

Crawley Borough Council

Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room C - New Town Hall**, on **Monday, 3 April 2023** at **7.30 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

Membership:

Councillors

R D Burrett (Chair), Y Khan (Vice-Chair), Z Ali, J Hart, K L Jaggard, K Khan, S Mullins, M Mwangale, S Raja and S Sivarajah

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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. Disclosures of Interest		
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.		
3. Lobbying Declarations		
The Planning Code of Conduct requires any councillors who have been lobbied, received correspondence, or been approached by an interested party regarding any planning matter to declare this at the meeting at which the matter is being considered. Councillors should declare if they have been lobbied at this point in the meeting.		
4. Minutes		5 - 16
To approve as a correct record the minutes of the Planning Committee held on 7 th March 2023.		
5. Planning Application CR/2021/0249/FUL - Former GSK Manor Royal, Telecon Metals & Carpenters Technology Site, Napier Way, Northgate, Crawley	Langley Green & Tushmore	17 - 56
To consider report PES/412a of the Head of Economy and Planning.		
RECOMMENDATION to PERMIT.		
6. Planning Application CR/2022/0055/FUL - Phase 2, Steers Lane, Forge Wood, Crawley	Pound Hill North & Forge Wood	57 - 86
To consider report PES/412b of the Head of Economy and Planning.		
RECOMMENDATION to PERMIT.		

		Pages
7.	Objections to the Crawley Borough Council Tree Preservation Order - Oak Tree at 22 Lowe Close - 05/2022	Broadfield 87 - 94
	To consider report PES/430 of the Head of Economy and Planning. RECOMMENDATION to CONFIRM.	
8.	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

Tuesday, 7 March 2023 at 7.30 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

Z Ali, K L Jaggard, K Khan, S Mullins, M Mwagale, S Pritchard, S Raja and S Sivarajah

Officers Present:

Valerie Cheesman

Principal Planning Officer

Siraj Choudhury

Head of Governance, People & Performance

Mez Matthews

Democratic Services Officer

Jean McPherson

Group Manager (Development Management)

Gill Narramore

Senior Environmental Health Officer

Clem Smith

Head of Economy and Planning

Also in Attendance:

Councillor T G Belben

Ward Councillor for Pound Hill North & Forge Wood

Councillor B J Burgess

Ward Councillor for Three Bridges

Councillor M Jones

Leader of the Council

Councillor R A Lanzer

Ward Councillor for Pound Hill South & Worth

Councillor K McCarthy

Ward Councillor for Pound Hill North & Forge Wood

Councillor J Millar-Smith

Ward Councillor for Maidenbower

Councillor A Nawaz

Ward Councillor for Three Bridges

Stephen Gee

Principal Planner (West Sussex County Council)

Guy Parfect

Senior Planner (West Sussex County Council)

Chris Pedlow

Democracy and Data Manager

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1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Interest
Councillor Ali	Planning Application CR/2022/0783/FUL – Station Forecourt, Three Bridges Station, Haslett Avenue East, Three Bridges, Crawley (Minute 4)	Personal Interest – a West Sussex County Councillor.
Councillor Burrett	Planning Application CR/2022/0783/FUL – Station Forecourt, Three Bridges Station, Haslett Avenue East, Three Bridges, Crawley (Minute 4)	Personal Interest – a West Sussex County Councillor.
Councillor Burrett	Section 106 Monies – Q3 2022/23 (Minute 6)	Personal Interest – a West Sussex County Councillor.
Mez Matthews (Democratic Services Officer)	Planning Application CR/2022/0783/FUL – Station Forecourt, Three Bridges Station, Haslett Avenue East, Three Bridges, Crawley (Minute 4)	The Head of Governance, People & Performance (as Monitoring Officer) stated that, for openness and transparency, it should be noted that the Democratic Services Officer's husband had submitted a representation in regard to the application. As the Democratic Services Officer's role was neutral and as they were not a decision maker, the Monitoring Officer was happy for them to clerk and provide professional advice at the meeting.
<i>Councillor Lanzer (Non-Committee Member addressing the Committee)</i>	<i>Planning Application CR/2022/0783/FUL – Station Forecourt, Three Bridges Station, Haslett Avenue East, Three Bridges, Crawley (Minute 4)</i>	<i>Councillor Lanzer confirmed they were speaking as a Ward Councillor. For information, they declared they were a West Sussex County Councillor and also the Cabinet Representative on the Crawley Growth Programme. The planning application under consideration formed part of that Growth Programme.</i>

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Councillor	Item and Minute	Type and Nature of Interest
Councillor Pritchard	Planning Application CR/2022/0783/FUL – Station Forecourt, Three Bridges Station, Haslett Avenue East, Three Bridges, Crawley (Minute 4)	Councillor Pritchard stated that their employer is Govia Thameslink Railway which serves as Operator for Three Bridges Station as well as for the rest of the Thameslink, Southern, Great Northern and Gatwick Express rail franchises in England. They stated this was not a personal or pecuniary interest because the company was significantly large in size and they were not a director or shareholder. Therefore, they confirmed they had no interest to declare which would prevent them from participating and voting on the application.

2. Lobbying Declarations

The following lobbying declarations were made by Councillors:

Councillors Ali, Burrett, Jaggard, K Khan, Y Khan, Mwagale, Pritchard, Raja and Sivarajah had been lobbied but had expressed no view on application CR/2022/0783/FUL.

3. Minutes

The minutes of the meeting of the Planning Committee held on 6 February 2023 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2022/0783/FUL - Station Forecourt, Three Bridges Station, Haslett Avenue East, Three Bridges, Crawley

The Committee considered report [PES/411a](#) of the Head of Economy and Planning which proposed as follows:

Improvement works to railway station forecourt, including rationalisation of bus facilities with area for bus hub, car, cycle and motorcycle parking, taxi rank, and drop off/pick up areas; highway alterations; and the provision of public (pedestrian/cycle) access to eastern side of station from Station Hill including cycle parking, ticket machine and entrance building and revised depot and signal staff parking.

Councillors Ali, Burrett, Jaggard, K Khan, Mullins, Mwagale, Pritchard, Raja and Sivarajah declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought permission for improvement works to the railway station forecourt to promote sustainable forms of travel and to improve accessibility to the transport interchange. The works included the creation of new, enlarged and better quality public space

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across the whole of the site frontage along Haslett Avenue East; the rationalisation of the bus facilities with an area for a bus hub; car, cycle and motorcycle parking, taxi rank, and drop off/pick up areas; highway alterations; and the provision of public (pedestrian/cycle) access to the eastern side of the station from Station Hill including cycle parking, a ticket machine and an entrance building, with revised depot and signal staff parking facilities; and space available for public art.

The Officer updated the Committee that, since the publication of the report, the Environment Agency had requested several additional conditions relating to ground water and prevention of its contamination. The Environment Agency had also requested several additional informatives which related to the new conditions and information on which those conditions were based. Those new conditions and informatives concerned:

- A Contamination Strategy.
- A verification report demonstrating completion of works identified in the Remediation Strategy.
- A Remediation Strategy for any potential previously unidentified contamination.
- Surface water drainage.

In addition to the new conditions requested by the Environment Agency, the Principal Planning Officer had incorporated an additional informative regarding ongoing discussions with the station operators to explore alternative positions for the loading bay and had amended current Condition 4 as follows to clarify the position of the protective fences for trees:

Amended Condition 4:

“No development or site works of any description, including setting up works or storage of materials, plant or equipment, shall take place on the part of the application site that is on the eastern side of the railway unless and until all the existing trees/bushes/hedges to be retained on the site have been protected with fences in accordance with the details set out in the Arboricultural Report and the Tree Protection Plan. The protective fencing shall remain in position for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.

REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policies CH3 and CH6 of the Crawley Borough Local Plan 2015 - 2030.

REASON FOR PRE-COMMENCEMENT CONDITION: Potential damage to trees could occur from site activity before development commences and therefore the agreed measures need to be in place before commencement of development.”

The report advised that, at the time of its publication, an Emissions Mitigation Assessment had not been completed. The Principal Planning Officer informed the Committee that the Assessment had now been provided and concluded that the value of the emissions cost would be £8,063. That money would be put towards one of the cycle routes identified in the Local Cycling and Walking Infrastructure Plan (namely Route C and/or D). That money would be secured via a Section 106 Legal Agreement along with the Section 106 monies for replacement trees and a Traffic Regulation Order.

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The Principal Planning Officer proposed the recommendation be revised to delegate the decision to permit to the Head of Economy and Planning to allow for the conclusion of the Section 106 Legal Agreement and then to subsequently grant permission subject to the updated conditions and informatives.

The Principal Planning Officer then gave details of the various relevant planning considerations as set out in the report and reiterated that the aim of the scheme was to improve sustainable travel options and improve the public realm. The Officer advised it had not been possible to accommodate all requests made by stakeholders in their entirety which would be at the expense of other aspects of the scheme. The Committee was advised that officers from West Sussex County Council (WSSCC) and Crawley Borough Council's Senior Environmental Health Officer were in attendance to assist in answering any questions from the Committee.

Paul Sharp, a local resident, spoke in objection to the application. Matters raised included:

- Road congestion due to the closing of one of the existing lanes could cause exits and accesses to be blocked, which may cause more accidents.
- Concern relating to the assumptions made during traffic modelling. Mr Sharp highlighted particular concern with regard to traffic levels potentially increasing along Chaucer Road and Grattons Drive.
- Increased activity in the area may cause the air quality to deteriorate.
- Pedestrians using the eastbound bus stop would be required to cross two-way traffic from the station, which seemed dangerous.

Collins Nyamupfukudza, Manager of Charlie's Refreshments and Snack Bar, spoke in relation to the application. Matters raised included:

- The snack bar was situated in the station car park, and currently did not have an allocated parking bay for the pick-up or drop-off of goods.
- An allocated parking bay would allow staff to access the snack bar without causing disruption to other users of the car park or being issued with a parking ticket.
- The business was prepared to cover any associated costs.

Derek Kiernan, representing the Crawley Hackney Carriage Association, spoke in objection to the application. Matters raised included:

- Not allowing a right turn out of the station would negatively impact the taxi trade as it would increase journey times and prices.
- It was not practical for taxi drivers to travel to the Paymaster General's Roundabout and back to the station in order to travel eastbound.
- Moving the taxi rank was unnecessary and could lead to increased fees for taxi drivers if it were moved onto land owned by the railway operator.

Peter Rainier, the agent (on behalf of the applicant), spoke in support of the application. Matters raised included:

- The Crawley Growth Programme set out that improvements to the station were necessary in order to meet the town's needs, and the proposed application met those requirements.
- The proposals provided improved bus facilities and access for cyclists and pedestrians, as well as visual improvements to the front of the station.
- West Sussex County Council had concluded that the proposed road system and traffic flow fulfilled its requirements, and that there were no viable alternatives which would improve the station for all users.

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John Cooban, a local resident, spoke in support of the application. Matters raised included:

- There were issues with the vehicular eastern access, but the scheme did provide substantial benefits to pedestrians and cyclists as well as public realm improvements.
- The improved urban tree cover in a currently unattractive area was a positive, e.g. along the west side of the station. Some of the proposed new trees, however, may encounter hostile planting/rooting environments, and therefore remediation groundworks were recommended to ensure healthy tree growth.
- The proposed markings on the pedestrian/cycle paths would improve safety.

Gordon Easden, representing Crawley Walking and Cycling Forum, spoke in support of the application. Matters raised included:

- The current station layout (platforms, footpaths, and forecourt) was problematic and dangerous for many station users.
- The proposed scheme offered safer access for pedestrians and cyclists, improved westbound traffic flow, reduced carbon emissions, an improved bus interchange and better impression of Crawley.
- A minority of station users may be disadvantaged by changes to the eastbound access but overall, the new scheme provided improvements.

Councillor Atif Nawaz, Ward Councillor for Three Bridges, spoke in support of the application. Councillor Nawaz confirmed that, although Cabinet Member for Planning and Economic Development, they were speaking in their capacity as Ward Councillor. Matters raised included:

- The current design of the station was unwelcoming and unsafe; the new scheme would create a better first impression of the town and benefit Three Bridges residents.
- The pavement under the railway bridge was currently not disability accessible and needed to be made wider and safer.
- The application supported improved access to the station by sustainable transport (e.g. via the bus hub), which would help contribute to the goal of net zero carbon emissions.

Councillor Brenda Burgess, Ward Councillor for Three Bridges, spoke in support of the application. Matters raised included:

- Currently the station was unattractive and not fit for purpose, including the vehicular access.
- Removing one lane of traffic may help contribute to better air quality and lower pollution in the area, which would benefit all residents, including children.
- The traffic modelling showed that traffic flow around the station would be improved.

Councillor Bob Lanzer, Ward Councillor for Pound Hill South & Worth, spoke in support of the application. Matters raised included:

- The application was a result of years of consultation and offered significant improvements, including pedestrian, cycle, and bus accesses and better air quality.
- The reduction of three lanes of traffic to two and in turn the removal of the eastbound right-hand turn was not uncommon, as many dual carriageways only allowed exit via a left-hand turn.
- Reliable computer-assisted traffic modelling had been undertaken which demonstrated that a very small percentage of all traffic movements from the station were right-hand turns which utilised the eastbound access. The proposed scheme was therefore beneficial to the majority of station users.

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Councillor Jennifer Millar-Smith, Ward Councillor for Maidenbower, spoke in objection to the application. Matters raised included:

- Maidenbower currently experienced significant traffic travelling west - removing a lane may further increase this traffic and in turn increase travel costs and air pollution.
- The removal of the right-hand turn would cause road users travelling eastbound to either extend their journey time by an estimated 5-6 minutes, or encourage an increase in illegal manoeuvres on Station Hill when dropping off station users.
- There were long-term issues with flooding under the railway bridge, which were likely to be exacerbated if the application was approved.

Councillor Kevan McCarthy, Ward Councillor for Pound Hill North & Forge Wood, spoke in objection to the application. Matters raised included:

- It was important to ensure that all station users benefitted from a new scheme; however, the loss of the right-hand turn was problematic for those living east of the station.
- This change was also likely to negatively impact the taxi trade. Currently around 80% of Hackney Carriage hires in Crawley were from Three Bridges Station, with all of those journeys travelling either east or west. The proposals would allow left-hand turns only, so travelling eastbound may greatly increase journey time and hire cost for the travelling public, as well as pollution.
- The right turn into Hazelwick Avenue could be utilised as an exit from the station which would alleviate the eastbound traffic flow.

Councillor Tina Belben, Ward Councillor for Pound Hill North & Forge Wood, spoke in objection to the application. Matters raised included:

- The traffic modelling described in the report was undertaken at off-peak times - modelling carried out by Ward Councillors during peak times showed a greater number of right-hand turns than calculated by WSCC.
- The lack of a right-hand turn and the removal of one lane along Haslett Avenue East would increase traffic which may extend backwards to the Paymaster General's Roundabout, which would increase journey times for all road users in the area.
- The report did not refer to the potential knock-on effect of increased parking on nearby residential roads.

The Committee then considered the application. Following queries from the Committee, the following clarification was provided:

- It would be possible to monitor the air quality along Billinton Drive once the development had been completed.
- Staffing and hours of opening of the eastern entrance was a matter for the station operator and was not a planning consideration. The issue would be discussed with the station operator should planning permission be granted.
- The structural stability of the retaining wall along Station Hill, following the removal of the tress was not a planning matter, but was a structural issue for the landowner and Building Regulations.
- The application proposed that a loading bay be located in front of the station and pedestrian area, although discussion was underway to explore a potential alternative location, such as to the side of the building in Williams Way.
- It was normal procedure to delegate a decision to permit to the Head of Economy and Planning when permission was subject to completion of a S106 Legal Agreement.
- The taxi rank at Three Bridges Station was currently located on land owned by WSCC Highways, however the application proposed that the taxi rank be re-located to land owned by the railway operator. The landownership

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arrangements, and the possibility of the new taxi rank land being transferred to WSCC Highways, were to be discussed between the parties.

- The replacement parking bays being provided at the proposed eastern entrance to the station would be for use by depot staff and would not be for public use.
- The data collected and published by the Police relating to accidents in the station vicinity were correct, although it was likely that some accidents went unreported.
- Traffic modelling did not assess all possible alternative routes for travelling eastwards, but it had shown that some people's journey times would be increased. It was noted however that updated travel surveys showed there had been a decrease in traffic numbers across the network since Covid.

The Committee debated the application at length and agreed that improvements to the station forecourt were overdue with it being well used as the main station for Crawley having direct mainlines to London, Brighton and Arun Valley. It was acknowledged that improvements to the forecourt would not only benefit station users but also those travelling towards the Town Centre. There was a consensus that the current layout, whilst dangerous for all road users, was especially dangerous for pedestrians and cyclists.

Several Committee members argued however that, although the proposal held a lot of merit and there was an obvious need to upgrade the forecourt area of Three Bridges Station, some residents in Crawley would be adversely affected by some elements of the application.

Those Committee members held the opinion that the loss of the right-hand turn would negatively affect residents living to the east of the station, as using an alternative route would increase journey times, fuel and taxi fare costs as well as pollution and congestion. Particular concern was expressed that many drivers would choose to travel along the smaller residential roads within the area, rather than using the main roads and it was felt that would increase risks to local residents. In addition, those who objected strongly to the loss of the right-hand turn were of the view that traversing Haslett Avenue East towards Hazelwick Avenue (rather than turning around at the Paymaster General's Roundabout) would be dangerous, and cause disruption to the flow of traffic along Haslett Avenue East.

Support was expressed for the proposed eastern entrance to the station, although many Committee members were disappointed that it was not served by a drop-off zone for passengers. It was also argued that no traffic modelling had been undertaken on the impact a lack of a drop-off zone could have on creating potential delays, congestion or blockages to traffic and the lack of a drop-off zone could lead to dangerous manoeuvres along Station Hill and/or its junction with Worth Park Avenue / Haslett Avenue East. Additionally, it was argued that the loss of the right-hand turn from the station was likely to encourage passenger drop-offs at the new eastern entrance with vehicles then travelling through the residential roads of Maidenbower, inevitably increasing pollution and congestion in the area and impacting air quality.

Other concerns raised included the ability for station users with limited mobility to be dropped off / picked up outside the station and then turn right, the lack of a drop-off area when a rail replacement service was provided by buses and the impact the reduction in the number of lanes under the bridge would have on congestion, pollution and the ease at which vehicles could exit Maidenbower from Station Hill.

