

Crawley Borough Council

**Minutes of Planning Committee**

Monday, 3 April 2023 at 7.30 pm

**Councillors Present:**

R D Burrett (Chair)

Y Khan (Vice-Chair)

Z Ali, J Hart, K L Jaggard, K Khan, S Mullins, M Mwangale and S Raja

**Officers Present:**

Valerie Cheesman

Principal Planning Officer

Siraj Choudhury

Head of Governance, People & Performance

Heather Girling

Democratic Services Officer

Jean McPherson

Group Manager (Development Management)

Clem Smith

Head of Economy and Planning

**Apologies for Absence:**

Absent:

Councillor S Sivarajah

**1. Disclosures of Interest**

No disclosures of interests were made.

**2. Lobbying Declarations**

The following lobbying declarations were made by councillors:

Councillors Ali, Burrett, Hart, Jaggard, K Khan, Y Khan, S Mullins and Mwangale had been lobbied but had expressed no view on application CR/2022/0055/FUL.

**3. Minutes**

The minutes of the meeting of the Planning Committee held on 7 March 2023 were approved as a correct record and signed by the Chair.

The Chair then called for the Committee to take a brief adjournment to allow for councillors to break their fast with Iftar.

**4. Planning Application CR/2021/0249/FUL - Former GSK Manor Royal, Telecon Metals & Carpenters Technology Site, Napier Way, Northgate, Crawley**

The Committee considered report [PES/412a](#) of the Head of Economy and Planning which proposed as follows:

Erection of 3 warehouse units (Use Class B8), associated external plant, car/HGV parking, site access, internal roads, boundary security fencing and hard/soft landscaping.

Councillors Ali, Burrett and Jaggard declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which the Committee had previously resolved to permit at its meeting on [20 July 2021](#). The application had sought permission for three buildings for storage and distribution use at a vacant site within the Manor Royal Employment Area, however had since been affected by Natural England's Position Statement on water neutrality and therefore required further consideration. The addendum report set out that the development's water usage would be considerably greater than prior to development as the site had been vacant. Mitigation measures were proposed in order to achieve water neutrality through a combination of on-site water efficiency measures (fittings and rainwater harvesting system) and off-site offsetting measures (through the Crawley Homes Water Neutrality Retrofit Programme).

The Committee was informed that several corrections and clarifications to report PES/412a were required as follows:

- The second line of paragraph 5.38 should read 'informatives 1,2,3 and 8'.
- The second line of Condition 6 in relation to the PV Panel Glint and Glare Assessment was to be amended to be dated July 2021.
- The second line of Condition 12 was to be corrected to read 'and not for any other use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), without the prior written consent of the Local Planning Authority'.
- The first line of Informative 5 was to be amended and should read Sussex Police.

The Group Manager then gave details of the various relevant planning considerations as set out in the report. Whilst the planning considerations and conclusions in the original report (Appendix A to report PES/412a) remained valid, the fundamental changes were to the proposed conditions as the development was substantially complete. The recommendation was therefore to delegate the decision to permit the application to the Head of Economy and Planning subject to the conclusion of consultation with Natural England on the Appropriate Assessment, the conclusion of the S106 Agreement, and the conditions set out in the report.

Hannah Swainston, the Agent (Quod), spoke on behalf of the applicant in support of the application. Matters raised included:

- The scheme would bring forward economic growth to Manor Royal and the town.
- Whilst the water neutrality solution had proven lengthy, it was now envisaged the proposal would result in a high quality scheme, offering employment in a key area with local benefits being developed through an Employment and Skills Plan.
- Financial contributions secured through S106 Agreements would assist in improving cycling and public transport infrastructures.

The Committee then considered the application. Committee members raised several queries, to which the officers provided the following clarifications:

- Further information was requested regarding water neutrality and the off-setting requirements. The Committee was informed that following a request from Crawley Homes, a review of various applications had been undertaken and the proposal had been deemed high priority in terms of economic benefits. As the net water demand for the development needed to be offset in order for it to be water neutral, this could be achieved from the Crawley Homes Water Neutrality Retrofit Programme, based on average occupancy of the homes being fitted equating to 86 dwellings. The cost of the retrofitting works was £24,596 which the applicant had agreed to pay as a contribution. This financial contribution would enable Crawley Homes to continue to invest in retrofitting its stock. The precise mechanism for the surplus water offsetting and agreement would be secured via a S106 Legal Obligation/Agreement.
- It was confirmed that the Water Neutrality Strategy indicated cross boundary co-operation and partnership working within the Sussex North Water Resource Zone.
- A question was raised regarding the solar panels and EV charging points. The Group Manager confirmed that the solar panels were installed on site and the EV charging points were scheduled, with both allowing for future proofing and sustainability.
- Committee members highlighted the innovative solutions to the unprecedented issue of water neutrality.

## RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England on the Appropriate Assessment, the conclusion of a Section 106 Agreement, and the conditions set out in report [PES/412a](#) (as amended).

### 5. **Planning Application CR/2022/0055/FUL - Phase 2, Steers Lane, Forge Wood, Crawley**

The Committee considered report [PES/412b](#) of the Head of Economy and Planning which proposed as follows:

Erection of 60 dwellings including associated parking, landscaping and infrastructure works (amended plans and documents received).

Councillors Ali, Burrett, Jaggard and Mwagale declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought permission for a development of 40 one and two bedroom flats and 20 three and four bedroom houses with associated infrastructure. In terms of the affordable units, of the 60 dwellings proposed, 24 were affordable and therefore the level of provision complied with the 40% criteria.

The Committee was informed that several corrections and clarifications to report PES/412b were required as follows:

- The sixth line of paragraph 5.58 should read '15 – 16m'.
- The eight line of paragraph 5.58 was to be corrected to read 'with balconies facing west'.
- The sixth line of paragraph 5.64 was to be amended and should read 'stores for the flats are also shown'.
- The figure of £18,047 to be added to the Air Quality Mitigation contribution amount within paragraph 5.95.

The Officer then drew the Committee's attention to the first pages of the report which identified the plans and drawings which had been considered as part of the application. The Committee was advised that amendments to the following drawing references were required:

<b>Drawing Number</b>	<b>Revision</b>	<b>Drawing Title</b>
072010-BEL-SL-01	C	Presentation Planning Layout
072010-BEL-SL-02	C	Supporting Planning Layout
072010-BEL-SL- PER03		Illustrative Perspective View 03
072012-BEL-SL-SS03		Street Scene 03
BU-4B-2S-P1		The Butler – Ground Floor & First Floor Plans
BU-4B-2S-TF-E1		The Butler – Elevations
BU-4B-2S-TB-E1		The Butler – Elevations
072010-BS01		Bin Store 01 Floor Plans & Elevations
CR-4B-2S-CB-E1		The Cobbler – Elevations
CR-4B-2S-P1		The Cobbler – Ground Floor & First Floor Plans
DE-3B-2S-CT-E1		The Dexter – Elevations
DE-3B-2S-P2		The Dexter – Ground Floor & First Floor Plans
DE-3B-2S-CW-E1		The Dexter – Elevations
DE-3B-2S-P1		The Dexter – Ground Floor & First Floor Plans
FI-3B-2S-CT-E1		The Fisher – Elevations
FI-3B-2S-CW-E1		The Fisher – Elevations
FI-3B-2S-P1		The Fisher – Ground Floor & First Floor Plans
MW-3B-2S-CB-E1		The Millwright – Elevations
MW-3B-2S-CB-E2		The Millwright – Elevations
MW-3B-2S-P1		The Millwright – Ground & First Floor Plans
PA-3B-2S-TB-E1		The Parkman – Elevations
PA-3B-2S-P1		The Parkman – Ground & First Floor Plans
PL-3B-TB-E1		The Piper – Elevations
PL-3B-2S-P1		The Piper – Ground & First Floor Plans
072010-GAR01		Garden Room 01 – Floor Plans & Elevations

The Committee was then provided with details of the various relevant planning considerations as set out in the report. Since the publication of the report, the CBC Refuse and Recycling Team had confirmed that house collections would be maintained at 'front of residence'. The Team had also requested that the bin store for Block 2 be enlarged and the Committee was informed that this was to be secured via condition.

