

## Crawley Borough Council

### Minutes of Planning Committee

Monday, 5 December 2022 at 7.30 pm

#### Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

Z Ali, S Malik, S Mullins, S Pritchard, S Raja and S Sivarajah

#### Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Jean McPherson Group Manager (Development Management)

Marc Robinson Principal Planning Officer

Jess Tamplin Democratic Services Officer

#### Apologies for Absence:

Councillors K L Jaggard and M Mwangale

#### Minute's Silence for Councillor A Belben

The Committee held a minute's silence for Planning Committee member Councillor Andrew Belben who had recently passed away.

#### 1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Burrett	CR/2022/0091/NCC – 6 Woodlands, Pound Hill (Minute 4)	Personal Interest – had contact with the applicant regarding the Planning Committee process, but did not express a view on the application.
Councillor Ali	CR/2022/0384/ADV – Land at Haslett Avenue East, Three Bridges (Minute 5)	Personal Interest – a West Sussex County Councillor.

Councillor Burrett CR/2022/0384/ADV – Land at Haslett Avenue East, Three Bridges (Minute 5) Personal Interest – a West Sussex County Councillor.

## 2. Lobbying Declarations

Councillors Burrett, Malik, Pritchard, Raja, and Sivarajah had been lobbied on Planning Application CR/2022/0091/NCC – 6 Woodlands, Pound Hill.

Councillor Burrett had been lobbied on Tree Preservation Order Application CR/2022/0596/TPO – Strip of Land off The Ridings, Pound Hill.

## 3. Minutes

The minutes of the meeting of the Planning Committee held on 1 November 2022 were approved as a correct record and signed by the Chair.

## 4. Planning Application CR/2022/0091/NCC - 6 Woodlands, Pound Hill, Crawley

The Committee considered report [PES/408a](#) of the Head of Economy and Planning which proposed as follows:

Retrospective application for variation of condition 3 (materials) pursuant to CR/2020/0028/FUL for the demolition of existing rear conservatory & single storey extension & erection of a two storey & single storey rear extension, first floor side extension & two storey front extension.

Councillors Ali and Burrett declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought permission for a variation of an application condition regarding a change to the colour of the window frames on a residential dwelling. The Officer updated the Committee that the following correction to the recommendation was required:

*'REFUSE for the following reason:*

*1. The dark grey roof windows, by reason of their colour and appearance, are considered to detrimentally impact the character, appearance and visual amenity of the existing dwelling and harm the surrounding Woodlands street scene. They are therefore contrary to policy CH3 of the Crawley Borough Local Plan (2015-2030), the guidance set out in the Urban Design Supplementary Planning Document and the National Planning Policy Framework.'*

The Officer then gave details of the various relevant planning considerations as set out in the report.

James Nayler, the agent, spoke in support of the application. Matters raised included:

- The grey windows had already been installed, so permission was sought for them to be retained. Their replacement at this stage would be costly and time-consuming.
- The windows were not out of character with the streetscene on Woodlands and the surrounding roads as the properties were of a wide mix of styles.
- The variation of the condition which was sought was a minor change.

Satwinder Gill, the applicant, spoke in support of the application. Matters raised included:

- A number of other properties in the local area, including neighbouring houses, had had white windows replaced with anthracite grey windows.
- Neighbours of the property had expressed their support for the installation of the grey windows.
- The development of the property had allowed for upgrades and improvements which had led to an aspirational family home.

The Committee then considered the application. The following points were raised as part of the discussion:

- Generally, it was considered important that applicants follow the conditions attached to any planning permission issued by the Council. It was disappointing that there had been non-compliance with conditions on this occasion (regardless of the nature of the matter).
- The styles of property in the area were mixed. It was hard to pinpoint the nature of the streetscene as there were many visually different houses, so it was therefore difficult to conclude that any one house was incongruous to the local setting.
- Many houses in the local area also had grey windows. However, it was not always clear whether these properties' windows were installed under permitted development rights, under planning applications, or without planning permission. The Officer confirmed that, generally, if any proposed development sought to use materials that did not match the existing materials, planning permission would be required.
- The grey windows were attractive and reflected a wider trend towards a more modern style of development, which was not detrimental to the streetscene.
- Other issues regarding the same original planning application were not to be considered under this application for a variation of one of the conditions. Those matters were subject to separate channels of investigation.
- Following a query from a Committee member, the Planning Officer outlined the process of a planning application's consideration by the Planning Inspectorate. It was confirmed that a similar application for a change of materials on this property had been previously considered by the Inspectorate, that considered the grey windows to be unacceptable.

A vote was taken on the recommendation to refuse the application as set out in the report, which was overturned.

The Committee considered alternative proposals. Discussion was had regarding possible conditions to attach to the planning permission, were it to be granted. It was agreed that any conditions should be based on those included in the original planning application, with the necessary amendment to cover the change in colour of the windows, and with any amendments or further conditions to be determined and added by the Planning Officer as necessary.