Several other Committee members were in support of the proposal and were especially pleased that several pavements would be widened as part of the scheme, particularly as the pavement under the bridge was currently dangerously narrow and

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held the risk of pedestrians being clipped by the wing mirrors of larger vehicles. The widening of the pavement serving the westbound bus stop was also supported as its current width increased risks for those waiting at the bus stop and pedestrians generally. Several members of the Committee hoped that the removal of one lane under the bridge would ease the noise level for pedestrians and cyclists as the current level created an additional risk by causing a loss in focus.

Overall, the majority of the Committee felt that the benefits of the scheme outweighed its negative aspects. Whilst it was established that retaining the right-hand turn would have been preferable, most Committee members appreciated that the decision to remove it had not been taken lightly and it would not have been possible to provide the level of improvement to the forecourt had it been retained.

At the request of Councillor Jaggard, and in accordance with General Committee Procedure Rule 13.4, the names of the Councillors voting for and against the officer recommendation were recorded as follows:

For the recommendation to permit:

Councillors K Khan, Y Khan, Mullins, Pritchard, Raja and Sivarajah (6).

Against the recommendation to permit:

Councillors Ali, Burrett, Jaggard and Mwagale (4).

Abstentions: (0).

With the vote being 6 for the recommendation to permit and 4 against the recommendation to permit, the proposal was therefore CARRIED, and it was

RESOLVED

That the decision to PERMIT be delegated to the Head of Economy and Planning, subject to the conclusion of the Section 106 Legal Agreement, and subject to the conditions set out in report PES/411a, amended Condition 4 (as identified above) and the following additional four conditions and three informatives renumbered as follows:

New Condition 9:

“No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any

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changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with Paragraph 174 of the National Planning Policy Framework and Policy ENV10 of the Crawley Borough Local Plan 2015-2030.

REASON FOR PRE-COMMENCEMENT CONDITION: This condition is required to be pre-commencement to safeguard the health of construction workers and prevent any contamination on the site impacting into the surrounding area. The risks for neighbours, site workers and future residents and users of the site must be appropriately mitigated.”

New Condition 10:

“Prior to any part of the development hereby permitted being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Paragraph 174 of the National Planning Policy Framework.”

New Condition 11:

“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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with Paragraph 174 of the National Planning Policy Framework.”

New Condition 12:

“No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with Paragraph 174 of the National Planning Policy Framework.

Conditions 9-14, as set out in report PES/411a, have thus been renumbered to be Conditions 13-18.

New Informative 5:

“The Environment Agency advises that in relation to Condition 9:

A Preliminary Risk Assessment (Phlorum, ref 11754 Rev0, November 2022) has been submitted in support of this application and it is felt that it has been carried out in accordance with relevant guidance. The PRA therefore satisfies Part 1 of the above condition. The PRA has recommended that further site investigation should

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be carried out (Part 2 of the above condition), which the EA is in agreement with. The EA now looks forward to receiving and providing comment on this submitted site investigation.”

New Informative 6:

“The Environment Agency advises that:

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).

Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.”

New Informative 7:

“The Environment Agency advises that in regard to the disposal of materials: Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.”

Original Informative 5 is renumbered to be Informative 8.

New Informative 9:

“The applicant is advised to continue discussions with the station operators to explore alternative positions for the loading bay, with the aim of it being relocated from the front of the proposed pedestrianised forecourt area. Locations to the rear/side of the station building would be preferred.”

5. Objections to the Crawley Borough Council Tree Preservation Order - St Joan Close No. 1 - 04/2022

The Committee considered report [PES/429](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) – St Joan Close No. 1 – 04/2022 – with or without modification for continued protection, or not to confirm the TPO.

Councillor Burrett declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which related to two trees in residential gardens in Langley Green. In October 2022 the trees were protected under a six month provisional TPO, which the

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Committee was now requested to confirm. Objections had been received from local residents regarding the protection of one of the trees in particular.

Ian Chandler, the owner of a neighbouring property to the site of the trees, spoke on behalf of all the objectors to the TPO. Several photos submitted by Mr Chandler were displayed during their presentation. Matters raised, particularly in respect of the larger tree, included:

- They did not wish to fell the tree but wanted to trim and tidy it.
- The tree was unruly, dropped sticky residue on the garden and provided an excessive amount of shade to the garden which stopped grass from growing.
- The tree provided limited amenity value as it was not visible from the street.

The Committee then considered the application. Whilst it appreciated the matters raised by Mr Chandler, it held the opinion that a TPO did not prevent works from being undertaken and the trees were worthy of protection. The Committee therefore unanimously agreed that the TPO should be confirmed without modification.

RESOLVED

That the Tree Preservation Order - St Joan Close No. 1 - 04/2022 be CONFIRMED without modification.

6. Section 106 Monies - Q3 2022/23

The Committee considered report [PES/428](#) of the Head of Economy and Planning.

The report summarised all the Section 106 (S106) monies received, spent and committed to project schemes in Quarter 3 of the financial year 2022/23.

RESOLVED

That the update on S106 monies received, spent and committed in Quarter 3 of the financial year 2022/23 was noted.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 10.37 pm.

R D Burrett (Chair)

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 3 April 2023
REPORT NO: PES/412(a)

REFERENCE NO: CR/2021/0249/FUL

LOCATION: [FORMER GSK MANOR ROYAL, TELECON METALS & CARPENTERS TECHNOLOGY SITE, NAPIER WAY, NORTHGATE, CRAWLEY](#)

WARD: Langley Green & Tushmore

PROPOSAL: 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.

TARGET DECISION DATE: 7 July 2021

CASE OFFICER: Mrs J. McPherson

APPLICANT'S NAME: GLP UK

AGENT'S NAME: Quod

PLANS & DRAWINGS CONSIDERED:-

Drawing Number	Revision	Drawing Title
20363 RPS SI XX DR A 0100		Site Location Plan
20363 RPS SI XX DR A 0101		Existing Site Plan
20363 RPS SI XX DR A 0108	A	Fence Details
20363 RPS SI XX DR A 0113	B	Unit 1 Building Plan
20363 RPS SI XX DR A 0114	B	Unit 1 Office Plans
20363 RPS SI XX DR A 0115		Unit 1 Sections
20363 RPS SI XX DR A 0116	C	Unit 1 Elevations
20363 RPS SI XX DR A 0117		Unit 1 Roof Plan
20363 RPS SI XX DR A 0123	B	Unit 2 Building Plan
20363 RPS SI XX DR A 0124	B	Unit 2 Office Plans
20363 RPS SI XX DR A 0125		Unit 2 Sections
20363 RPS SI XX DR A 0126	D	Unit 2 Elevations
20363 RPS SI XX DR A 0127		Unit 2 Roof Plan
20363 RPS SI XX DR A 0133	B	Unit 3 Building Plan
20363 RPS SI XX DR A 0134	B	Unit 3 Office Plans
20363 RPS SI XX DR A 0135		Unit 3 Sections
20363 RPS SI XX DR A 0137		Unit 3 Roof Plan
20363 RPS SI XX DR A 0136	C	Unit 3 Elevations
BMD.21.019.DR.P001 Rev	C	Overall Landscape General Arrangement
BMD.21.019.DR.P102 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 2 Of 4)
BMD.21.019.DR.P101 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 1 Of 4)
BMD.21.019.DR.P103 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 3 Of 4)
BMD.21.019.DR.P104 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 4 Of 4)
BMD.21.019.DR.P401 Rev	-	Landscape Section A And B
BMD.21.019.DR.P402 Rev	-	Landscape Section C And D
10319 PL 100 Rev	B	Overall Site External Lighting Lux Level Plot
10319 PL 101 Rev	B	Unit 1 External Lighting Lux Level Plot
10319 PL 102 Rev	B	Unit 2 External Lighting Lux Level Plot

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10319 PL 103 Rev	A	Unit 3 External Lighting Lux Level Plot
10319 PL 104 Rev	A	Site Access Road External Lighting Lux Level Plot
CRAW1- RPS-B1-XX-DR-A-1193	P01	Bicycle and motorcycle shelters - Layout and Details
CRAW1- RPS - SI-XX-DR-A- 1001	C04	Proposed Site Plan
21017-BGL-XX-X-DR-C-0200	T1	Proposed Level Plan
21017-BGL-XX-XDR-C-0202	P3	Proposed Sections Plan
21017-BGL-XX-X-DR-C-0202	T1	Proposed Sections Plan
CRAW1-RPS-B1-ZZ-DR-A-5399	P02	Radar Mitigation Plan Building 1A-5399 - P02.pdf
CRAW1-RPS-B2-ZZ-DR-A-5399	P02	Radar Mitigation Plan Building 2-5399 - P02.pdf
CRAW1-RPS-B3-ZZ-DR-A-5399	P02	Radar Mitigation Plan Building 3- P02.pdf
CRAW1-RPS-B1-ZZ-DR-A-5005	P03	Unit 1 - Ground, first and deck floorplans
21017-BGL-XX-X-DR-C-0210	C5	Proposed Drainage Layout
10319-M-110	B	Water Pipe layouts - Unit 1 Main Office Ground, First Floor & Plant Level Rooms HWS, MCWS & RWHS
10319-M-210	A	Water Pipe layouts - Unit 2 Main Office Ground, First Floor & Plant Level Rooms HWS, MCWS & RWHS
10319-M-310		Water Pipe layouts - Unit 3 Main Office Ground & First Floor HWS, MCWS & RWHS

ADDENDUM REPORT

REASON FOR REPORTING TO COMMITTEE:-

- 1.1 This application was considered at the meeting of the Planning Committee on 20th July 2021. A copy of the original committee report is attached as appendix A and the minutes of the meeting are attached as appendix B at the end of this report.
- 1.2 At that meeting it was resolved to grant planning permission for the development subject to 28 planning conditions and with delegated authority to officers to conclude the S106 Agreement to secure the following: Air Quality Contribution, Manor Royal Contribution, Travel Plan Monitoring Fee, Air Quality Works Scheme and measures to secure its implementation (together with additional air quality contribution depending on costings) and a commitment to an Employment and Skills Plan.
- 1.3 Since the committee resolution the applicants had been actively working to conclude the Legal Agreement and this document was signed but not completed and dated by the Local Planning Authority (LPA) due to its receipt after 14th September 2021 (which is the date the Natural England Position Statement on Water Neutrality was received by the LPA). As a direct consequence the planning permission could not be issued until 'water neutrality' had been demonstrated by the applicants.
- 1.4 In late 2021, the applicants commenced building work on site at their own risk and the development is now substantially complete but unoccupied, as there were no pre-commencement conditions to discharge and the development details had in effect all been agreed in the Officers report and were included in the draft decision notice. The Local Planning Authority did not consider it expedient to enforce against the construction of the development as there is currently no breach of the Habitat Regulations due to there being no water connection or water consumption at the site.
- 1.5 The applicants have been actively engaged with the Local Planning Authority to try and find a solution to the water neutrality problem, however, as there were no buildings on the site and it was not in any use, the applicants could not prove that the proposal would be water neutral. A water budget for the development was prepared and agreed in August 2022 and the applicants have been working to find a solution to mitigate for the water use needed for the development and have considered various offsetting proposals.
- 1.6 As the Committee will be aware, Crawley Borough Council, through Crawley Homes, has developed an offsetting scheme that has enabled two planning applications for affordable housing to progress and there is now some surplus water saving from the on-going offsetting scheme that enables the Council to now be in a position to assist the applicant achieve the water offsetting required for this development.

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- 1.7 As already stated, there were no pre-commencement conditions proposed on the original planning permission but the development is now substantially complete. This change to the status of the development (that is now effectively retrospective) requires the conditions on any decision notice to be reviewed/amended to reflect the situation on the ground. This report addresses the changes since the original committee resolution and includes the details proposed to achieve water neutrality for the development.

CONSULTEE NOTIFICATIONS & RESPONSES:-

- 2.1 Please note that those consultations listed below relate only to new information received since September 2021 that has resulted in a requirement for re-consultation to be undertaken. Consultations responses not affected by the new information are as they were on the original report (appendix A).
1. GAL Aerodrome Safeguarding - No objection subject to conditions
 2. National Air Traffic Services (NATS) - No objection – radar mitigation addressed by applicants.
 3. CBC Drainage Office - No objection – submitted drainage maintenance document is acceptable.
 4. CBC Contaminated Land Officer - Remediation Report dated August 2022 satisfies outstanding contaminated land conditions.
 5. CBC Environmental Health Officer - Noise Impact Technical Report dated February 2022 satisfies condition [*Draft condition 27*]

NEIGHBOUR NOTIFICATIONS/RESPONSES RECEIVED:-

- 3.1 No additional neighbour notifications have been undertaken since the original committee resolution in July 2021 and no further responses have been received.

PLANNING POLICY:-

- 4.1 There have been no significant material changes to planning policy that would fundamentally require a wider reconsideration of the development and the recommendation since the original Committee resolution to permit was made. The documents that have changed are a revised NPPF (20th July 2021) and a revised draft (not yet adopted) Crawley Borough Local Plan. Both of these are referred to in more detail below.

4.2 National Planning Policy Framework (2021)

The general thrust of the relevant sections (set out in section 4.1 of the officer's original report at appendix A) remain unchanged. The only relevant update is in Section 14 where paragraphs 159-169 are now the relevant references setting out the sequential, risk-based approach to managing flood risk and the location of development, which takes account of climate change.

4.3 Draft Crawley Borough Local Plan 2024-2040

This document has replaced the Emerging Crawley Borough Local Plan 2021 – 2037 which was referenced in the officer's original report (section 4.3 of appendix A). The Local Plan Review 2024-2040 was approved at the Full Council meeting on 22 February 2023 to go out to Regulation 19 consultation. This statutory consultation will take place from 9 May 2023, in accordance with the Council's approved Local Development Scheme. Submission of the Local Plan to the Secretary of State will then happen later in the year. Limited weight should be given to the following applicable policies.

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Enabling Healthy Lifestyles and Wellbeing

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- Policy CL2: Making Successful Places: Principles of Good Urban Design
- Policy CL3: Movement Patterns, Layout and Sustainable Urban Design
- Policy CL4: Compact Development – Layout, Scale and Appearance
- Policy CL6: Structural Landscaping
- Policy DD1: Normal Requirements of All New Development
- Policy DD2: Inclusive Design
- Policy DD4: Tree Replacement Standards
- Policy DD5: Aerodrome Safeguarding
- Policy DD6: Advertisements
- Policy IN1: Infrastructure Provision
- Policy IN3: Supporting High Quality Communications
- Policy EC1: Sustainable Economic Growth
- Policy EC2: Economic Growth in Main Employment Areas
- Policy EC3: Manor Royal
- Policy EC5: Employment and Skills Development
- Policy GI1: Green Infrastructure
- Policy GI3: Biodiversity and Net Gain
- Policy SDC1: Sustainable Design and Construction
- Policy SDC2: District Energy Networks
- Policy SDC3: Tackling Water Stress
- Policy SDC4: Water Neutrality
- Policy EP1: Development and Flood Risk
- Policy EP3: Land and Water Quality
- Policy EP4: Development and Noise
- Policy EP5: Air Quality
- Policy EP6: External Lighting
- Policy ST1: Development and Requirements for Sustainable Transport
- Policy ST2: Car and Cycle Parking Standards

PLANNING CONSIDERATIONS:-

5.1 This report considers the specific matters that have arisen since the application was previously discussed by the Planning Committee. Aside from the water neutrality issue, which will be considered first, these matters relate to the 28 draft planning conditions that were proposed as part of the decision notice, some of which the applicants have now addressed through the construction phase of the development or are no longer required. A revised set of conditions is therefore proposed to take into account these changes, and the implications for the original planning conditions and reasons for the revisions and deletions are set out under the following headings:

- Gatwick Safeguarding,
- Impact on Ground Conditions (Contamination, Flooding, Drainage and Utilities),
- Impact on Amenity of Neighbouring Properties,
- Site Clearance and Construction Management Conditions,
- Development Details,
- Developer Contributions,
- Other Matters.

Water Neutrality

5.2 Crawley is situated in an area of serious water stress, as identified by the Environment Agency. The application site is supplied with water by Southern Water from its Sussex North Water Resource Zone (SNWRZ). This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.

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- 5.3 On 14 September 2021, the Council received a Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the SNWRZ is not having an impact on the Arun Valley sites. It advises that developments within this zone must not add to this impact.
- 5.4 Under the Conservation of Habitats and Species Regulations 2017 (s.63), Crawley Borough Council is the Competent Authority and has a duty to consider the impact of development on protected species and habitats. These Regulations and the Natural England Position Statement require, as a point of law, applications for planning permission in the SNWRZ have to demonstrate that they do not increase pressure on water resources and that they are “water neutral.” As a consequence, all applications that may affect water consumption need to be ‘screened’ to identify whether the proposed development, individually or in combination with other projects, will result in a significant effect on the Arun Valley sites.
- 5.5 This application is not exempt under the Screening process and therefore the applicants are required to submit evidence so that a judgement can be made by CBC as to whether there could be any potential significant impacts of the development on the Arun Valley sites by way of an ‘Appropriate Assessment’. In accordance with Natural England Position Statement, to meet this test the development must demonstrate that it is ‘water neutral’. The definition of water neutrality is the use of water in the supply area before the development being the same or lower after the development is in place.
- 5.6 This application is one where the new use proposed for the site (3 use class B8 storage and distribution units with ancillary offices) will have a higher water consumption than exists at present as the site as it has been clear of buildings for some years and therefore has had no water use. As stated earlier the site still has nil water use as the units, while constructed are unoccupied. The existing water budget for the site is therefore nil.
- 5.7 The applicants have provided a Water Neutrality Report for the proposal to establish a water budget for the development and to determine how much water is required to be offset. This information has been independently assessed for CBC by a specialist consultant.
- 5.8 The proposed water use is calculated using the BREEAM 2018 WAT01 calculator. The usage per person has been used to generate an overall consumption figure for the development and a rainwater harvesting calculation has been undertaken and applied to the water consumption rates of the toilets and urinals. The future occupancy is based on a precautionary approach assuming the units will operate 24 hours per day, 365 days of the year.
- 5.9 The applicants proposed and have installed a rainwater harvesting system in each unit to provide water to the toilets and urinals. The applicants have provided details of the schedule of the water fittings based on the proposed internal building layouts and specification the water neutrality report. No showers are proposed and no specification or allowance has been made in the water budget for additional water use on the site such as irrigation or vehicle washing. On this basis, the water consumption figure was calculated at 5,542 litres/ day.
- 5.10 This water budget has been calculated on the basis of a B8 use class (storage and distribution) only and therefore a condition is required to ensure that the unit is retained in for this use in perpetuity. Draft condition 28 limited the units to B8 use for parking and servicing reasons and this condition has now been revised and updated (new condition 12) to also cover the water neutrality requirements. Safeguards are also required to ensure that the water efficient fittings and rainwater harvesting equipment installed is verified as compliant with the submitted schedules and thereafter is maintained and operational for the lifetime of the development. These requirements would be controlled by being clauses of the S106 Agreement.
- 5.11 The applicants’ water budget did not make any allowances for vehicle washing or irrigation, both of which can consume high volumes of water. Conditions are also recommended to control these activities on the site (revised condition 3 and 13).
- 5.12 The net water demand for the development of 5,542 litres / day needs to be offset off site in order for the development to be water neutral. In this case, the offsetting is to come from the Crawley Homes

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Water Neutrality Retrofit Programme. The Committee may recall that an initial pilot scheme was implemented in summer 2022 with 100 homes, this provided data on the pace at which this programme could be rolled out and the extent of water savings that could be achieved. Meter readings were taken at appropriate times before and after fitting to demonstrate the water savings that have been achieved. Following the success of the pilot, a budget was secured to continue the retrofitting of a further 1,500 properties. This ongoing programme is delivering water savings apace from the existing Crawley Homes housing stock, in excess of that needed for the key affordable housing schemes of Longley House and Breezehurst Drive, and it has resulted in surplus water savings that can be offered to other developers. The Council in its capacity as offset provider has offered the applicant off-site offsets from the Retrofitting Programme to cover the water budget needed to mitigate the water usage of this development, and the applicant has accepted the offer.