The Officer informed the Committee that the Ecology Officer had requested several additional conditions, along with additions to the S106 clauses, in order to secure the various measures documented in the ecological report. Those new conditions concerned:

- Construction Environmental Management Plan
- Biodiversity Enhancement Strategy
- Wildlife Sensitive Lighting Design Scheme
- Landscape and Ecological Management Plan – clause to be in the S106 Agreement.

In addition, the Bird Hazard Management Plan was no longer required and would be removed from the S106 Agreement.

As a result of the above and to provide clarification, Conditions 6, 7, 16 and 19 and Informative 3 had been amended, and new Conditions 27, 28 and 29 had been added.

Michael Birch, the applicant (Bellway Homes), then spoke in support of the application. Matters raised included:

- The proposed scheme's mix of 1, 2, 3, and 4 bedroom houses and apartments included the provision of affordable homes to meet local needs.
- Positive improvements had been made to the scheme, particularly regarding pedestrian connections with the site and access to green spaces.
- The proposal was not constrained by water neutrality and therefore was capable of delivery.

The Committee then considered the application. Committee members raised several queries, to which the officers provided the following clarifications:

- The proposed cycle parking for the houses was provided within the garages or a storage shed in the rear gardens, whilst the flat blocks had integral cycle stores. The cycle storage provision was secured as part of the conditions.
- The development and operation of the drainage pumping station, plus the detail of its design, appearance, materials and boundary treatment were secured as part of Condition 8.
- Concern was expressed over the location of the children's play space and the type of facilities. The details of the play space including its location and equipment would be secured by the S106 Agreement. The Agreement also secured a financial contribution toward allotments, and the outdoor sports space provision. These would not be provided at the site.
- Confirmation was provided as to the level of replacement tree planting that was achievable on site. Whilst the precise detail, including the final confirmed number of specimens, would form part of the landscaping scheme required by condition and the Legal Agreement, it was acknowledged the mature trees would be maintained.
- The current Forge Wood management company and any formation of an additional residential management company for this site was not a planning matter, but a matter for the developers.
- Light pollution for Radford Road residents was a concern. Whilst it was acknowledged there would be a change in the context for these existing properties, the trees along the northern boundary would be retained and enhanced with further planting/fencing and this was to be secured by the landscaping conditions.
- A question was raised about the separation distances and potential for overlooking (with particular reference to Plot 4). Whilst the details of the balconies were already secured by condition, it was agreed that a new condition (Condition 30) be included to clarify the precise details.

## **RESOLVED**

Delegate the decision to the Head of Economy and Planning to conclude the Section 106 Legal Agreement and thereafter to permit the application subject to the conditions set out in report [PES/412b](#) (as amended), the following amended conditions, and additional conditions and informative.

Amended Conditions

6. A. No development above slab level shall take place unless and until a scheme that addresses the issues of acoustics, ventilation and thermal comfort (including overheating) has been submitted to and agreed in writing by the Local Planning Authority.

For the purposes of this condition the scheme shall include:

- (i) Identifying the level of noise exposure for each dwelling and the means by which the noise level within any (unoccupied) domestic living room or bedroom, with windows open for normal ventilation, shall not exceed 35 dB(A) Leq 16hr (between 07:00 and 23:00) and no more than 30 dB(A) Leq 8hr (between 23:00 and 07:00); and
- (ii) The means by which the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00.
- (iii) The means by which a road traffic noise level in any external amenity area shall not normally exceed 50dB LAeq,16hr. Where this standard cannot be achieved despite all potential mitigation being carried out, a level of no more than 55dB LAeq,16hr will be acceptable for the whole or a proportion of the private amenity area, the details of which are to be agreed with the LPA.
- (iv) Where the standards in (i) or (ii) or both cannot be achieved with windows open, the scheme must show how those standards will be met with windows closed and the means by which adequate ventilation and, where appropriate, cooling will be provided.
- (v) As a result of the increase in façade insulation the resistance to the passage of airborne sound of the partitions between any attached dwellings shall be at least 50 DnT,w + Ctr dB unless otherwise agreed with the Local Planning Authority in writing.
- (vi) In any design, good acoustic design shall be employed to prevent noise exposure. The hierarchy of good acoustic design shall be applied in descending order and may include any combination of the following:
- separating by distance;
  - reducing noise at source or relocating the source;
  - incorporation of barriers to break noise transmission pathways;
  - using the site layout and design to reduce noise propagation across the Site;
  - using orientation of the buildings to reduce noise exposure of noise sensitive rooms;
  - using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise;
  - reliance on the building envelope to mitigate noise to acceptable levels.
- (vii) In designing to achieve reasonable thermal comfort and prevent overheating then regard shall be had to the cooling hierarchy:

- minimise internal heat generation through energy efficient design;
- reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;
- design to enable passive ventilation (e.g. cross ventilation);
- provide mechanical ventilation;
- provide active cooling (ensuring they are the lowest carbon options).