A proposal to permit the application was moved and seconded. The Committee explained that it believed the anthracite grey windows did not detrimentally impact the visual amenity of the property, and that these were in keeping with the streetscene due to the mix of property and window styles in the local area. It was also highlighted that there had been no objections from neighbours regarding the application.

The Committee then voted on the proposal to permit the application.

**RESOLVED**

Permit subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:

Drawing Number	Revision	Drawing Title
J1486-01	H	Location & Block Plans, Existing & Proposed Elevations & Floor Plans, Proposed Roof Plan

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The materials to be used for the development except for the windows shall strictly accord with those indicated on the approved details of the permission granted under ref CR/2020/0028/FUL.

REASON: To enable the Local Planning Authority to control the development in detail in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

3. All the window frames shall be finished in one colour of either anthracite grey or white.

REASON: To enable the Local Planning Authority to control the development in the interests of amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

4. The proposed first floor en-suite window closest to no. 8 Woodlands on the eastern rear elevation of the proposed two storey rear extension shall at all times be glazed with obscured glass and, apart from any top-hung vent, be fixed to be permanently non-opening.

REASON: To protect the amenities and privacy of the adjoining properties, in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

5. The first floor en-suite and bathroom windows on the southern side elevation and at the southern end of the rear elevation of the proposed extensions shall at all times be glazed with obscured glass and, apart from any top-hung vent, be fixed to be permanently non-opening.

REASON: To protect the amenities and privacy of the adjoining property, in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

6. No windows (other than those shown on the plans hereby approved) shall be constructed in the north or south elevations of the extensions hereby permitted which adjoin the side boundary with Nos. 4 or 8 Woodlands without the prior permission of the Local Planning Authority on an application in that behalf.

REASON: To protect the amenities and privacy of the adjoining property in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

#### 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:

- Liaising with applicant and agent and discussing the proposal where considered appropriate and necessary during the course of the determination of the application.

- Seeking amended plans/additional information to address identified issues during the course of the application.

## **5. Planning Application CR/2022/0384/ADV - Land at Haslett Avenue East, Three Bridges, Crawley**

The Committee considered report [PES/408b](#) of the Head of Economy and Planning which proposed as follows:

Retrospective advertisement consent for 1x illuminated 48-sheet digital display.

Councillors Ali, Burrett, S Mullins, Pritchard, and Raja declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought consent for a digital advertisement display sign on land next to Haslett Avenue East. The application was retrospective as the sign was already erected – however a new application was required as the position and structure of the sign were different to those approved as part of the previous application. The Officer then gave details of the various relevant planning considerations as set out in the report.

Philip Allard, on behalf of the applicant, spoke in support of the application. Matters raised included:

- The sign was unable to be built in the agreed position due to the discovery of underground cabling and piping. It was constructed slightly further back than was approved.
- The tree that had been removed from the site during construction of the sign was on private land and was not protected under a Tree Preservation Order.
- The sign had operated in accordance with illumination requirements since it was erected.

John Cooban, a local resident, spoke in objection to the application. Matters raised included:

- The loss of the tree was disappointing. Any unnecessary tree loss should be avoided.
- The original application form stated that no trees were present at the site, which was incorrect. Had the tree been declared, an assessment of its amenity value would have taken place which may have led to its protection.
- The sign should not set a precedent for other large digital displays to be approved and erected across the town.

The Committee then considered the application. In response to a query regarding the height of the sign, the Planning Officer confirmed that the combined height of the display and the structure/stand was approximately 6.5 metres.

Committee members raised safety concerns regarding the positioning of the sign next to a highway, which may be distracting for drivers in what was a high traffic area. The Planning Officer confirmed that, prior to the installation of the current sign, a similarly sized advertisement sign was consented at the site and thus the principle of signage at the site was already established. It was also highlighted that West Sussex County Council was consulted on the proposals and had no objection on highway safety grounds.

In response to queries from the Committee, the Planning Officer confirmed that the brightness of the display was regulated via a condition which established two maximum brightness levels – for daylight hours and for darkness hours – which were

set in statute. Some Committee members identified occasions where the display had been too bright for the conditions; the Planning Officer gave assurance that the brightness could be measured and if it exceeded the consented level, it could be reduced to an acceptable level. It was also highlighted that there were instances where some of the panels on the screen were observed as having frozen, and at a higher brightness than was appropriate for the time of day, and there were concerns that this too was distracting for motorists. The Planning Officer confirmed that condition 1(C) required that the visual amenity of the site not be impaired. A malfunctioning display could be classed as a breach of that condition.

A Committee member raised a further concern regarding a small section of the sign, underneath the main display, which showed an illuminated logo. It was queried whether this part of the sign was on the original plans and also whether it was subject to the same illumination requirements as the main display as it had been observed operating at a higher brightness. The Planning Officer confirmed that the section in question did not appear on the plans, so did not form part of the advertisement consent application and could therefore be open to investigation. Committee members expressed disappointment regarding the non-compliance with the plans.