- 5.13 The offsetting measures that comprise the Crawley Homes Water Neutrality Retrofit programme involve existing dwellings within the Crawley Borough Council owned housing stock being fitted with a flow-regulator that is capable of reducing water consumption by an average of 20 litres per person per day. These flow regulators are fitted at the cold water inlet to each dwelling, to restrict the flow rate of water entering the property. They can be supplied and fitted quickly, at a reasonable cost and without the need for internal access to the house. The water savings are achieved primarily from fittings that operate for a specific time, such as running taps and showers. However, the flow limiter does not have any effect on volume-limited fittings, such as toilets or baths. The product requires a qualified tradesperson to carry out the installation, which is a sealed unit that is permanently plumbed-in and cannot be adjusted by the occupant. In addition, the tenant would potentially be in breach of their Tenancy Agreement if they attempted to remove or replace this device without the Council's consent. This therefore provides added assurance that this measure, once installed, will not be tampered with and will provide long term water savings.
- 5.14 A key element in ensuring this offsetting strategy is robust is the need for an ongoing management and maintenance programme. This is achieved in the established regime already in place at Crawley Homes for managing and maintaining its existing housing stock. This will now include the monitoring and maintenance of this water saving device. It is therefore considered that the maintenance and enforcement of the proposed off-site mitigation measure is manageable.
- 5.15 It should be noted that the approach set out in the Crawley Homes Water Neutrality Retrofit Programme has been subject to robust scrutiny by independent consultants for the LPA (in relation to both the Longley House and Breezehurst Drive applications). Furthermore, Natural England has also not objected to the methodology, assumptions and calculations for the retrofitting schemes undertaken as a part of the mandatory Appropriate Assessment consultation process required by the Habitat Regulations. A similar Appropriate Assessment setting out full details of how water neutrality would be achieved for this development will be prepared and sent to Natural England in accordance with the Regulations.
- 5.16 For this development the offset requirement is for 5,542 litres / day which, based on average occupancy of the homes being fitted, equates to 86 dwellings. The cost of retrofitting works is £24,596 which the applicant has agreed to pay as a contribution. This financial contribution from the applicants will enable Crawley Homes to continue to invest in retrofitting its stock (beyond the currently planned 1,600 dwellings) to help deliver future water savings from more of its 8000+ dwellings.
- 5.17 The Crawley Homes retrofitting programme has already achieved the water savings for this development and it has been confirmed that the offsets are for immediate use. A retrofitting ledger is being kept to evidence and monitor the offsetting allocations. On payment a certification letter will be issued to the Local Planning Authority as evidence of the retrofitting undertaken and credits allocated, which combined with other provisions included within the S106 Agreement should provide sufficient evidence that the offsetting has been achieved.
- 5.18 In conclusion, CBC officers and our consultants have considered the applicants' water neutrality budget report and agree with the assumptions and conclusions. It is therefore considered that, provided the development is implemented and maintained in accordance with the evidence presented, then subject to planning conditions, the development could operate within the agreed budget. The Crawley Homes retrofitting programme and strategy is also considered to be robust and the retrofitting offset requirement of 86 properties would enable the development to be 'water

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neutral'. The applicants will need to enter into a Section 106 Agreement to secure the water neutrality and offsetting measures and ensure they are retained for the lifetime of the development. These include:

- the implementation, retention and maintenance of the on-site water efficiency measures in the new units in accordance with the agreed details;
- the implementation and ongoing maintenance of the rainwater harvesting system to serve each unit;
- a contribution to be paid by the developer for the appropriate number of offsetting units in the Crawley Homes retrofitting scheme; and
- the management and monitoring of the Crawley Homes retrofitting scheme.

5.19 An Appropriate Assessment document based on the details above is being prepared and sent to Natural England for comment (as required under the Habitat Regulations). A reasonable time period is required for that consultation.

Gatwick Safeguarding

5.20 Due to the size of the buildings, National Air Traffic Services (NATS) had originally objected to the development due to concerns about interference with the radar system. The applicant had agreed to pay to update the radar software and there were conditions imposed to ensure that a revised Radar Mitigation Scheme was agreed and implemented, along with conditions restricting the height of the building during its construction until such time as the scheme had been agreed and implemented. There was a requirement for a crane operation plan (draft conditions 3, 4 and 5). In addition, Gatwick Airport Limited (GAL) had requested details of any PV roof panels prior to implementation to prevent any glare that could impact upon the safe operation of the airport/aircraft (draft condition 18).

5.21 NATS confirmed to the LPA in October 2021 that the applicants had agreed with it a Radar Mitigation Scheme and that a legal agreement had been implemented to its satisfaction. NATS confirmed that the construction of the development could continue without further reference to the height restrictions specified by draft conditions 3, 4 and 5. The details provided to NATS by the applicants were submitted to the LPA in October 2022, these details comprised the crane specifications, operational information and rig diagrams. It also confirmed that a contract had been entered into with NATS to undertake the radar mitigation works. NATS has been reconsulted on this information and it has confirmed that the required radar mitigation was delivered and that the radar conditions that were imposed on the draft decision notice could be discharged. In this case as the development has been implemented in accordance with details agreed in consultation with the radar operator, draft conditions 3, 4 and 5 are no longer required as the construction works are complete.

5.22 In respect of the solar panels, the applicant provided a glint and glare assessment in July 2021 (at which time it was not able to have been considered prior to the committee meeting). GAL have been consulted on this study and have agreed the details set out in the study. GAL has recommended that the solar panel condition be modified to make reference to the agreed assessment and the wording of the condition has been adjusted to reflect this (revised condition 6). It should also be noted that the condition requiring the implementation of a Bird Hazard Management Plan (formerly draft condition 16) remains on the decision notice (revised condition 5)

Impact on Ground Conditions (Contamination, Flooding, Drainage and Utilities)

5.23 The site is brownfield land and therefore has potential be contaminated. The applicant provided detailed assessments of the potential contamination prior to the consideration of the application in July 2021 and there is an agreed Remediation and Verification Strategy for the development. In addition to a condition to require the works to be implemented in accordance with the agreed strategy, further conditions dealing with unidentified contamination and groundwater safeguarding were proposed (draft conditions 7, 8 and 9).

5.24 A Verification Report (required by draft condition 7) demonstrating that the site works had been completed in accordance with the agreed Remediation and Verification Strategy has been supplied by the applicant. This report (dated August 2022) found that there were no areas of unidentified contamination. The CBC Contaminated Land Officer has confirmed that the Verification report

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satisfies the issues in relation to contamination on the site. Draft conditions 7 and 8 are therefore satisfied are no longer required.

- 5.25 The applicant's Flood Risk Assessment and associated drainage strategy was agreed prior to the consideration of the application by the committee with two conditions required firstly to undertake works as per the agreed document and secondly, being subject to the agreement of a site wide specific drainage maintenance document (draft conditions 14 and 15). It should be noted that prior to water neutrality the applicants already intended to install rainwater harvesting in their buildings so these storage tanks were incorporated into the original drainage design plans. The applicant has confirmed that the drainage has been installed as per the agreed strategy and therefore draft condition 9 (which dealt with any deviations from the drainage strategy and draft condition 14 are no longer required.
- 5.26 The applicant in October 2022 submitted a drainage maintenance plan as required by draft condition 15. The CBC Drainage Officer has confirmed that the maintenance arrangements are acceptable and therefore an amended condition is now proposed to ensure long term drainage maintenance for the site is in accordance with the details in the document (revised condition 4).

Impact on Amenity of Neighbouring Properties

- 5.27 An acoustic barrier has been constructed as required by draft condition 26 in the agreed location and to the specification as per the acoustic report and as a result, this condition is no longer required.
- 5.28 Draft condition 27 required details of the mechanical plant to be provided for unit 1 together with an acoustic report be provided prior to installation. This was in order to safeguard the residents in Dalewood Gardens which is situated to the south of the site. The applicants have provided details to address this condition and the Environmental Health Officer is satisfied with the information provided and that the plant would have a negligible impact. The information is therefore adequate to satisfy this condition and it is therefore no longer required.

Site Clearance and Construction Management Conditions

- 5.29 Draft conditions 6, 10 and 13 covered site management during construction in relation to a pre-agreed documents including a Construction Management Plan, Dust Management Plan, Arboricultural Method Statement with Tree Protection Plan and Preliminary Ecological Appraisal. These conditions are now unnecessary as the development has been constructed.

Development Details

- 5.30 A number of the conditions on the draft decision notice required the development to be set out in accordance with the details submitted and agreed as part of the application.
- 5.31 Draft condition 17 required the building to be constructed in materials specified on the submitted drawings, the buildings are constructed in these materials and therefore the requirements of the condition have been satisfied and this no longer required.
- 5.32 Draft condition 19 required BREEAM certification for the units, to date this has not been provided for all the units so this condition remains relevant and it is now condition 7.
- 5.33 Draft condition 20 required ductwork to enable for future connection to a District Energy Network if delivered in Manor Royal to be installed. The applicants have provided photographic evidence and in writing that this has been installed, the condition is therefore no longer required.
- 5.34 Draft condition 21 required the provision of fire hydrants. The applicants have evidenced that fire hydrant provision has been discussed and design details and arrangements have been agreed by the fire service. This condition is therefore no longer required.
- 5.35 Draft conditions 22, 23 and 24 require the provision of the external parking layout , cycle spaces and EV spaces. These conditions need to remain on the decision notice as the site layout is incomplete and they still need to be implemented. (revised condition numbers 8, 9 and 10)

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- 5.36 With regard to site landscaping and its long term maintenance, draft conditions 11 and 12 remain necessary and are now revised conditions 2 and 3. The landscaping works have not been completed and the details for the long term management of the landscaping needs to be agreed and subsequently undertaken. The landscape management condition has been revised and taking into account the constraints now in place due to water neutrality, there is a need to ensure that an appropriate method of irrigation is implemented for the site without the need for further potable water consumption. The condition has therefore been amended so the applicant can consider alternatives for irrigation.

Developer Contributions

- 5.37 The payments and air quality requirements as drafted are still to be agreed but have a trigger point of requiring agreement/implementation prior to first occupation, and they still therefore continue to apply. The applicants are aware of these provisions.

Other Matters

- 5.38 Draft condition 1 (time limit) is now not required as the development is has been commenced. Draft informatives 1, 2, 3 and relate to contamination, drainage, construction and fire hydrants which are now all completed, these are no longer required and have been deleted.

CONCLUSIONS:-

- 6.1 As set out above, since the original resolution to grant planning permission in July 2021, the matter of water neutrality has arisen. The applicant commenced work on the development at its own risk, however it was in accordance with the details that were agreed by the planning committee and the approved documents and plans as drafted on the decision notice. The development as implemented to date is considered acceptable.
- 6.2 A water budget has been calculated for the development to determine the water demand and amount required to be offset. The applicant has agreed to buy credits from the Crawley Homes Water Neutrality Retrofitting Programme which has already generated sufficient water saving for the development. An Appropriate Assessment setting out full details of how 'water neutrality' is to be provided and secured for this development is to be prepared and will be subject to consultation with Natural England.
- 6.3 The offsetting and other water neutrality measures need to be secured via the conclusion of Section 106 Agreement, the provisions of which are in addition to those required by the original committee resolution. These are set out in detail in paragraphs 5.52 and 5.53 of the original Officer report (Appendix A) The s106 requirements are therefore as follows:
- Manor Royal Contribution of £31,620;
 - Air Quality Mitigation to a value of £80,208 – including a contribution of £54,983 towards the upgrading of Woolborough Lane cycle route and balance of contribution provided via a costed schedule identifying on site mitigation measures over and above current policy requirements;
 - Travel Plan monitoring fee £3,500;
 - Implementation of an Employment Skills Plan;
- AND provisions to secure the water neutrality and offsetting measures and retained in perpetuity, measures to include:
- the installation, implementation, retention and maintenance of the on-site water efficiency measures in the new units in accordance with the agreed details;
 - the implementation and ongoing maintenance of the rainwater harvesting system to serve each unit;
 - a contribution to be paid by the developer for the appropriate number of offsetting units in the Crawley Homes retrofitting scheme; and
 - the management and monitoring of the Crawley Homes retrofitting scheme.
- 6.4 It is therefore considered that the proposal is acceptable, and, subject to the associated conditions which have been amended to reflect the current position of the development on the site, the

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conclusion a S106 agreement, and the conclusion of consultation with Natural England, it is recommended that planning permission should be granted.

RECOMMENDATION RE: CR/2021/0249/FUL:-

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 a Section 106 Agreement, and the following conditions:-

1. 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.
2. The landscaping shall be implemented in accordance with drawing numbers BMD.21.019.DR.P101 Rev C, BMD.21.019.DR.P102 Rev C and BMD.21.019.DR.P103 Rev C and BMD.21.019.DR.P104 Rev C unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing required in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the first unit 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 accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
3. Prior to the first occupation of any unit, a Landscape Management Plan which covers a period of no less than 15 years shall have been submitted to and been approved in writing by the Local Planning Authority. The landscape management plan shall include:
 - a programme for implementation, long term design objectives, long term management responsibility and maintenance schedules for all landscaped areas,
 - details of how the on-site landscaping will be irrigated (if required to allow the trees / shrubs to become established) without using potable water from the SNWRZThe development shall be thereafter implemented and maintained in accordance with the approved details.
REASON: In the interests of visual amenity of the area in accordance with Policy CH3 of the Crawley Borough Local Plan and the Manor Royal SPD, and 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.
4. The site drainage infrastructure shall be maintained in accordance with the approved Drainage Maintenance Plan (Ref:20083-BGL-XX-XX-RP-X-00005) dated 1 March 2022 and accompanying drawing 20083-BGL-XX-XX-DR-C-210 Rev C5 – Proposed Drainage Layout, for the lifetime of the development.
REASON: To ensure the long-term maintenance and management of the drainage system, to prevent the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
5. The Bird Hazard Management Plan dated 11 May 2021 shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the buildings. 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.

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6. The solar panels shall be installed as per the layout shown at Figure 2 on page 3 of the 'PV Panel Glint and Glare Assessment' by KLG Consulting dated July 2023. No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment and glare issues in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
7. Within three months of the occupation of each building (Unit 1, Unit 2, Unit 3) forming part of the development, a post construction report shall have been submitted to and been agreed in writing by the Local Planning Authority, verifying that the building or the development as a whole has achieved the minimum Energy and Water standards for BREEAM 'Excellent'.
REASON: In the interests of sustainable design and construction in accordance with policies ENV6 and ENV9 of the Crawley Borough Local Plan 2015 and the Planning and Climate Change Supplementary Planning Document.
8. Prior to first occupation of any of the units, the vehicle turning spaces, car parking and lorry parking serving that unit shall be provided and constructed in accordance with the approved details (Drawing Number CRAW1-RPS-SI-XX-DR-A-1001 Rev C04 - Proposed Site Plan). Once provided the spaces shall be retained for that use (either parking or manoeuvring) at all times for the lifetime of the development.
REASON: To ensure that adequate and satisfactory provision is made for the development for the parking and manoeuvring of vehicles clear of the highway in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030 and Annex 1 in the Urban Design SPD.
9. Prior to the first occupation of any unit, the motorcycle and cycle spaces (including the cycle EV Charging point) shall be provided and constructed in accordance with details set out on drawing number CRAW1-RPS-B1-XX-DR-1193 Rev P01 - Bicycle and Motorcycle Shelters-Layout and Details. Once provided and operational, the spaces shall thereafter be retained at all times for their designated purpose.
REASON: To provide alternative travel options to the use of the car in accordance with policies IN3 and IN4 in the Crawley Borough Local Plan 2015-2030 and the advice in Annex 1 of the Urban Design SPD.
10. Prior to the first occupation of any unit, the Electric Vehicle Charging points serving the car parking spaces for that unit shall be provided in accordance with approved drawing Number CRAW1-RPS-S1-XX-DR-A-1001 Rev C04. The EVC charging points shall be made operational on first occupation of the unit and such provision shall thereafter be retained.
REASON: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies.
11. No unit hereby permitted shall be occupied unless and until a Travel Plan has been submitted to and been approved in writing by the Local Planning Authority in respect of that unit. The Travel Plan for each unit once approved shall thereafter be implemented as specified in the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
REASON: To encourage sustainable transport modes in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030.
12. The units hereby permitted shall be used solely for the purposes of Use Class B8 (Storage and Distribution) and not for any 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.
REASON: To ensure that there is adequate parking and servicing provision on the site to reflect the use in accordance with policies IN3, IN4 and CH3 of the Crawley Borough Local Plan 2015-2030 and Annex 1 of the Urban Design SPD and, taking account of 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, in breach of the Conservation of Species and Habitats Regulations 2017.

Agenda Item 5

13. No part of any unit or its service /parking area shall be designated, equipped or used for vehicle washing without the prior written consent of the Local Planning Authority.