B. No dwelling hereby permitted shall be occupied until the approved scheme has been implemented in respect of that dwelling.

C. The scheme for each dwelling must be implemented in full and maintained for the lifetime of the dwelling. Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

D. No development above slab level shall take place until a verification strategy is agreed, in writing, with the Local Planning Authority in respect of the above scheme. After completion of the dwellings and prior to occupation, testing in accordance with the verification strategy shall be performed to demonstrate compliance with the requirements of the scheme. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within one month of the survey. No dwelling shall be occupied until such time as compliance has been achieved in full.

E. Any and all acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

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

7. Before any work for the implementation of this permission commences, (excluding site clearance and ground works), detailed plans and particulars of the land levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, and the dwellings shall be constructed in accordance with the approved levels.

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

REASON FOR PRE-COMMENCEMENT CONDITION: To ensure the development will be in accordance with the approved details.

16. Prior to the occupation of the dwelling to which they relate, the following windows shall be glazed with obscured glass as shown on the approved plans:

HOUSES

Plots 27 – 30 first floor rear elevation bedroom 2

These windows shall thereafter be permanently maintained in accordance with the agreed details.

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

19. No development above slab level shall be carried out until there has been submitted to, and approved by, the Local Planning Authority a soft and hard landscaping scheme, including details of retained trees, boundary treatments, any earthworks, grassed areas and the species, number and spacing of trees

and shrubs to be planted. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season 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 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. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion of the development or first occupation, whichever is the sooner.

REASON: In the interests of the amenity and of the environment of the development, and to avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with Policies CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.

### New Conditions

27. Prior to the commencement of the development a Construction Environmental Management Plan for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority, in line with the details contained within the Ecological Appraisal (Aspect Ecology Ltd, November 2022).  
The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority
- REASON: To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).
- REASON FOR PRE-COMMENCEMENT CONDITION: The measures need to be agreed before commencement of development to avoid any adverse impacts on protected and priority species.
28. Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and priority species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) purpose and conservation objectives for the proposed enhancement measures;



- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and priority species and habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

29. Prior to occupation, a finalised lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

30. No development above slab level for Plots 4 and 5 shall take place unless and until precise details of the balconies serving these dwellings have been submitted to and agreed in writing by the Local Planning Authority. The details shall include the means to ensure the privacy of the future occupiers of both dwellings including any overlooking of the rear garden of Plot 4. The development shall thereafter be implemented in accordance with approved details and thereafter retained.

REASON: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory visual appearance and to safeguard the privacy and amenities between future occupiers in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 – 2030.

#### Amended Informative

3. The water efficiency standard required under Condition 22 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1.

**6. Objections to the Crawley Borough Council Tree Preservation Order - Oak Tree at 22 Lowe Close - 05/2022**

The Committee considered report [PES/430](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) – Oak Tree at 22 Lowe Close (05/2022) – with or without modification for continued protection, or not to confirm the TPO.

Councillor Burrett declared he had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which related to an oak tree located in a residential garden in Broadfield. In October 2022 the tree was protected under a six month provisional TPO, which the Committee was now requested to confirm. The tree was considered to be visually prominent and to be a large and attractive specimen making a significant contribution to the public visual amenity of the area.

The Officer updated the Committee that consent for a reduction in the tree height and crown radius by a maximum of 2 metres was granted in February 2023 given the concerns of the objector to tree encroachment/shading and it was now understood that these works had been undertaken.

The Committee then considered the application including the representations received. It held the opinion that the imposition of a TPO did not prevent necessary/justifiable works from being undertaken subject to an application being made to the Council. The Committee therefore unanimously agreed that the TPO should be confirmed without modification.

**RESOLVED**

Confirm, without modification.

**Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.40pm.

**R D Burrett (Chair)**