Committee members shared concerns regarding the loss of the tree at the site. The Planning Officer confirmed that the tree was not protected so its felling was not contradictory to policy, and there was no power to require the applicant to replace the tree. Nevertheless, the Committee was of the view that it was always good practice to plant a replacement tree when felling was unavoidable. A Committee member proposed that the following informative be attached to the consent, were it to be granted: *'The applicant is encouraged to plant and thereafter retain a tree to replace the tree that was felled when the sign was erected'*.

The Committee then voted on the recommendation to grant consent as set out in the report (with the inclusion of the additional informative), which was overturned.

The Head of Governance, People & Performance advised on procedure following the overturn of an officer's recommendation. The Committee discussed alternative proposals at length and revisited key points from its discussion. Concerns regarding issues of the sign not complying with any consent granted were once again raised, particularly regarding the additional section of the sign which was not part of the approved plans. It was agreed that this matter was a significant element of the Committee's vote against permission. The Committee formed a further informative in respect of this which, alongside the previously agreed informative regarding the replacement tree, was to be attached to the consent. This proposal was moved and seconded.

The Committee then voted on the proposal to grant consent to the application subject to the two additional informatives.

## **RESOLVED**

Consent subject to the conditions set out in report PES/408b and the following informatives:

1. The applicant is encouraged to plant and thereafter retain a tree to replace the tree that was felled when the sign was erected.
2. The consent hereby granted does not apply to the illuminated name sign below the illuminated 48-sheet digital display. The illuminated name sign does not have advertisement consent and could therefore be subject to enforcement action.

**6. Tree Preservation Order Application CR/2022/0596/TPO - Strip of Land off The Ridings, Pound Hill, Crawley**

The Committee considered report [PES/408c](#) of the Head of Economy and Planning which proposed as follows:

Chestnut 6790, 6791, 6792, 6797, 6794, 6796, 6795, 6798, 6800, 6799, 6789, 6788, 6824, 6779, 9201, 6719, 6714, 6729, 6738, 6722, 6742, 6713, 6751, 6717, 6746, 6712, 6755, 6724, 6702, 6726, 6733, 6705, 6730, 6787, 6783, 6786, 6753, 6767, 6768, 6704, 6770, 6771, 6772, 6774, 6776, 6775, 6782, 9202, 9141, 9144, 9139, 9138, 9137, 9136, 9135, 9134, 9133, 9132, 9131, 9130, 9129, 9128, 9127, 9126, 9125, 9124, 9123, 9122, 9121, 9120, 9119, 9118, 9117, 9116, 9115, 9114, 9101, 9111, 9140, 9103, 9110, 9108, 7604, 7605, 7606, 7609, 9113, 9112, 7612, 7611, 7610, 7607, 7603, 7602, 7601, 9102, 9107, 9109, 9106, and 0139 - removal of basal/epicormic growth and re-pollard.

Chestnut 6732, 9145 - re-pollard.

Chestnut 6735, 6748, 6769, 9204, 7608, 9105 - sectional fell.

Councillor Burrett declared he had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which sought consent for the pollarding of 110 trees along either side of a footpath in Pound Hill. The trees were on a re-pollarding cycle and had become overgrown since the last set of works; they were now causing problems for neighbouring houses and required trimming. Six of the trees were required to be felled.

The Committee then considered the application. Committee members sought clarification on the reasons for felling the six trees, which were damaged or dying and had a limited lifespan. It was confirmed that they were to be replaced with six new horse chestnut trees which would be protected under a Tree Preservation Order. A concern was raised as to whether the dying trees should be replaced with those of the same species as they may be more susceptible to the same diseases. The Officer assured the Committee that they were not aware of any issues present at the site which were specific to horse chestnut trees.

Committee members expressed regret for the removal of the six trees but were supportive of the proposal to plant replacements.

**RESOLVED**

Consent subject to the conditions set out in report PES/408c.

**7. Tree Preservation Order Application CR/2022/0599/TPO - Land Parcel Adjacent to 6 Somerville Drive, Pound Hill, Crawley**

The Committee considered report [PES/408d](#) of the Head of Economy and Planning which proposed as follows:

Oak – fell.

Councillor Burrett declared he had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which sought consent for the felling of an oak tree which was in decline.

The base of the trunk was rotting and a controlled felling would prevent any danger of the tree falling in a way that caused damage to nearby properties.

The Committee then considered the application. It was agreed that it was a shame to fell an established tree that made a positive contribution to the amenity of the area but this was necessary for safety reasons. A replacement tree was proposed to be planted and would be protected.

**RESOLVED**

Consent subject to the conditions set out in report PES/408d.

**Closure of Meeting**

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

**R D Burrett (Chair)**