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.

INFORMATIVE(S)

1. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk
4. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing and please read the New Connections Services Charging Arrangements documents which are available via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk Email: SouthernWaterPlanning@southernwater.co.uk
5. The applicant's attention is drawn to the consultation response provided by Sussex Policy dated 26th April 2021 on crime prevention measures and further sources of information which are likely to be of benefit to future occupiers of the units.

1. NPPF Statement

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- Liaising with consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary 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.

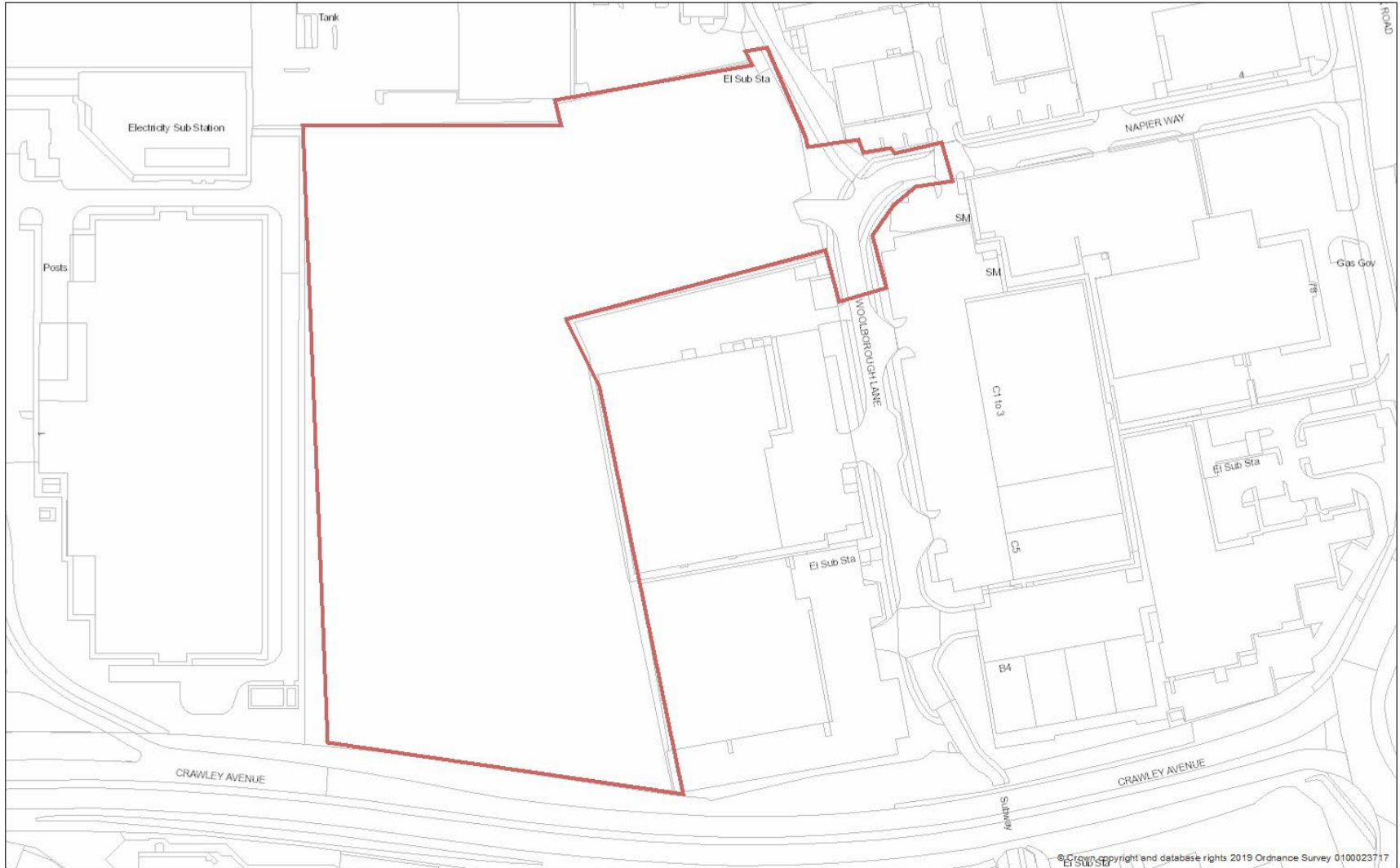


ArcGIS Web Map



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

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 20 July 2021
 REPORT NO: PES/373(e)

REFERENCE NO: CR/2021/0249/FUL

LOCATION: [FORMER GSK MANOR ROYAL, TELECON METALS & CARPENTERS TECHNOLOGY SITE, NAPIER WAY, NORTHGATE, CRAWLEY](#)

WARD: Langley Green & Tushmore

PROPOSAL: 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.

TARGET DECISION DATE: 7 July 2021

CASE OFFICER: Mrs J. McPherson

APPLICANT'S NAME: GLP UK

AGENT'S NAME: Quod

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
20363 RPS SI XX DR A 0100		Site Location Plan
20363 RPS SI XX DR A 0101		Existing Site Plan
20363 RPS SI XX DR A 0108	A	Fence Details
20363 RPS SI XX DR A 0110	A	Contextual Elevations
20363 RPS SI XX DR A 0113	A	Unit 1 Building Plan
20363 RPS SI XX DR A 0114	A	Unit 1 Office Plans
20363 RPS SI XX DR A 0115		Unit 1 Sections
20363 RPS SI XX DR A 0116	A	Unit 1 Elevations
20363 RPS SI XX DR A 0117		Unit 1 Roof Plan
20363 RPS SI XX DR A 0123	A	Unit 2 Building Plan
20363 RPS SI XX DR A 0124	A	Unit 2 Office Plans
20363 RPS SI XX DR A 0125		Unit 2 Sections
20363 RPS SI XX DR A 0126	A	Unit 2 Elevations
20363 RPS SI XX DR A 0127		Unit 2 Roof Plan
20363 RPS SI XX DR A 0133	A	Unit 3 Building Plan
20363 RPS SI XX DR A 0134	A	Unit 3 Office Plans

20363 RPS SI XX DR A 0135		Unit 3 Sections
20363 RPS SI XX DR A 0137		Unit 3 Roof Plan
20363 RPS SI XX DR A 0136	A	Unit 3 Elevations
BMD.21.019.DR.P001 Rev	C	Overall Landscape General Arrangement
BMD.21.019.DR.P102 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 2 Of 4)
BMD.21.019.DR.P101 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 1 Of 4)
BMD.21.019.DR.P103 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 3 Of 4)
BMD.21.019.DR.P104 Rev	C	Detailed Landscape General Arrangement And Planting Plan (sheet 4 Of 4)
BMD.21.019.DR.P401 Rev	A	Landscape Section A And B
BMD.21.019.DR.P402 Rev	A	Landscape Section C And D
10319 PL 100 Rev	B	Overall Site External Lighting Lux Level Plot
10319 PL 101 Rev	B	Unit 1 External Lighting Lux Level Plot
10319 PL 102 Rev	B	Unit 2 External Lighting Lux Level Plot
10319 PL 103 Rev	A	Unit 3 External Lighting Lux Level Plot
10319 PL 104 Rev	A	Site Access Road External Lighting Lux Level Plot
CRAW1- RPS-B1-ZZ-DR-A-5300	P03	Unit 1 Elevations - Materials
CRAW1 -RPS-B2-ZZ-DR-A-5300	P03	Unit 2 Elevations - Materials
CRAW1- RPS-B3-ZZ-DR-A-5300	P03	Unit 3 Elevations - Materials
CRAW1- RPS-b1-XX-DR-A-1193	P01	Bicycle and motorcycle shelters - Layout and Details
CRAW1- RPS - SI-XX-DR-A- 1001	P2	Proposed Site Plan
21017-BGL-XX-X-DR-C-0200	T1	Proposed Level Plan
21017-BGL-XX-XDR-C-0202	P3	Proposed Sections Plan
21017-BGL-XX-X-DR-C-0202	T1	Proposed Sections Plan

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. West Sussex Fire Brigade 2. GAL Aerodrome Safeguarding 3. Environment Agency 4. WSCC Highways 5. National Air Traffic Services (NATS) 6. Thames Water | <p>No objection subject to condition</p> <p>No objection subject to conditions and informatives</p> <p>No objection subject to conditions and informatives</p> <p>No objections subject to conditions and informatives</p> <p>Objection</p> <p>Concerns raised about surface water infrastructure – condition sought</p> |
| <ol style="list-style-type: none"> 7. Sussex Building Control Partnership 8. Police 9. CBC Drainage Officer 10. CBC Planning Arboricultural Officer 11. UK Power Networks 12. CBC Environment Team 13. CBC Contaminated Land | <p>No comments received.</p> <p>No objection</p> <p>No objection</p> <p>Comments received</p> <p>No response received</p> <p>No comments received.</p> <p>No objection</p> |

- | | | |
|-----|--|---|
| 14. | CBC Environmental Health (Noise) | No objection subject to conditions |
| 15. | Crawley Cycle & Walking Forum | Comments provided |
| 16. | Southern Water Ltd | Can facilitate supply to the development subject to a Formal application for connection. |
| 17. | CBC Energy Efficiency & Sustainability | No objection subject to conditions |
| 18. | Archaeology Officer | No objection |
| 19. | Ecology Officer | Comments received |
| 20. | WSCC Lead Local Flood Authority | No objection subject to condition |
| 21. | CBC Env Health (AQMA) | No objection subject to condition |
| 22. | The Gatwick Diamond Initiative | No comments received. |
| 23. | CBC Economic Development | Supports the application and investment subject to the principles and aspirations of the Manor Royal SPD being given due consideration. |
| 24. | Manor Royal Business District | No comments received. |

NEIGHBOUR NOTIFICATIONS:-

The application was publicised by a press notice and site notice.

Due to the size of the site and the location of the site notice a limited number of neighbouring occupiers were also notified of the application. These were:

- Digital Crawley 1 Sarl Luxembourg Unit 1, Power Avenue;
- Alpha Flight UK Ltd Unit A1, Woolborough Lane;
- Unit B1, Napier Way;
- United Parcel Service, Manor Royal;
- Alpha LSG Ltd Unit D, Woolborough Lane.

RESPONSES RECEIVED:-

None.

REASON FOR REPORTING TO COMMITTEE:-

The application is ‘major’ development.

THE APPLICATION SITE:-

- 1.1 The application site is a vacant ‘L’ shaped plot of brownfield land (approximately 2.9 hectares) located north of the A2011 (Crawley Avenue) and west of Napier Way within the Manor Royal Employment Area. The site has been cleared of all former buildings and structures with just a few patches of hardstanding evident towards the northern end. The site boundaries are generally delineated by 2–2.5 m high fencing. The rest of the site is roughly laid grass and scrub. The site appears relatively flat but there is drop in level of about 2m from east to west midway across the wider northern section of the site. The properties along the south east boundary of the site are also set a higher level (approx. 2m taller) than the main level of the application site and an embankment with fence on top marks this boundary. To the south is the dual carriageway which is screened from the site by a belt of highway trees set along on a raised embankment relative to the road level.
- 1.2 There is an existing vehicular access towards the northern end of the site onto Napier Way at which point the site is most visible from public views. Just north of the site access are 2 mature oak trees that provide a notable landmark on approach along Napier Way (which is a relatively narrow road with double yellow lines down both sides). There is limited landscaping along the eastern site boundary (mainly bushes and scrub) although some trees overhang along the northeastern part of the boundary from the adjoining cycle track. The northern and western site boundaries are relatively open to the industrial units beyond. The southern site boundary is well screened supplemented by a dense tree screen along the adjoining dual carriageway (Crawley Avenue) which forms part of a belt of Structural Landscaping.
- 1.3 The site is bounded by Manor Court to the north-west, UPS to the north, Unit 1 (Data centre) to the west, Crawley Avenue to the south (beyond which are nearest residential properties in Dalewood

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Gardens), Unit A1 Woolborough Lane to the east and Woolborough Lane with its cycle track to the north-east beyond the site access. Napier Way becomes Woolborough Lane at the right angle road bend approximately where the current site access is positioned. The cycle route along Woolborough Lane is part of National Cycle Route Network 21 'London to Paris route'.

- 1.4 There are two groups of trees that are the subject of a Tree Preservation Order which impact upon the site both groups are protected under Manor Royal No 3 Tree Preservation Order (Reference 16.6.57) dated 2013. These are:
- Two individual oaks located on the land on eastern site boundary just to the north of the proposed site access (identified as T1 and T2); and,
 - A group of trees comprising Horse Chestnut, Oak, Ash, Hawthorn and Hazel (identified as G1) that extend along the entire southern boundary fronting Crawley Avenue. These trees overhang the southern boundary of the site but are in fact located on highway land between the fence boundary and the eastbound dual carriageway. These trees (G1) are also identified as Structural Landscaping along with any trees within the southern site boundary which extends along the dual carriageway.
- 1.5 The site is located centrally within the Manor Royal Main Employment Area which is also protected by Article 4 directions removing permitted development rights for changes of use to residential (C3) uses from office (B1a), storage and distribution (B8) and light industrial (B1c).
- 1.6 The site also lies within a Priority Area for District Energy Networks as set out in the Crawley Borough Local Plan (CBLP). The southern part of the site also lies within the Hazelwick Roundabout Air Quality Management Area (AQMA) and the whole site is identified as contaminated land on Council records. The south western corner and sections of the southern boundary of the site are within Flood Zone 2.

THE PROPOSED DEVELOPMENT:-

- 2.1 The application seeks planning permission for the construction of 3 logistics warehouse units with ancillary offices (Use Class B8) and plant deck together with associated parking for cars / HGV's, cycles, site access, internal roads, boundary fencing, an acoustic fence, external lighting landscaping and associated works. The development is speculative with no specific end-user in mind at this stage however, the applicants have identified a strong market for logistics in this location and are keen to commence construction in autumn 2021.
- 2.2 A total of 14,938 sqm of B8 floorspace would be provided. The 3 units would be of varying sizes, the largest unit occupying the southern half of the site while unit 2 would be sited in the northwest part of the site and the smallest unit 3 occupying the north east corner nearest the site entrance.
- 2.3 Details of the buildings are as follows:

	Dimensions	B8 and ancillary office space Sq m	Plant Deck Sq m	Total Sq m
Unit 1	16.7m high x 108m long x 68m wide	8,160	555	8,715
Unit 2	13.7 high x 72m long x 52 wide	4,360	222	4,582
Unit 3	12.0m high x 52m long x 39m wide	2,418	95	2,513

- 2.4 Each building is essentially a rectangular box with low level parapet wall concealing the pitched roof behind. Each unit has space a mezzanine level for ancillary offices and plant deck and are designed with a glazed two storey feature entrance and finished with insulated metal wall and roof cladding. Due to the site levels unit 3 is set at a slightly higher level than the other buildings.
- 2.5 A single vehicular access to the site is proposed from Napier Way serving all 3 units with a pedestrian footpath proposed along the southern side of the access road. Each unit would have its own independent secure fenced service yard/ parking arrangements and space for refuse, cycles etc. The boundaries of the development are proposed to be softened by landscaping.

PLANNING HISTORY:-

- 3.1 There is extensive planning history for this site. The western part of the land was formerly part of the SmithKline Beecham pharmaceutical complex whereas the northeastern part of the land was formerly part of the Telecon Metals site.
- 3.2 Most recently, the land (as part of a wider site extending to the west of the application boundary) was granted planning permission under application CR/2013/0255/FUL for redevelopment and use as 2 data centres. This permission remains extant as it has only been part implemented, with data centre 'building 1' having been constructed on land to the west and operational while data centre 'building 2' (of an identical size and scale to building 1) along with associated plant and a data hall was proposed to occupy the land now subject of this planning application. It is a material consideration that this permission remains capable of being implemented.

PLANNING POLICY:-

National Planning Policy Framework (February 2019 as amended in June 2019)

- 4.1. The National Planning Policy Framework (NPPF) published in 2019 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
 - Section 2 – Achieving sustainable development. This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
 - Section 6 – Building a strong, competitive economy. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
 - Section 9 – Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued including designing into development provision for plug-in and low emission vehicles and the requirement for travel plans for developments generating significant amounts of movement.
 - 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 of the NPPF deals with meeting the challenge of climate change, flooding and coastal change. Paragraphs 155-165 set out a sequential, risk based approach to flooding and the location of development, which takes account of climate change. The NPPF seeks to avoid increasing flood risk elsewhere and seeks the use of sustainable drainage systems in major developments.
 - Section 15 – 'Conserving and enhancing the natural environment' - includes advice on ground conditions and pollution, seeking opportunities to improve air quality and mitigate impacts and resisting development if there is significant harm to biodiversity.

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

- 4.2. The following policies from the Crawley Borough Local Plan are most relevant to the proposal:
 - Policy SD1: (Presumption in Favour of Sustainable Development) The Council will take a positive approach, in line with the planned approach to Crawley new town, to approving development which is sustainable and work proactively with applicants, stakeholders and other partners to find solutions. Development will be supported where it meets strategic objectives including becoming carbon neutral and addressing climate change; complementing the town's compact

character and neighbourhood principles; respecting heritage; protecting and enhancing Green Infrastructure; creating a safe environment; providing for social and economic needs; and according with the Plan's policies and objectives.

