalised.

The Committee then considered the application. Upon receipt of a query regarding differences in the conditions compared to the original report (considered in June 2021) the Officer confirmed that changes had been made, such as the amalgamation of conditions, but assured the Committee that all relevant information was included. The Committee also discussed potential changes to the use class of the proposed building in the future and the resulting impact on water usage. The Officer confirmed that condition 3 sought to restrict the use class to storage and distribution which removed permitted development rights for changes to more water-intensive uses.

However the planning system was not able to control all scenarios, so a change of occupier within the same use class could be more difficult to regulate.

Committee members highlighted the unprecedented nature of the water situation in the local area and its unique impact on planning applications, and commended officers for the comprehensive information provided.

## **RESOLVED**

Delegate the decision to amend condition 4 (subject to the finalisation of the materials schedule) and permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England and the conditions set out in report PES378c, including amended conditions 5 and 25 as follows:

*5. The window profiles, entrance doors and building finish details shall be constructed in accordance with approved drawing numbers C227/4012 Rev t1, C227/4013 Rev t1, C227/4015 Rev t1, C227/4016 Rev t1, C227/4018 Rev t1, C227/4019 Rev t1, C227/4020 Rev t1 and C227/4021 Rev t1 unless otherwise agreed in writing by the Local Planning Authority.*

*REASON: To control the development in detail and to ensure a high quality development in accordance with policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030.*

*25. No above ground development shall take place until precise details of the low-flow water fittings and rainwater harvesting system to be installed for both units to achieve at least a 40% improvement on the BREEAM baseline standard and to meet the target of 3 credits for the WAT 01 category in line with the proposed water calculations set out in paragraph 3.89 and 3.10 of Water Environment Technical Note Rev C02 21171-WRC-TN-04 C02 have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.*

*REASON: In order to comply with the Natural England Position Statement on water neutrality received on 14 September 2021, to ensure that the development does not cause an adverse impact upon protected habitats in the Arun Valley, including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), the Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar sites, that would be in breach of the Conservation of Species and Habitats Regulations 2017.*

## **7. Planning Application CR/2021/0621/OUT - Car Park, Station Way, Northgate, Crawley**

The Committee considered report [PES/378d](#) of the Head of Economy and Planning which proposed as follows:

Outline application for the redevelopment of the car park to form mixed use residential (indicative 15 flats) and commercial scheme at ground floor.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought outline planning permission for a five storey block of flats and a commercial space, and outlined several updates that were to be made to the report. Since the publication of the report, the open space contribution figure had been amended due to

an error in previous calculations. The report also stated that the Council's Environmental Health Officer was expected to comment on the application, but no comments had been received. The Committee noted that the proposed bin store now included a roller shutter door which could contribute to noise levels at the site, but that this had not been included in the applicant's noise report. The Officer then gave detail of the various relevant planning considerations as detailed in the report.

The Committee then considered the application. Clarification was sought regarding the planning history of the site – the Committee was reminded that it had refused a previous application by the developer at the site in January 2021, and the decision was upheld at appeal. The current application before the Committee was similar in principle with amendments made to the layout, design, and cycle parking provision.

Several Committee members commented on the size and bulk of the proposed development, which was deemed unsuitable for the size of the site. Concerns were raised regarding potential overshadowing on to Station Way and the proximity to neighbouring buildings. It was suggested that the currently derelict site would provide a good opportunity for re-development for a more appropriate proposal in terms of size and design.

### **RESOLVED**

Refuse for the reasons set out in report PES/378d.

### **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.35 pm.

**R D Burrett (Chair)**