- Policy CH2: (Principles of Good Urban Design) Proposals must support locally distinctive development patterns, landscape character and heritage; create defined frontages and public/private areas; create safe and attractive routes for all; connect places for people and integrate land use and transport; provide recognisable routes and landmarks; consider flexible development which responds to changing needs; provide diversity and choice to create viable places and meet local needs.
- Policy CH3: (Normal Requirements of all New Development) Development should be based on a thorough understanding of the significance and distinctiveness of the site and its wider context and demonstrate how attractive or important features of the site will be retained. These include views, landmarks, footpaths, rights of way, trees, green spaces, hedges, other historic landscape features or nature conservation assets, walls and buildings. Developments will also need to be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. Development should also provide/retain a good standard of amenity for future occupants and not cause harm to the amenity of the surrounding area, including through traffic generation and general activity. Development should demonstrate compliance with Secured by Design and meet the requirements for its safe and proper use, in particular in regard to access, circulation and manoeuvring and in this case vehicle parking. Individual or groups of trees that contribute positively to the area should be retained and, where any are lost, replacement tree planting should accord with the standards set out in policy CH6.
- Policy CH4: (Comprehensive Development and Efficient use of Land) Development proposals must use land efficiently and not unduly restrict the development potential of adjoining land, nor prejudice the proper planning and phasing of development.
- Policy CH6: (Tree Planting and Replacement Standards) Sets out that where development would result in the loss of trees, these should be identified and replaced to mitigate the visual impact from the loss of canopies. The requirement for replacement trees is based on the size of the trees to be lost and this is expected to take place on site or be subject to commuted payments for planting elsewhere. The Manor Royal Design Guide sets out tree planting requirements for that area.
- Policy CH7: (Structural Landscaping) This policy (through the Local Plan Proposals Map) identifies areas of soft landscaping that make an important contribution to the town or its neighbourhoods in terms of character and appearance, structure, screening and softening. Development proposals that affect this role should demonstrate their visual impact and should protect and enhance this landscaping. Opportunities will be sought through development proposals to deliver enhancements.
- Policy EC1: (Sustainable Economic Growth) This policy supports Crawley's role as the key economic driver for the Gatwick Diamond area and supports business growth. The policy seeks to ensure that Crawley's recognised economic role and function is maintained and enhanced through building upon and protecting the established role of Manor Royal as the key Business (B1), General Industry (B2) and Storage and Distribution (B8) location for Crawley and ensuring that it is the focus for sustainable economic growth. The policy sets out the need for approximately 23 hectares of employment land over the plan period.
- Policy EC2 (Economic Growth in Main Employment Areas) recognises the significant contribution that the town's employment areas make to its economy and that of the wider area, and protects against net loss of employment floorspace.
- Policy EC3 (Manor Royal) Manor Royal is the principal business location for Crawley, and instrumental to the success of the wider Gatwick Diamond. Development that is compatible with the area's economic function and role in the wider sub-region will be permitted where it falls within the B Use Class and would result in the reuse, intensification, or change of use of the land or buildings. Proposals that are not for B Use Class development will be permitted at Manor Royal if it can be demonstrated that they are of a scale and function that enhances the established role and business function of Manor Royal and would not undermine the business district. All development at Manor Royal should contribute positively to the overall setting and environment of the Main Employment Area as a business district through high quality design and landscaping that is in accordance with the Manor Royal Design Guide Supplementary Planning Document.

- Policy ENV1 (Green Infrastructure) states that Crawley's multi-functional green infrastructure network will be conserved and enhanced through a number of measures including maximising opportunities to maintain and extend infrastructure links and requiring large proposals to provide new, or create links to, green infrastructure where possible.
- Policy ENV2 (Biodiversity) All development will be expected to incorporate biodiversity features where appropriate and enhance existing features of nature conservation value around the development.
- Policy ENV6 (Sustainable Design and Construction) All development must consider how it can address sustainability through reducing energy consumption, using renewable and low carbon energy, improving existing buildings when adding extensions, minimising carbon emissions during development and ensuring embedded carbon is retained and considering District Heat Networks, water stress and temperature extremes. A Sustainability Statement should be submitted demonstrating how sustainability has been addressed through design and construction.
- Policy ENV7 (District Energy Networks) (DEN). The site is within a priority area for District Energy Networks. The development of district energy networks and associated infrastructure is encouraged and should be approved unless it results in significant adverse impacts on the environs. The policy requires that any major development proposal should demonstrate whether it can connect to an existing DEN, where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be 'network ready' to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- Policy ENV8 (Development and Flood Risk) Development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere. Proposals on all sites of 1 hectare or greater are to be accompanied by a Flood Risk Assessment, to include detail of mitigation demonstrating how surface water drainage from the site will be addressed.
- Policy ENV9 (Tackling Water Stress) Non-residential development, where technically feasible and viable, should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits.
- Policy ENV10 (Pollution Management and Land Contamination) ensures that new development does not increase levels of pollution or hazards and is appropriate to its location. Where a site may be at risk from contaminants or hazardous materials, information must be provided on how the risk will be addressed and pollution treated or removed.
- Policy ENV11: (Development and Noise) People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources.
- Policy ENV12 (Air Quality) Development proposals that do not result in a material negative impact on air quality will normally be permitted. In all relevant cases, development that cannot demonstrate how material negative air quality impacts will be mitigated may be refused.
- Policy IN1 (Infrastructure Provision) Development must be supported by necessary on and off site infrastructure, including mitigation where needed, to avoid harmful impact upon existing infrastructure.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires proposals to be connected to high quality communications infrastructure to avoid the need for retrofitting.
- Policy IN3 (Development and Requirements for Sustainable Transport) Development should be focussed to achieve sustainable transport through use of public transport, walking and cycling. Development should meet the access needs generated and not have unacceptable impact on congestion or highway safety.
- Policy IN4 (Car and Cycle Parking Standards) Proposals should provide the appropriate car and cycle parking required by the Council's supplementary guidance.

Emerging Crawley Borough Local Plan 2021 – 2037 (January 2021)

4.3 The Crawley Borough Local Plan is in the process of review. The Council published its Submission Draft Local Plan for Regulation 19 for consultation from early January 2021 to 30th June 2021 and therefore limited weight should be given to the following applicable policies:

- Policy SD1: Presumption in Favour of Sustainable Development

- Policy SD2: Enabling Healthy Lifestyles and Wellbeing
- Policy CL2: Making Successful Places: Principles of Good Urban Design
- Policy CL3: Movement Patterns, Layout and Sustainable Urban Design
- Policy CL4: Compact of New Development – Layout, Scale and Appearance
- Policy CL6: Structural Landscaping
- Policy DD1: Normal Requirements of All New Development
- Policy DD2: Inclusive Design
- Policy DD4: Tree Replacement Standards
- Policy DD5: Aerodrome Safeguarding
- Policy DD6: Advertisements
- Policy IN1: Infrastructure Provision
- Policy IN3: Supporting High Quality Communications
- Policy EC1: Sustainable Economic Growth
- Policy EC2: Economic Growth in Main Employment Areas
- Policy EC3: Manor Royal
- Policy EC5: Employment and Skills Development
- Policy GI1: Green Infrastructure
- Policy GI3: Biodiversity and Net Gain
- Policy SDC1: Sustainable Design and Construction
- Policy SDC2: District Energy Networks
- Policy SDC3: Tackling Water Stress
- Policy EP1: Development and Flood Risk
- Policy EP3: Land and Water Quality
- Policy EP4: Development and Noise
- Policy EP5: Air Quality
- Policy EP6: External Lighting
- Policy ST1: Development and Requirements for Sustainable Transport
- Policy ST2: Car and Cycle Parking Standards

Supplementary Planning Documents

4.4 The following supplementary planning documents are applicable to this application:

Manor Royal Design Guide SPD and Public Realm Strategy – Adopted July 2013

4.5 This document aims to support economic growth in Manor Royal, providing guidance to ensure that new development makes a significant contribution to the uplift of the area and secures delivery of high quality development which supports the key business function. It requires all development to demonstrate the following:

- New buildings to be of high quality urban design
- Proposals seek to provide active frontages to routes
- Materials and finishes of good quality and support the principles of identity and sustainability
- Proposals to achieve a high level of security
- Surface water drainage considered
- Water efficiency measures considered
- The development must positively contribute to the landscape and identity of Manor Royal

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

The application site is located within Character Area A as set out in the guidance. Paragraph 4.1.1 provides further advice. It seeks to:

- *“Maintain the spacious setting of buildings;*

- *Build on the positive impact of high quality public realm and development through promoting high quality buildings that also improve the private realm;*
- *Provide active frontages, high quality materials, and planting of high aesthetic quality and durability; and*
- *Given the spacious and prominent nature of the area, explore the potential for taller buildings with due regard to the safeguarding requirements of Gatwick Airport.”*

The site is also identified as part of the Core Business Zone and the western part of the site falls within key development site D1 ‘Principal Park’, the former GSK site. Page 36 identifies Crawley Avenue as an important route and the need to provide high quality development on these prominent frontages which along this section of the site should be robust and consistent landscaping.

Woolborough Lane is a key cycle route. Paragraph 2.8 of the SPD seeks opportunities to improve the fragmented cycle network and requires all development to demonstrate how the following will be addressed:

- *“Utilise opportunities to improve access to sustainable forms of transport within all developments*
- *Have regard to potential linkages with existing cycle ways and opportunities for provision of new links within development sites.*
- *Ensure that developments incorporate and encourage cycle and pedestrian access and any on site features such as showers, cycle parking and cycle racks.”*

Planning and Climate Change SPD – Adopted October 2016

- 4.6 This provides further guidance on addressing the sustainability policies within the Local Plan, with examples of best practice and how to demonstrate compliance with the policies.

Green Infrastructure SPD – Adopted October 2016

- 4.7 This SPD provides further guidance on new and replacement tree planting, protection of existing trees, biodiversity and wider landscaping issues.

Urban Design SPD – Adopted October 2016

- 4.8 This document provides further advice on the principles of good urban design in the Crawley context, highlighting in particular the importance of massing and materials, public realm, street design, parking and sustainable design.

In respect of non-residential development, para 3.62 states:

“The layout of non-residential development is particularly important to their success. This should address the street and the public realm in a considerate manner and not turn their back on the existing streetscape and layout of the town. The appropriate scale and massing of the development will depend on the location and existing urban fabric. Active frontages are particularly important to the vitality of the streetscape and the success of commercial and retail uses and should be incorporated within the design from the start.”

For industrial and commercial development consideration should be made of appropriate materials, colours and massing to improve the architectural language (as buildings are often designed functionally with little architectural merit). Greater consideration of the layout of the buildings to the street is encouraged along with opportunities to improve the urban environment and use of landscaping.

Annex 1 of the SPD contains the Borough’s indicative minimum parking standards.

Developer Contributions Guidance Note (published July 2016)

- 4.9 This sets out the Council’s approach to developer contributions following the introduction of the Community Infrastructure Levy. It provides details of the CIL charges and when S106 contributions will be sought. The document also sets out the Manor Royal contribution requirement towards the public realm in this area at £2 per square metre of new floorspace.

PLANNING CONSIDERATIONS:-

5.1. The main planning issues in the determination of this application are:

- The principle of development /Planning policies for the local economy
- Design and Layout of the development and impact on street scene
- Sustainability
- Access / highway impacts and operational requirements (including parking / cycle provision)
- Impact on trees, Structural Landscaping and ecology
- Impact on amenity of neighbouring properties / occupiers
- Impact on ground conditions (Archaeology, Contamination, Flooding, Drainage and Utilities)
- Air Quality
- Gatwick Safeguarding
- Developer contributions

The principle of development /Planning policies for the local economy

- 5.2 The application site is situated within the Manor Royal Main Employment Area and policies EC1, EC2 and EC3 in the CBLP are directly relevant. Policy EC3 places a clear focus on the delivery of business uses in Manor Royal, seeking to protect and reinforce its core business function by promoting development within the B-use classes, and encouraging the reuse and intensification of land or buildings within the main employment area. The proposed redevelopment of the site for Class B8 logistics warehouses is consistent with this policy, adding to the overall stock and range of premises and would assist in strengthening the overall offer of the business district.
- 5.3 The proposal is for redevelopment of vacant brownfield employment land that is already identified as part of the employment land supply in the CBLP. The proposal would provide 3 separate logistics warehouses and would represent an efficient use of this site in a highly sustainable and established employment area. It represents and intensification and more efficient use of this land when compared to the current extant (data centre) planning permission for the site. The applicants estimate that around 265 FTE jobs would be created in the anticipated 7 month construction phase and longer term the units could generate up to 225 FTE jobs on the site. This is considerably more than was envisaged with the proposed data centre which anticipated a maximum of 104 employees over the entire site (in effect 52 employees on the application site).
- 5.4 Draft Local Plan policy T5 seeks to address the local skills gap though requiring the preparation of an Employment and Skills plan for all major developments and also a financial contribution towards employment and skills initiatives in Crawley. While this policy currently has limited weight, the applicants, have produced an Employment and Skills Plan which the CBC Economic Development and Regeneration team are supportive of as this would support the Council's own Employment & Skills Programme. It is considered that the requirements of this plan can be secured via a S106 Agreement.
- 5.5 Overall, the proposed development represents additional Class B8 floorspace, within the Manor Royal Employment Area and is considered to accord with policies EC1, EC2 and EC3 in this regard. The principle of the development is therefore considered to be acceptable and is supported by current and emerging employment policy.

Design and Layout of the development and impact on street scene

- 5.6 The proposed development is for 3 separate buildings, each with their own servicing and parking areas and all accessed from Napier Way. As Napier Way is the sole point of access for the development for both vehicular and pedestrians, the design concept for the site has sought to ensure that the site access provides an attractive entrance gateway to the development with the protected trees just north of the proposed access being retained and immediate boundaries around and along the entrance approach landscaped to provide an attractive feature.
- 5.7 The buildings have been designed with their entrances and office accommodation facing onto the access road to create visual interest to the warehouse buildings and to create a new 'active frontage'

along the approach. For example, the entrance to unit 2 projects forward of the main building to give increased visual prominence from Napier Way but also to partially screen the service yard beyond. The most visually interesting sections of the buildings are therefore designed to be key features along the access route as well as providing legibility to staff and visitors for the buildings in respect of their building entrances. It is considered that this design approach has resulted in an acceptable visual impact and attractive design for users of the new development and is appropriately integrated with the wider street scene of Napier Way / Woolborough Road which the development connects into further east.

- 5.8 Wider views of the development are fairly limited due to the tree boundary to the south, existing data centre building to the north and other industrial buildings along the northern and eastern site boundaries. The elevations facing these directions of the site are bland but in design context are considered acceptable as these are not readily visible from any public vantage points.
- 5.9 The 3 buildings are all designed with an identical palette of materials with slightly recessed 2 storey curtain wall glazing marking the building entrances and with further glazing serving the first floor office areas. The buildings would be of a steel portal framed construction finished with insulated metal wall and roof cladding, designed with low level parapets to disguise the pitched roof behind. All elevations would incorporate a dark blue plinth of vertical profiled cladding. Above this vertical cladding the building detailing varies depending upon the visual prominence of the elevation with horizontal bands of cladding above (5-7 stripes) fading from blue to grey on the most prominent elevations and a light blue/grey vertical cladding used on the less visible rear and some side elevations. The changes in cladding and detailing are considered to be well proportioned and articulated given the site context, with the lighter colour change on the upper portion of the buildings designed to blend in with the skyline.
- 5.10 Overall, it is considered that overall the design and layout of the buildings would be appropriate within the context of the main employment area. Consideration has been given at the design stage within the layout for incidental structures such as bin stores / refuse areas, cycle and motorcycle stands and these have been shown within the layout. While large, relatively plain buildings these reflect their function and purpose and the design has sought to create an active frontage along the development approach from Napier Way. It is considered the development would create a high quality public realm even with the proposed security fencing around the units when considered alongside the proposed landscaping (discussed later in the report) and therefore in respect of the building design complies with the guidance set out in the Manor Royal and Urban Design SPDs.

Sustainability

- 5.11 The application is supported by a Planning Energy Report and a BREEAM pre-assessment document provided in order to address the relevant sustainability policies ENV6, ENV7 and ENV9 in the CBLP. These demonstrate that the applicants have already considered in detail how to meet the requirements of these policies and, in particular the need to achieve the minimum standards for BREEAM 'excellent' in the energy and water categories. The building design proposes measures such as thermally efficient building materials, 15% polycarbonate roof-lights into the warehouse space to reduce lighting demand, heat recovery air handling units, water efficient fittings, solar thermal systems for water heating and limited solar PV (8.1kWp) roof installation. It is considered that compliance with policies ENV6 and ENV9 can be secured via condition.
- 5.12 Policy ENV7 identifies Manor Royal as a District Energy Network (DEN) priority area. While no DEN is available in the vicinity, the proposed energy strategy proposes future proofing with external infrastructure from the site boundary to the 3 units to be installed to carry any future district heating pipework. This approach is considered appropriate and is considered can be adequately secured via a condition.

Access / highway impacts and operational requirements (including parking / cycle provision)

- 5.13 The applicants have provided a Full Transport Statement, Stage 1 Safety Audit, Construction Management Plan and Framework Travel Plan as part of this application and during course of application have provided further information on cycling provision.

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- 5.14 The development site access is proposed from Napier Way which is currently an existing point of vehicular access to the land. It is proposed to move the access slightly further to the south and widen this to create a pedestrian path along the route. WSCC Highways have confirmed that there are no problems in relation to the proposed access works, there is sufficient visibility and space for vehicle manoeuvring. Precise details of the final design would be secured through a S278 agreement. The works would involve the loss of some of the grass verge and small adjustments to the cyclepath but these would not have any negative impact on these users.
- 5.15 Each building has been provided with its own designated lorry, car, motorcycle and cycle parking spaces. WSCC have confirmed that the proposed vehicle tracking for each unit is adequate as is the proposed access and egress for each unit onto the internal spine road.
- 5.16 Annex 1 of the Urban Design SPD sets out the Borough Parking standards, for Class B8 uses, car parking should be provided at one space per 100sq m (with disabled/accessible spaces at 5% of the total provision) and lorry parking at 1 space per 500 sq m of floor-space. Motorcycle parking should be provided at one space plus one space per 10 car parking spaces. Cycle parking must be sheltered and secure and must be provided at 1 space per 500 sq m for staff and 1 space per 1000 sq m for visitors. The table below shows the SPD requirements alongside the proposed development.

	SPD Requirement				Proposed			
	Car	Lorry	M'cycle	Cycle	Car	Lorry	M'cycle	Cycle*
Unit 1 8,160 sq m	81.6	16.3	9.1	24	81 (inc. 4 accessible)	20	9	26
Unit 2 4,369 sq m	43.6	8.7	5.3	13	43 (inc. 3 accessible)	6	6	18
Unit 3 2,418 sq m	24.1	4.8	3.4	7.2	25 (inc 2 accessible)	3	5	28

- 5.17 As set out above, each unit meets the Borough standards for car and motorcycle parking. There is slight under-provision of lorry parking for units 2 and 3 although this deficit is matter for the future occupier but not considered sufficient to warrant a refusal on this basis. Accessible car parking spaces are provided to standard at 5% total provision and in addition, the applicants have considered the guidance in paragraph 110 of the NPPF, the WSCC 2019 guidance on 'Parking and New development' and emerging local plan and provided EV charging parking spaces within the layout for 20% of the car parking spaces providing 16 spaces for unit 1, 9 spaces for unit 2 and 5 spaces for unit 3. These measures are considered a positive addition to future proof the development and encourage more sustainable forms of private vehicle travel.
- 5.18 It should be noted that each unit does have mezzanine space within it for plant (which may be required by a future tenant). The parking standards have been calculated excluding this plant floorspace which equates to 555 sq m in unit 1, 222 sq m in unit 2 and 95 sq m in unit 3 which would slightly increase the parking requirements. As the level of parking provision is only just compliant with the Council standards, it considered expedient to control permitted development changes from a B8 use to ensure that any alternative uses for the units are considered on a case-by-case basis, given the limited availability of overspill parking in the surrounding area.
- 5.19 The cycle and motorcycle provision for staff is considered to be secure and covered in line with the guidance and has been increased and the design adjusted during the course of the application to respond to detailed comments provided by the Cycle Forum, this includes for each unit a cycle rack with an e-bike charge point and additional cycle provision for visitors. The provision is considered of an appropriate design and well positioned to encourage use by staff and visitors. It is proposed to condition that the parking /lorry, cycle / motorcycle provision is provided and retained in accordance with the submitted plans.
- 5.20 The very close proximity of the application site to National Cycle Route 21 (Napier/Woolborough Lane) which links into a wider cycle network around Manor Royal has also been highlighted by your Officers during pre-application discussions and by the cycle forum. The Crawley Local Cycling and Walking Infrastructure Plan 2020 (LCWIP) identifies this key cycle route as one for improvement in order to

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develop a better connected cycle network and to encourage active travel. The ambition is to refurbish the existing cycle track (north of site access) and reduce traffic speeds along the cycle route to the south (Woolborough Lane) to 20 miles per hour combined with robust enforcement of the on street traffic regulations. The applicants have agreed to fund the upgrade of cycle links along Woolborough Lane from the site access to the underpass as part of any S106 contributions required in connection with the development (discussed later in this report). A draft proposal has been prepared, the contents of which require further discussion with other delivery agencies but any final design must be compliant with the DfT Local Transport Note 1/20.

- 5.21 The applicants have during the course of the application provided an updated Framework Travel plan which at this stage has not been re-consulted upon. Final agreement any Travel Plan (which may not be possible until the future occupier of the units is known) is recommended to be secured via condition. WSCC have also requested a monitoring contribution to review any travel plan arrangements for the site which would be secured via the S106 agreement.
- 5.22 A construction management plan addressing the highway impacts during construction was provided with the application. WSCC Highways requested clarification on a number of points within the document and applicants have updated the document to address these matters. WSCC Highways have been re-consulted and the committee will be updated on any further comments received. The measures are proposed to be secured via condition.
- 5.23 Overall, this site occupies a highly sustainable and accessible location within Manor Royal, the development would not have an unacceptable impact on highway safety and the access and operational requirements are considered to have been adequately addressed. Vehicle and cycle parking is also provided to an acceptable standard. The proposal is therefore considered to accord with policies SD1, IN1, IN3 and IN4 of the CBLP and annex 1 of the Urban Design SPD.

Impact on trees, Structural Landscaping and ecology

- 5.24 The applicants have provided an Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, additional construction and information on tree protection for works along the southern boundary of unit 1, a Preliminary Ecological Appraisal and a Biodiversity Net Gain report in support of the application. A detailed landscaping scheme is also proposed.
- 5.25 The development would result in the loss of nine trees (3 individual trees including a Eucalyptus) and six forming 2 tree groups which are identified as category C (low quality) in the submitted arboricultural reports. The Arboricultural officer raised no objection to the loss of 8 of the trees but expressed concern at the categorisation of the eucalyptus which he considered is of moderate quality and potentially worthy of retention.
- 5.26 It is considered however, that the loss of the eucalyptus tree which is located midway along the southern boundary with the adjoining unit in Woolborough Lane and is visible from the site access would be acceptable in order to optimise the site layout. Furthermore it is considered that its retention is not appropriate as it is a non-native tree that grows to a substantial size and is not a suitable species choice within a commercial redevelopment. As part of the landscaping strategy 47 standard trees are proposed to be replaced on the site to mitigate for those lost, these are of a size and species considered appropriate to the development layout. This level of replacement planting complies with the requirements of policy CH6 and it is considered that the loss of the 9 trees would be appropriately mitigated.
- 5.27 The Arboricultural officer has sought further clarification on the works taking place around the protected oak trees on the eastern site boundary as excavation is proposed within in the root protection areas. There is already hardstanding (including the existing site access) within the RPA and the development will reduce the level of hardstanding within these areas once the road is re-aligned further to the south, allowing reinstatement of planting within these areas. Further information on how these trees will be protected during the construction works around them and in particular the methodology for removal of the former access and adjustment of the RPA zone around these trees as the access is reconfigured and the area re-landscaped has been requested. An update will be provided at the committee meeting.

- 5.28 With regard to the development impact on the Structural Landscaping belt just beyond the southern site boundary, the Arboricultural officer is satisfied that the works within the site can be implemented without damage to these trees and therefore the development is not expected to have any negative impact on their health. The appearance and visual impact of the tree belt would change due to the presence of Unit 1 behind as its height, scale and massing would result in the top part of the building being very visible above the tree line. The building scale and proximity to the boundary is considered to detract slightly from the impact of the structural landscaping however, other nearby employment buildings including the adjoining data centre which is set further in from the boundary are also visible above the tree line, so the overall impact in the wider context is not considered harmful or contrary to policy CH7. It should be noted that the applicants are proposing additional tree planting along much of this boundary on their land (except at the closest corner of unit 1 to the road) so, in the longer term the landscaped tree belt along much of the boundary be strengthened and enhanced as there are no trees within the site along this boundary at present.
- 5.29 Aside from the southern boundary which has been explained in paragraph above, tree or shrub planting is provided along both sides of the site access route and along the eastern boundary, along sections of the northern and western boundary and between units 2 and 3. In terms of the internal site layout, the design has little opportunity for landscaping to break up parking areas and service yards however, on balance, as public views into the site are limited it is not considered to detract from the character and design of the development as whole as the visible and visually sensitive boundaries to the scheme are considered to be appropriately landscaped.
- 5.30 Policy ENV2 'Biodiversity states: *"All development proposals will be expected to incorporate features to encourage biodiversity where appropriate, and where possible enhance existing features of nature conservation value within and around the development"*.
- 5.31 The Council's ecological advisor has commented on the Biodiversity report and comments that the proposals do not make provision for an improvement in biodiversity as the report recommends off-site mitigation to achieve the biodiversity net gain. He considers that the development conflicts with policy ENV2 and comments that it is disappointing the use of green roofs has not been considered or habitat provided for ground nesting birds. In this case however, it is not considered that there is an opportunity to address this given the site layout and a green roof is not the right design approach for this development given the proximity to Gatwick Airport with the concerns about bird strike and the need to balance and address other policy requirements such as sustainable construction measures (rooflights and PV panels) which also impact upon the design of the roof.
- 5.32 It is considered that the site is currently ecologically poor as it is cleared brownfield principally covered in rough grass and limited scrub which would be cleared. The important tree belts around the site edges would be retained and enhanced by the proposed mix species planting and landscaping plan. The current local plan policy does not specifically seek net gain on sites such as this and in this case it is considered that the applicants have done all that is reasonable on site and this ecological concern is outweighed by other material considerations in favour of the development.

Impact on amenity of neighbouring properties / occupiers

- 5.33 The development surrounded on its north, east and western boundaries by other commercial / industrial units within the Manor Royal employment area and to the south by the busy A2011 dual carriageway beyond which are the nearest residential properties in Dalewood Gardens.
- 5.34 As discussed above, there is not considered to be any harmful impact from the development in terms of visual amenity and wider views. To the west of the site is the existing datacentre, a substantial building which is laid out with the rear of the building facing the application site, there is no harm to amenity from the development Units 1 and 2 on this development.
- 5.35 To the north are the properties of Manor Court and the UPS building. These units also have their service yards backing onto the application site and therefore the relationship of Units 2 and 3 to these premises is not considered to be harmful.

- 5.36 The units to the southeast of the site are set at a higher level than the application site and front towards Woolborough Lane. Due the change in site levels and separation distance between the buildings, there would be no harmful impact from the development on these properties.
- 5.37 There is a landscaped boundary along both sides of the dual carriageway separating the visual impact of the development from the nearest residents in Dalewood gardens however, there is potential for the use of units (in particular unit 1) to generate noise from any plant of vehicle movements which may cause disturbance to these properties especially at night time when background noise levels are lower. A noise impact assessment has been provided by the applicants to address this matter which recommends a 3 metre acoustic barrier be provided along the southern edge service yard to reduce the noise outbreak to residents. This barrier would be set back from the southern site boundary with the dual carriageway and structural landscaping and would be set behind any supplementary landscaping proposed by the applicants, it would therefore be screened from view and its location is considered acceptable.
- 5.38 The Environmental Health team have considered the noise report and have commented that while satisfied with the results and conclusions of the report in terms of traffic impacts, the report fails to include a predicted assessment noise from any new mechanical services and plant and further assessment and details of these should be provided in order to ensure that their operation does not cause a negative acoustic impact on the area.
- 5.39 It is considered that a condition to ensure provision of the acoustic fencing along the boundary is appropriate along with a further condition to secure details of the installation and acoustic properties of the plant to be installed in Unit 1 (which is closest to the dual carriageway) in order to safeguard nearby residents from future noise from the site.

Impact on ground conditions (Archaeology, Contamination, Flooding, Drainage and Utilities)

- 5.40 The applicants have provided various supporting documents in relation to ground conditions, drainage and infrastructure at the site.
- 5.41 In respect of archaeology, the applicant's desk based assessment has been considered by the Council's Archaeological Advisor who has raised no objection to the development, given its low theoretical archaeological potential, no identified Heritage Assets and the limited likelihood for archaeological remains surviving on this previously developed site.
- 5.42 The site is brownfield land and potentially contaminated. The applicants provide a Preliminary Risk Assessment and Geo-Environmental Assessment, Explosive Ordnance Threat Assessment and Remediation and Verification Strategy.
- 5.43 The Councils Contaminated Land Officer has commented that the recommendations in the submitted Remediation and Verification Strategy report are accepted. The Environment Agency have also commented that reports identify minimal contamination of soil and groundwater but recommend that conditions are imposed to deal adequately in the event of any unidentified contamination being present during construction and to safeguard groundwater. A condition is also considered expedient to ensure the works are implemented carried out in accordance the recommendations in the submitted strategy.
- 5.44 In respect of Flooding, the Environment Agency raised no comments in relation to the submitted Flood Risk Assessment. West Sussex County Council as the Lead Flood Authority also raise no objection to the proposal commenting that the site is at low risk of surface water and groundwater flooding but recommend all works should be undertaken in accordance with agreed surface water drainage designs and that an agreed site specific maintenance and manual should be submitted and agreed. These requirements can be secured via condition.
- 5.45 Thames Water have raised concerns about the capacity of the existing surface water infrastructure and that the proposed site run-off rates are too high as they consider the developer should be working towards greenfield run-off rates. It is a material consideration that the extant data centre permission had an agreed discharge rate with Thames Water much higher than what is currently being proposed in the current drainage strategy which represents a 65% betterment (reduction) in

run off rates over the extant permission. The CBC drainage officer has commented that he has no objection to the run-off rates within the applicants Drainage Strategy subject to receipt of a discharge letter from Thames Water. Thames Water have been re-consulted following additional receipt of additional supporting information supplied by the applicants and other drainage consultees which is anticipated to resolve this concern and their request for a condition. A verbal update on this matter will be provided at the committee meeting.

- 5.46 WSCC Fire and Rescue service has raised no objection to the development subject to a condition ensuring the provision of fire hydrants.

Air Quality

- 5.47 The southern part of the site is located within the Hazelwick Roundabout AQMA which has shown no net improvement in air quality since its designation in 2015. The applicants have provided an Air Quality Assessment in support of their application which has been considered by the Environmental Health Division. The report identified air quality impacts at the construction phase (dust and vehicle emissions) and at the operational phase (traffic impacts on the local road network). The EHO officer notes that the cumulative impacts of this development combined with other traffic growth generally within the area may contribute to a creeping baseline which may lead to exceedances in the AQMA and to account for this the applicants also carried out an Emissions Mitigation Assessment to calculate the cost of this damage from increased emissions. The cost was calculated as £80,208 and the EHO recommends that a package of mitigation measures is secured to offset the negative air quality impact to a value of £80,208. As part of the mitigation package the applicants have costed an upgrade to the Woolborough Lane cycle track south the site entrance to the dual carriageway attributing a value to the works as £54,893 and a contribution of this amount would be offered towards this upgrade. The balance of the air quality mitigation £25,315 could be attributed to additional on-site mitigation measures towards sustainable travel to be provided over and above existing policy requirements for example, the proposed electric bike charging points, These on site measures would form part of a costed schedule to be provided as part of the S106.
- 5.48 The applicants have provided a Dust Management plan (contained within the Construction Management Plan which has been reviewed by the EHO who has commented that the measures proposed are acceptable.

Gatwick Safeguarding

- 5.49 The site is located approximately 2.4 km south of Gatwick Airport and both National Air Traffic Services (NATS) and Gatwick Airport Limited have been consulted on this application.
- 5.50 NATS have objected to the application as they consider that the buildings would interfere with radar signal path and therefore requires mitigation in the form of modification to the radar system software. The applicants are in active dialogue with NATS, have agreed to pay to update the radar software and a draft contract to address this matter is currently being prepared. At the time of preparing the report, this contract has not been signed however, its expected this matter can be resolved prior to the committee meeting and further information has been requested from the applicant prior to the meeting to address this point. NATS have already stated in their consultation response that: *“Notwithstanding the objection, mitigation measures are confirmed as available and appropriate ,it would be supportive of a conditional consent”*. Officers consider that this objection is capable of, and is close to, resolution and, based on previous applications, conditions are recommended to ensure that a detailed Radar Mitigation Scheme is agreed and implemented.
- 5.51 GAL request conditions be imposed to secure the implementation of a long term Bird Hazard Management Plan confirming that the applicant’s submitted document is considered acceptable. They also request a condition to ensure that details of any PV panels fitted to the buildings are agreed in in order to avoid any glare.

Developer contributions

- 5.52 The development attracts the Manor Royal S106 contribution, which is used towards public realm improvements in the business district. This is charged at a rate of £2 per square metre of new

floorspace created. The total GIA for the development is 15,810 sq m which equates to a total contribution of £31,620. This would be spend on nearby projects such as the Manor Royal bus lane or walking and cycling improvements in the general area.

5.53 Further contributions to be included in the S106 Agreement include:

- Air Quality Mitigation to a value of £80,208 – including a contribution of £54,983 towards the upgrading of Woolborough Lane cycle route and balance of contribution provided via a costed schedule identifying on site mitigation measures over and above current policy requirements.
- Travel Plan monitoring fee £3,500
- Implementation of an Employment Skills Plan

CONCLUSIONS:-

- 6.1 The principle of the redevelopment of this site for 3 Class B8 logistics units in an established employment area is supported and would have a positive impact on the local economy. The development is considered to have been designed to maximise the use of this vacant brownfield site while retaining the important trees and structural landscaping. The estate design is considered appropriate in its context, creating an active, visually interesting and well landscaped frontage into the development. The design of the units is also considered appropriate in this location, demonstrating compliance with the sustainability standards and meeting the future needs of the occupiers.
- 6.2 The development is designed to meet its operational needs and in such a way that avoids harm (visual or acoustic) to adjoining properties. The impact on the highway network is considered acceptable and an acceptable mitigation strategy is proposed to address air quality impacts. Other technical matters such as drainage design, radar safeguarding and other technical matters are all acceptable in principle and details can be controlled via conditions.
- 6.3 To conclude, subject to the completion of the S106 legal agreement to address air quality mitigation, the Travel Plan monitoring fee and securing of an Employment Skills Plan, it is considered that the proposal would accord with the relevant sections of the NPPF the relevant policies of the Local Plan 2015-2030 and relevant Supplementary Planning Guidance. On this basis it is recommended that planning permission be granted.

RECOMMENDATION RE: CR/2021/0249/FUL

PERMIT – subject to the conclusion of a S106 Agreement and the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No construction work shall commence on site until a Radar Mitigation Scheme, including a timetable for its implementation during construction, has been submitted to and approved in writing by the Local Planning Authority. The Radar Mitigation Scheme shall be implemented in strict accordance with the agreed details.
REASON: In the interests of the safe operation of Gatwick Airport and of NATS En-route PLC and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.
4. No above ground construction work shall be carried out on site until the Radar Mitigation Scheme detailed in condition 3 has been implemented. The Radar Mitigation Scheme shall thereafter be implemented and operated in accordance with the approved details.
REASON: In the interests of the safe operation of Gatwick Airport and of NATS En-route PLC and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.

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5. No construction work shall commence on site until a Crane Operation Plan has been submitted to and approved in writing by the Local Planning Authority. Construction at the site shall only thereafter take place in strict accordance with the approved Crane Operation Plan.
REASON: In the interests of the safe operation of Gatwick Airport and of NATS En-route PLC and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.
6. All construction works in connection with the development hereby permitted (including any pre development works such as site set up and delivery of materials) shall be carried out in accordance with the Construction Management Plan (CMP) Rev B which includes a Dust Management Plan (Appendix C) dated July 2021, submitted with the application. The approved CMP shall be implemented in full and it's measures adhered to throughout the entire construction period.
REASON: In the interests of highway safety, to mitigate air quality impacts and to safeguard the amenities of the area in accordance with policies CH3, IN3 and ENV12 of the Crawley Borough Local Plan 2015-2030.
7. Prior to the first occupation of any unit, a verification report demonstrating that the site works have been completed in accordance with the requirements of sections 4.0 to 8.0 of the approved 'Remediation and Verification Strategy' dated March 2021 shall be submitted to, and be approved in writing by the Local Planning Authority. The report shall comprise all the requirements set out in section 9.0 of the Remediation and Verification Strategy.
REASON: To safeguard the environment, water environment and human health as the proposed site is on a formerly contaminated land in accordance with Policy ENV10 of Crawley Borough Local Plan 2015-2030 and with paragraph 170 of the National Planning Policy Framework.
8. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.
9. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.
10. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement and its Tree Protection Plan provided by Deltasimons dated March 2021 submitted with the application. The tree protection measures as set out within the report must be implemented prior to the commencement any site works and thereafter maintained for the duration of the construction works.
REASON: To ensure that the protected trees are not compromised during the construction of the development in accordance with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015 - 2030.
11. The landscaping shall be implemented in accordance with drawing numbers BMD.21.019.DR.P101 Rev C, BMD.21.019.DR.P102 Rev C, BMD.21.019.DR.P103 Rev C and BMD.21.019.DR.P104 Rev C unless agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprising in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first unit 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 accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.

12. Prior to the first occupation of any unit, a Landscape Management Plan which covers a period of no less than 15 years shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include a programme for implementation, long term design objectives, long term management responsibility and maintenance schedules for all landscaped areas. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity of the area in accordance with Policy CH3 of the Crawley Borough Local Plan and the Manor Royal SPD.
13. The site clearance works and construction works shall be carried out in accordance with the measures set out in section 6.0 of the Preliminary Ecological Appraisal document submitted with the application.
REASON: To safeguard species on the site in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
14. The development shall be implemented in accordance with the details and measures set out in the Flood Risk Assessment and Drainage Strategy dated 31st March 2021 unless otherwise agreed in writing by the Local Planning Authority.
REASON: This is a major development and the performance of the drainage system must be future proofed to avoid flooding within the development and subsequent flood risk to other areas close to the development site in accordance with Policy EN8 of the Crawley Borough Local Plan 2015 - 2030.
15. Prior to the first occupation of any unit within the development a site specific maintenance manual for the site wide SUDs drainage infrastructure shall be submitted to, and approved in writing by the Local Planning Authority. The infrastructure shall be implemented and maintained in accordance with the approved document.
REASON: To ensure the long-term maintenance and management of the drainage system, to prevent the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
16. The Bird Hazard Management Plan dated 11 May 2021 shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the buildings. 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.
17. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved drawings numbered CRAW1-RPS-B1-ZZ-DR-A-5300 Rev P03, CRAW1-RPS-B2-ZZ-DR-A-5300 Rev P03, CRAW1-PRS-B3-ZZ-DR-A-5300 Rev P03 and CRAW1-RPS-B1-XX-DR-A-1193 Rev P01 unless otherwise agreed in writing by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
18. No solar panels shall be installed until details, including a solar hazard glare study if required, have been submitted to and approved in writing by the Local Planning Authority. No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
REASON: To ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment and glare issues.
19. Within three months of the occupation of each building (Unit 1, Unit 2, Unit 3) forming part of the development a post construction report shall be submitted to and agreed in writing by the Local Planning Authority, verifying that the building or the development as a whole has achieved the minimum Energy and Water standards for BREEAM 'Excellent'.
REASON: In the interests of sustainable design and construction in accordance with policies ENV6 and ENV9 of the Crawley Borough Local Plan 2015 and the Planning and Climate Change Supplementary Planning Document.

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20. The development shall be implemented incorporating the duct work and its routing shown on drawing ... (drawing number to be added) to enable the development to be connected to a District Energy Network.
REASON: In the interests of climate change mitigation and to enable the development to be connected to any future District Energy network in accordance with Local Plan Policy ENV7.
21. The fire hydrants for the development shall be located in accordance with the details shown on agreed drawing number 10319-EXT-410 unless otherwise approved in writing by the Local Planning Authority and West Sussex County Council's Fire and Rescue Service. At the developers expense, the hydrant/s shall be provided and be operational prior to the first occupation of any unit forming part of the proposed development in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.
The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.
REASON: In the interests of amenity and in accordance with Crawley Borough Local Plan (2015 – 2030) Key Polices IN1 and CH3 and in accordance with The Fire & Rescue Service Act 2004.
22. Prior to first occupation of any of the units, the vehicle turning spaces, car parking and lorry parking serving that unit shall be provided and constructed in accordance with the approved details (Drawing Number CRAW1-RPS-SI-XX-DR-A-1001 Rev P02 - Proposed Site Plan). Once provided the spaces shall be retained for that use (either parking or manoeuvring) at all times for the lifetime of the development.
REASON: To ensure that adequate and satisfactory provision is made for the development for the parking and manoeuvring of vehicles clear of the highway in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030 and Annex 1 in the Urban Design SPD.
23. Prior to the first occupation of any unit, the motorcycle and cycle spaces (including the cycle EV Charging point) shall be provided and constructed in accordance with details set out on drawing number CRAW1-RPS-B1-XX-DR-1193 Rev P01 - Bicycle and Motorcycle Shelters-Layout and Details. Once provided and operational, the spaces shall thereafter be retained at all times for their designated purpose.
REASON: To provide alternative travel options to the use of the car in accordance with policies IN3 and IN4 in the Crawley Borough Local Plan 2015-2030 and the advice in Annex 1 of the Urban Design SPD.
24. Prior to the first occupation of any unit, the Electric Vehicle Charging points serving the car parking spaces for that unit shall be provided in accordance with approved drawing Number CRAW1-RPS-SI-XX-DR-A-1001 Rev P02. The EVC charging points shall be made operational on first occupation of the unit and such provision shall thereafter be retained.
REASON: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies.
25. Each unit hereby permitted shall not be occupied unless and until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in respect of that unit. The Travel Plan for each unit once approved shall thereafter be implemented as specified in the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
REASON: To encourage sustainable transport modes in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030.
26. Prior to first occupation of Unit 1, a 3m acoustic barrier shall be provided in the location identified on Figure 206/0072/F3 in the Noise report dated May 2021 and shall be constructed in accordance with the acoustic specification 206/0072/SPC1 set out in the report. The barrier shall remain in place for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To safeguard noise sensitive properties in Dalewood Gardens from operational noise emulating from Unit 1 in accordance with policy ENV11 of the Crawley Borough Local Plan 2015-2030.
27. No mechanical services and plant shall be installed on or within Unit 1 until details of the plant and equipment together with an accompanying acoustic report (which must include the predicted noise

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levels from the proposed equipment and the likely impact on the nearest residential properties) has been submitted to and agreed in writing by the Local Planning Authority. Implementation shall at all times be in full accordance with the approved report details.

REASON: To ensure that the development does not cause noise disturbance to nearby residents in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

28. The units hereby permitted shall be used solely for the purposes of Use Class B8 (Storage and Distribution) and not for any 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).

REASON: To ensure that there is adequate parking and servicing provision on the site to reflect the use in accordance with policies IN3, IN4 and CH3 of the Crawley Borough Local Plan 2015-2030 and Annex 1 of the Urban Design SPD.

INFORMATIVE(S)

1. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
2. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011Developers should ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitting status of any proposed treatment, importation or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
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: lgwcranes@gatwickairport.com. For further details please refer to CAP1096 'Guidance to Crane Operators on Aviation Lighting and Notification' available at www.caa.co.uk
4. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
5. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk
7. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing and please read the New Connections Services Charging Arrangements documents which are available via the following

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link: southernwater.co.uk/developing-building/connection-charging-arrangements For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk /email: SouthernWaterPlanning@southernwater.co.uk

8. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments.(BS5588 Part B 5) for further information please contact the Fire and Rescue Service. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 2 2019 Edition: B5 Section 15, including Tables 15.1, 15.2 and diagrams 15.1 & 15.3.
9. The applicant's attention is drawn to the consultation response provided by Sussex Policy dated 26th April 2021 on crime prevention measures and further sources of information which are likely to be of benefit to future occupiers of the units.

1. NPPF Statement

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- Liaising with consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary 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.

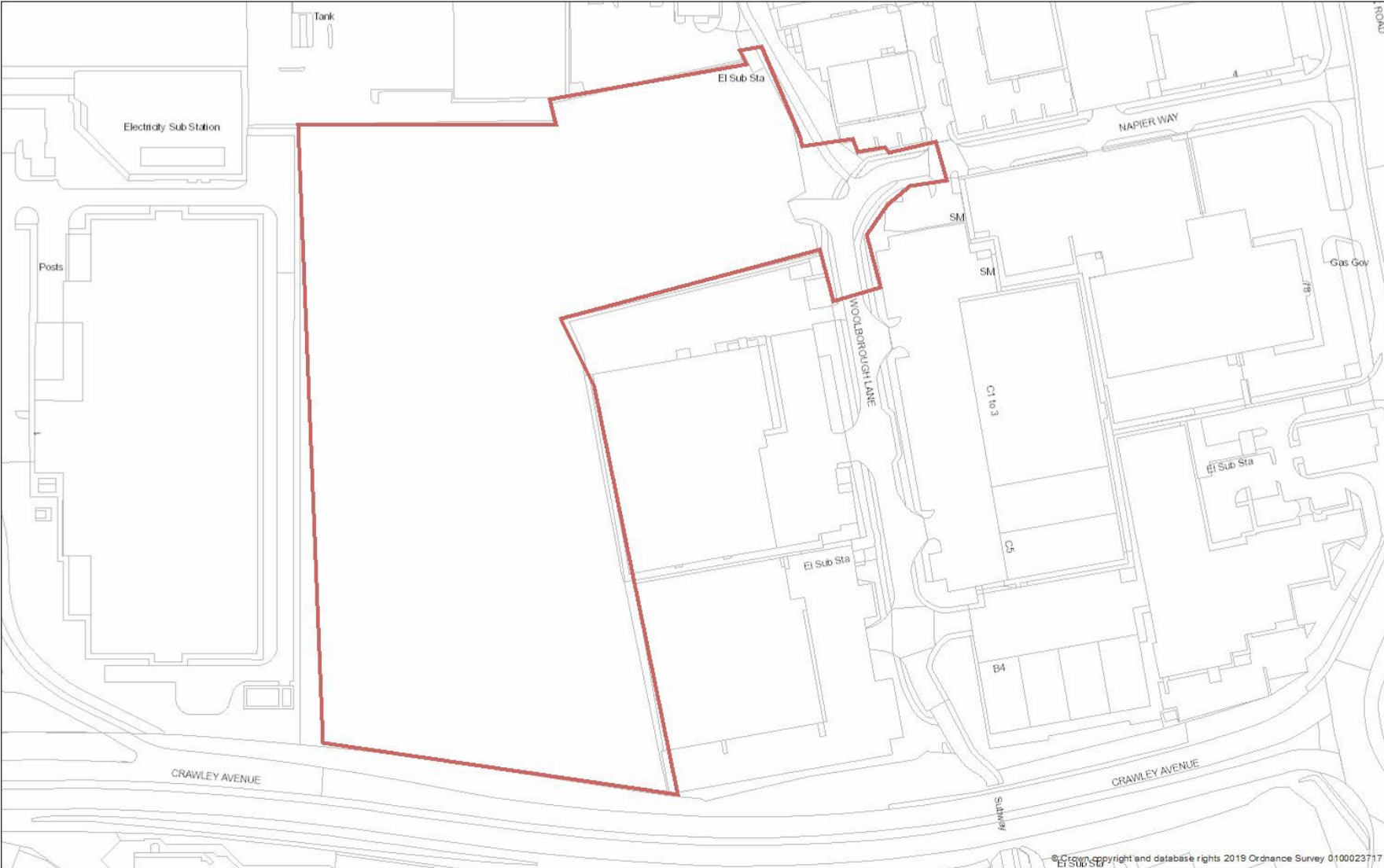


ArcGIS Web Map



Crawley Borough Council
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Crawley, West Sussex,
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Crawley Borough Council

Minutes of Planning Committee – Tuesday, 20 July 2021

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

The Committee considered report [PES/373e](#) 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 A Belben, Burrett, and Jaggard declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application which proposed three buildings for storage and distribution use at a currently vacant site within the Manor Royal Employment Area. The Committee heard that, since the publication of the report, further discussions between relevant parties had led to amendments being proposed to conditions 3, 4, 5, and 10. The Committee was also requested to delegate authority to officers to insert in to condition 20 the correct plan number once the relevant drawing was received.

Sue Willcox, the agent (Quod) on behalf of the applicant, spoke in support of the application. Matters raised included:

- The estimated number of jobs created by the scheme and the inclusion of a Skills and Employment Plan in the Section 106 agreement.
- The loss of 9 trees at the site, for which 47 replacement trees were proposed, alongside enhancements to biodiversity.
- Details of financial contributions to the Manor Royal BID and to enhancements to the local cycle network.

The Committee then considered the application. In response to a query regarding the parking provision for lorries at the site, the officer confirmed that lorry parking at units two and three was slightly lower than set out in the borough parking standards, however this was deemed to be a matter for the buildings' future operator to consider. WSCC's Highways Department had no objection to the parking proposals.

RESOLVED

Permit subject to the conditions set out in report PES/373e, the amended conditions set out below, and the provision of delegated authority to officers to insert the agreed plan number in to condition 20.

3. No construction work above 5m from ground level shown on the approved plans CRAW1-RPS-B1-ZZ-DR-A-5399 Rev P02, CRAW1-RPS-B2-ZZ-DR-A-5399 Rev P02 and CRAW1-RPS-B3-ZZ-DR-A-5399 P02 shall take place on site until a Radar Mitigation Scheme, including a timetable for its implementation during construction, has been submitted to and approved in writing by the Local Planning Authority. The Radar Mitigation Scheme shall be implemented in strict accordance with the agreed details.

REASON: In the interests of the safe operation of Gatwick Airport and of NATS En-route PLC and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.

4. The approved cladding on the northern elevations for the three units shall not exceed 81.200 AOD (13.6m AGL) for Unit 1, 76.000 AOD (8.4m AGL) for Unit 2, or 75750 AOD (6.9m AGL) for

Unit 3, as shown on approved plans CRAW1-RPS-B1-ZZ-DR-A-5399 Rev P02, CRAW1-RPS-B2-ZZ-DR-A-5399 Rev P02 and CRAW1-RPS-B3-ZZ-DR-A-5399 P02 until the Radar Mitigation Scheme detailed in condition 3 has been implemented. If Unit 1 is constructed before Unit 2, the cladding on the north elevation of Unit 1 shall not exceed 76,000 AOD(8.4m AGL) prior to the Radar Mitigation Scheme being implemented. The Radar Mitigation Scheme shall thereafter be implemented and operated in accordance with the approved details.

REASON: In the interests of the safe operation of Gatwick Airport and of NATS En-route PLC and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.

5. No construction work above 5m from ground level shown on the approved plans CRAW1-RPS-B1-ZZ-DR-A-5399 Rev P02, CRAW1-RPS-B2-ZZ-DR-A-5399 Rev P02 and CRAW1-RPS-B3-ZZ-DR-A-5399 P02 shall commence on site until a Crane Operation Plan has been submitted to and approved in writing by the Local Planning Authority. Construction at the site shall only thereafter take place in strict accordance with the approved Crane Operation Plan.

REASON: In the interests of the safe operation of Gatwick Airport and of NATS En-route PLC and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.

10. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and its Tree Protection Plan provided by Deltasimons dated March 2021, Addendum Statement issued April 2021 and Addendum Statement issued 14th July 2021 submitted with the application. The tree protection measures as set out within the report must be implemented prior to the commencement of any site works and thereafter maintained for the duration of the construction works.

REASON: To ensure that the protected trees are not compromised during the construction of the development in accordance with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015 - 2030.

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CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 3 April 2023
REPORT NO: PES/412(b)

REFERENCE NO: CR/2022/0055/FUL

LOCATION: [STEERS LANE, PHASE 2, STEERS LANE, FORGEWOOD, CRAWLEY](#)
WARD: Pound Hill North & Forge Wood
PROPOSAL: ERECTION OF 60 DWELLINGS INCLUDING ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE WORKS (AMENDED PLANS & DOCUMENTS RECEIVED)

TARGET DECISION DATE: 10 June 2022

CASE OFFICER: Mrs V. Cheesman

APPLICANT'S NAME: Bellway Homes Ltd (South London)

AGENT'S NAME: Savills

PLANS & DRAWINGS CONSIDERED:-

Drawing Number	Revision	Drawing Title
072010-BEL-SL-01	B	Presentation Planning Layout
072010-BEL-SL-02	B	Supporting Planning Layout
072010-BEL-SL-03	C	Storey Heights Layout
072010-BEL-SL-04	B	Tenure Layout
072010-BEL-SL-05	B	Unit Type Layout
072010-BEL-SL-06	B	Location Plan
072010-BEL-SL-07	A	Primary/Secondary Windows
072010-BEL-SL-PER01	B	Illustrative Perspective View 01
072010-BEL-SL-PER02	B	Illustrative Perspective View 02
072012-BEL-SL-SS01	B	Street Scene 01
072012-BEL-SL-SS02	B	Street Scene 02
072012-BEL-SL-SS03		Street Scene 03
ARA-3S-CT01-E1	B	Arrowsmith Court Side & Rear Elevations
ARA-CT01-P1	B	Arrowsmith Court Ground Floor Plans
ARA-CT01-P2	B	Arrowsmith Court Intermediate Floor Plans
ARA-CT01-P3	B	Arrowsmith Court Top Floor Plans
BSA-3S-CT01-E1	B	Bradshaw Court Side & Rear Elevations
BSA-CT01-P1	B	Bradshaw Court Ground Floor Plans
BSA-CT01-P2	B	Bradshaw Court Intermediate Floor Plans
BSA-CT01-P3	B	Bradshaw Court Top Floor Plans
HAA-3S-CW01-E1	B	Harwood Court - Front & Side Elevations
HAA-CW01-P1	B	Harwood Court - Ground Floor Plans
HAA-CW01-P2	B	Harwood Court - Intermediate Floor Plans
HAA-CW01-P3	B	Harwood Court - Top Floor Plans
TOA-3S-CW01-E1	B	Tompion Court - Elevations
TOA-CW01-P1	B	Tompion Court - Ground Floor Plans
TOA-CW01-P2	B	Tompion Court - Intermediate Floor Plans
TOA-CW01-P3	B	Tompion Court - Top Floor Plans
BU-4B-3S-CB-E1		The Butler - Elevations
BU-4B-3S-P1		The Butler - Ground, First & Second Floor Plans
BU-4B-3S-CT-E1	A	The Butler - Rear & Side Elevations
BU-4B-3S-P2		The Butler - Ground, First & Second Floor Plans
BU-4B-2S-CT-E2	A	The Butler - Elevations
BU-4B-3S-P3		The Butler - Ground, First & Second Floor Plans
BU-4B-3S-CW-E1		The Butler - Elevations

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BU-4B-3S-P4		The Butler - Ground, First & Second Floor Plans
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
FC-3B-2S-CB-E1		The Falconer - Elevations
FC-3B-2S-CT-E1		The Falconer - Elevations
FC-3B-2S-P1		The Falconer - Ground & First Floor Plans
FC-3B-2S-CT-E2		The Falconer - Elevations
FC-3B-2S-P2		The Falconer - Ground & First Floor Plans
FC-3B-2S-CB-E2		The Falconer - Elevations
FC-3B-2S-P3		The Falconer - Ground & First Floor Plans
LD-3B-2S-CB-E1	A	The Lardner - Elevations
LD-3B-2S-CT-E1	A	The Lardner - Elevations
LD-3B-2S-P1	A	The Lardner - Ground & First Floor Plans
LD-3B-2S-CT-E2	A	The Lardner - Elevations
LD-3B-2S-P2	A	The Lardner - Ground & First Floor Plans
LD-3B-2S-CB-E2	A	The Lardner - Elevations
LD-3B-2S-P3	A	The Lardner - Ground & First Floor Plans
NA-4B-3S-CW-E1		The Napier - Elevations
NA-4B-3S-P1		The Napier - Ground, First & Second Floor Plans
BELL23591 10	G	Landscape Masterplan
BELL23951 12 Sheet 1	B	Hard Landscape Proposals -Sheet 1
BELL23951 12 Sheet 2	B	Hard Landscape Proposals -Sheet 2
BELL23951 12 Sheet 3	B	Hard Landscape Proposals -Sheet 3
BELL23951 12 Sheet 4	B	Hard Landscape Proposals -Sheet 4
BELL23591 11 Rev	H	Soft Landscaping - Whole site
BELL23591 11 Sheet 1	H	Soft Landscape Proposals - Sheet 1
BELL23591 11 Sheet 2	H	Soft Landscape Proposals -Sheet 2
BELL23591 11 Sheet 3	H	Soft Landscape Proposals - Sheet 3
BELL23951 11 Sheet 4	H	Soft Landscape Proposals -Sheet 4
MMA17010/001 Rev	R1	Proposed Lighting Planning Layout 001 R1
MMA17010/002 Rev	R1	Proposed Lighting Planning Layout 002 R1
072010-SH01		Cycle Shed 01 - Floor Plans & Elevations
072010-SH02		Cycle Shed 01 - Floor Plans & Elevations
072010-CS01		Cycle Store - Floor Plans & 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
BU-4B-2S-CT-E3		The Butler Elevations
BU-4B-3S-P5		The Butler Floor Plans
GR-2B-2S-CB-E1		The Granger Elevations
GR-2B-2S-P1		The Granger Floor Plans
SAIV-2B-2SC-CB-E1		The Saddler IV (H) Elevations

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SAIV-2B-2SC-P1		The Saddler IV (H) Floor Plans
072010-BS02		Bin Store 02 Floor Plans and Elevations
072010-BEL-SL-08		Relationship Context Plan
072010-BEL-SL-09	A	Open Space Strategy Layout

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. GAL Planning Department	Comments provided, recommend any permission is subject to noise mitigation conditions to minimise potential adverse effect in respect of a 2 nd southern runway
2. GAL Aerodrome Safeguarding	No objection subject to conditions
3. Environment Agency	No comments to make
4. WSCC Highways	No objections, subject to conditions
5. National Air Traffic Services (NATS)	No objections
6. Thames Water	No objections
7. Police	No objections
8. CBC Drainage Officer	No objections, subject to conditions
9. CBC Housing Enabling & Development Manager	No objections
10. CBC Planning Arboricultural Officer	no objections
11. CBC Environment Team	No comments received
12. CBC Environmental Health Officer	Comments provided, condition recommended
13. Crawley Cycle & Walking Forum	No objections, subject to conditions
14. CBC Refuse & Recycling Team	Comments provided, details for flats to be improved
15. Southern Water Ltd	No objections
16. CBC Energy Efficiency & Sustainability	No objections
17. CBC Urban Design	No objections, comments provided
18. Archaeology Officer	No objections, subject to conditions
19. Ecology Officer	No objections, subject to conditions
20. WSCC Lead Local Flood Authority	No objections
21. CBC Countryside & Open Space	No objections
22. CBC Gatwick Airport Boundary	No objections
23. CBC Air Quality Officer	No objections, subject to mitigation measures
24. WSCC Fire & Rescue	No objections, subject to conditions
25. NHS Crawley Clinical Commissioning Group	No comments received

NEIGHBOUR NOTIFICATIONS:-

The application was publicised via press and site notices. The following properties were notified:

Balcombe Road: The Open Door; Ten Sixtysix; Horse Shoe Cottage; April Cottage; Moss Lea.

Radford Road: Tanglewood; The Flat, Tanglewood; Holmleigh; Hoot Cottage; Airport Parking; Malvern; Cobblers; The Dolphins; Warwick Cottage; County Edge; Oakhurst B&B; Merrywood; Little Deben; Fox Run; Oaklands; Greenford; Lynworth; Brent Cottage; Gledhow; Cherrydene; Newland.

RESPONSES RECEIVED:-

6 representations have been received in objection on the grounds of:-

- Loss of privacy;
- Increased noise and traffic from construction and occupation of the new dwellings;
- New road and parking bay at end of existing garden;
- Light pollution from street lamps and car lights;
- Drainage ditch to northern boundary is inadequate as rear of gardens in Radford Road are already affected, ditch will need attention if it is to serve this development;
- Impact on wildlife;
- Change to character of the area;

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- If permitted ultrafast broadband connectivity should be applied to all dwellings in Radford Road and additional screening/fencing/planting will be required;
- Security concerns.

REASON FOR REPORTING TO COMMITTEE:-

This application is for major development.

THE APPLICATION SITE:-

- 1.1 The application site is a broadly rectangular piece of land positioned to the north of Steers Lane and to the west of Balcombe Road. It lies immediately to the north of the existing Steers Lane development currently being constructed by Bellway Homes, known as Phase 1. This site would form Phase 2. To the north are the rear gardens and boundaries of the properties in Radford Road.
- 1.2 The site forms part of the Forge Wood allocation in the Local Plan identified in Policy H2 and is one of 2 residual sites within the allocation which are Broad Locations for housing development. It is thus outside the main Forge Wood development site approved for 1900 homes, which is currently being built out by Persimmon Homes and Taylor Wimpey.
- 1.3 The land is relatively level, with a number of protected mature trees (ref: Tree Preservation Order (TPO) no. 09/2017) along the northern, western and eastern boundaries and in a central line running north to south intersecting the middle of the site. The site also contains a number of younger more immature trees, including self-seeded silver birch, and other shrubs/undergrowth, with the western area of the site having less trees and being more of an open grassed field. The Balcombe Road frontage is a designated area of Structural Landscaping (Policy CH7), as is Steers Lane.
- 1.4 On the south side of Steers Lane is the main part of Forge Wood (Phase 1 and Phase 2) with the signalised junction into Somerley Drive which leads south towards the school and Local Centre. To the east, on the opposite side of Balcombe Road, is Phase 4 of the Forge Wood development. The south-eastern tip of Phase 1 is adjacent to the Steers Lane/Balcombe Road signalised junction and toucan crossing. To the immediate west of the site along Steers Lane is an area of off-site airport car parking and Tinslow Farm.

THE PROPOSED DEVELOPMENT:-

- 2.1 Full planning permission is sought for the erection of 60 dwellings, with parking, landscaping and infrastructure works.
- 2.2 The dwellings comprise a mix of 2 and 3 storey houses and flats as follows:
 - 15 x 1 bed flats
 - 25 x 2 bed flats – including 1 maisonette and 2 coachhouses
 - 8 x 3 bed houses
 - 12 x 4 bed houses.
- 2.3 40% of the housing is proposed to be affordable. Landscaping, open space and sustainable urban drainage features are also proposed.
- 2.4 The vehicular access to the site would be a continuation of the main access road through Phase 1 which is taken from Steers Lane. The network of roads and paths within the site comprise a mix of standard carriageways and shared surfaces. Footpath links and cycleways are also proposed.
- 2.5 The application has been accompanied by the following supporting documents:
 - Planning Statement
 - Design and Access Statement
 - Transport Statement
 - Flood Risk Assessment
 - Arboricultural Impact Assessment and Method Statement

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- Landscape Management and Maintenance Plan
- Lighting Strategy
- Noise Assessment
- Overheating Assessment
- Air Quality Assessment
- Energy and Sustainability Statements
- Ecology Reports and Biodiversity Net Gain Metric Assessment
- Archaeology Report
- Ground Investigation Report
- Utilities Report
- Open Space Strategy Report.

2.6 During the consideration of the application, a number of issues have been identified that have required revisions including the layout and design approach of particular areas, particularly to address noise and urban design issues, amenity space provision, street scene impact, hard and soft landscaping, parking provision and layout, cycle parking, circulation within the site for vehicles and pedestrian/cycling linkages.

2.7 The amendments that have been submitted include the following:

- Overall layout adjusted to improve design quality of the scheme and to provide a visually attractive development that would be an appropriate continuation to Phase 1.
- Bespoke design and layout of the houses and flats to specifically address noise issues, to provide southern aspects where suitable, active frontages and specific corner units where appropriate.
- Elevational updates to units to improve design, detailing of materials and window placement.
- Separation distances, garden sizes, shapes and orientation improved through reconfiguration of the layout throughout all parts of the site.
- Parking arrangements have been revised to provide an appropriate level of spaces in convenient locations for the units, with appropriate landscaping, especially the flats.
- Paths improved and added through the site to facilitate enhanced walking and cycling routes and to link to the wider locality.
- Landscaping proposals improved to assist the overall layout and visual appearance of the scheme.
- Open space strategy submitted clarifying the types of provision.

PLANNING HISTORY:-

Land to the south (Phase 1) – currently under construction

- 3.1 CR/2018/0894/OUT - outline application for erection of up to 185 residential dwellings, with the associated vehicular and pedestrian access via Steers Lane, car parking and cycle storage and landscaping (all matters reserved except for access) – allowed on appeal – subject to 37 conditions and a S106 legal agreement.
- 3.2 CR/2020/0548/ARM - approval of reserved matters pursuant to outline application CR/2018/0894/OUT to consider landscaping, layout and scale in respect of the erection of 185 dwellings and associated car parking and infrastructure – approved.
- 3.3 CR/2020/0548/NM1 - non-material amendment of approved reserved matters application CR/2020/0548/ARM to relocate the substation for on-site electricity transmission to the north-western corner of the site & associated changes to the layout – permitted.

Land to the north-east of Phase 1

- 3.4 CR/2020/0543/FUL – creation of a kick about space and associated works in association with development permitted under CR/2018/0894/OUT – permitted.

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PLANNING POLICY:-

4.1 The National Planning Policy Framework - 2021 (NPPF)

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 a presumption in favour of sustainable development.

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 – this seeks to significantly boost the supply of housing including affordable housing.
- Section 9 – ‘Promoting sustainable transport’ sets out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations. Paragraph 110 states that applications for development should give priority first to pedestrians, then cycle and public transport movements and address the need of people with disabilities in relation to all transport. It should also create safe, secure and attractive places avoiding conflict between different transport users, allow for efficient delivery of goods, and access by service and emergency vehicles and be designed to enable charging of plug-in vehicles.
- 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. Decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place. Development that is not well designed should be refused.
- 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. Decisions should ensure new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse impact on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

4.2 Crawley 2030: The Crawley Borough Local Plan 2015-2030 (CBLP)

- Policy SD1 (Presumption in Favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern land uses and arrangement of open spaces and landscape features.
- Policy CH2 (Principles of Good Urban Design) sets out the principles for good urban design and states:

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

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

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

- Policy 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.
- Policy 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.
- Policy CH5 (Standards for All New Dwellings) states that all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents. New dwellings should, as a minimum, meet the Nationally Described Space Standards and be in accordance with Building Regulations Part M Category 2 – accessible and adaptable dwellings.
- Policy CH6 (Tree Planting and Replacement Standards) requires landscape proposals for residential development to contribute to the character and appearance of the town by including at least one new tree for each new dwelling. In addition, any trees lost as a result of the development must be replaced or mitigated. Where possible the trees are expected to be provided on site although, where this is not feasible, commuted sums will be sought in lieu.
- Policy CH7: Structural Landscaping. The site frontage onto Balcombe Road is identified as Structural Landscaping. Development proposals should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate.
- Policy CH11: Rights of Way and Access to the Countryside seeks to protect and enhance public rights of way and seek opportunities to provide better facilities for users.
- Policy H1 (Housing Provision) - the Council will positively consider proposals for the provision of housing to meet local housing needs.

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- Policy H2: Key Housing Sites - the site is part of the overall Forge Wood allocation, with the site of Phase 1 and Phase 2 being specifically identified as a 'Broad Location' for housing, namely 'residual land at Forge Wood'.
- Policy 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. The appropriate mix of house types and sizes for each site will depend upon the size and characteristics of the site and the viability of the scheme. However, consideration should be given to the evidence established in the Strategic Housing Market Assessment and its updates for market housing needs and demand in Crawley. In delivering the affordable housing element of residential schemes, in line with Policy H4, the need for one, two and three bedroom affordable dwellings, as identified in the Strategic Housing Market Assessment should be addressed in meeting the housing needs of those considered to be in the greatest need.
- Policy H4 (Affordable and Low Cost Housing) states that 40% affordable housing will be required from all residential developments. In addition to the provision of 40% affordable housing, approximately 10% low cost housing will be sought on developments proposing 15 dwellings or more, offering up to 10% discount to first-time buyers. These targets will apply unless evidence can be provided to show that the site cannot support those requirements from a viability perspective and that the development clearly meets a demonstrable need.
- Policy ENV1 (Green Infrastructure) advises 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 an extending links where possible, including through larger proposals.
- Policy ENV2 (Biodiversity) states that all developments will be required to incorporate features to encourage biodiversity.
- Policy ENV5 (Provision of Open Space and Recreational Facilities) requires development to make provision for open space and recreational facilities and confirms that the Community Infrastructure Levy will be used to enhance open space to mitigate the impact of increased population. On larger housing sites, on-site provision of open space may also be appropriate and be required as an integral part of the development.
- Policy ENV6 (Sustainable Design and Construction) requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes and also specifically to achieve BREEAM excellent for water and energy credits where viable.
- Policy ENV7 (District Energy Networks) requires that any major development proposal should demonstrate whether it can connect to an existing DEN network where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be 'network ready' to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- Policy ENV8 (Development and Flood Risk) advises that development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere.
- Policy ENV9 (Tackling Water Stress) requires all new dwellings to achieve the new 'optional' water efficiency standard introduced into part G of the Building Regulations in 2015, subject to viability and technical feasibility.
- Policy 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

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development will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. Proposals will be required to appropriately mitigate noise through careful planning, layout and design. This policy should be read in conjunction with the Local Plan Noise Annex.

- Policy ENV12: Air Quality states that development proposals that do not result in a material negative impact on air quality will normally be permitted.
- Policy IN1 (Infrastructure Provision) states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires all residential, employment and commercial development to be designed to be connected to high quality communications infrastructure and to ensure that fibre optic or other cabling does not need to be retrofitted.
- Policy IN3 (Development and Requirements for Sustainable Transport) Advises that 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.
- Policy IN4 (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the Borough council's car and cycle standards.
- Policy 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.

4.3 Draft Crawley Borough Local Plan 2024 – 2040

The Local Plan Review 2024-2040 was approved at the Full Council meeting on 22 February to go out to Regulation 19 consultation. This statutory consultation will take place from 9 May 2023, in accordance with the council's approved Local Development Scheme. Submission of the Local Plan to the Secretary of State will then happen later in the year. Limited weight should be given to the following policies:

- Policy SD1: Presumption in Favour of Sustainable Development.
- Policy SD2: Enabling healthy Lifestyles and Wellbeing
- Policy CL1: Neighbourhood Principle
- Policy CL2: Making Successful Places - Principles of Good Urban Design
- Policy CL3: Movement Patterns, Layout and Sustainable Urban Design
- Policy CL4: Compact Development - Layout, Scale and Appearance
- Policy CL6: Structural Landscaping
- Policy DD1: Normal Requirements of All New Development.
- Policy DD2: Inclusive Design
- Policy DD3: Standards for All New Dwellings
- Policy DD4: Tree Replacement Standards
- Policy DD6: Aerodrome Safeguarding
- Policy HA1: Heritage Assets
- Policy HA7: Heritage Assets of Archaeological Interest
- Policy OS2: Provision of Open Space and Recreational Facilities.
- Policy OS3: Rights of Way and Access to the Countryside
- Policy IN1: Infrastructure Provision.
- Policy IN3: Supporting High Quality Communications.
- Policy H1: Housing Provision
- Policy H2: Key Housing Sites

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- Policy H3: Housing Typologies
- Policy H3b: Housing Typologies :Densification, Infill Opportunities and Small Sites
- Policy H4: Future Housing Mix.
- Policy H5: Affordable Housing
- Policy GI1: Green Infrastructure
- Policy GI3 : Biodiversity and Net Gain
- Policy SDC1: Sustainable Design and Construction
- Policy SDC 2: District Energy Networks
- Policy SDC3: Tackling Water Stress
- Policy SDC4: Water Neutrality
- Policy EP1: Development and Flood Risk
- Policy EP4: Development and Noise
- Policy EP5: Air Quality
- Policy EP6: External Lighting
- Policy ST1: Development and Requirements for Sustainable Transport.
- Policy ST2: Car and Cycle Parking Standards.

4.4 Supplementary Planning Guidance and Documents

The Council's following adopted Supplementary Planning Documents and Guidance Notes are also relevant to this application:

Urban Design SPD (2016)

This SPD includes further design guidance and examples of residential development and sets out guidance on outdoor amenity space standards. It also includes the Crawley Borough Parking Standards.

Affordable Housing SPD (2018)

This SPD includes further guidance on the requirements of policies H3 and H4 in the Local Plan and when affordable housing will be sought from residential development.

Green Infrastructure SPD (2016)

This includes guidance on designing for trees, open space and biodiversity. It provides further guidance on Policy CH6: Tree Planting and Replacement Standards and includes a costing of £700 per tree in lieu of on-site planting. It also sets out the open space standards and costings. The document also links to the Urban Design SPD in respect of considering landscaping as an integral part of high quality design.

Planning and Climate Change SPD (2016)

This document provides guidance and justification for the sustainability policies in the Local Plan. It 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).

Crawley Community Infrastructure Levy Charging Schedule 2016

The Crawley CIL Charging Schedule has been in effect since 17th August 2016 and is relevant to this application as the proposal would create new dwellings.

Developer Contributions Guidance Note (published July 2016)

This sets out the Council's approach to developer contributions following the introduction of the Community Infrastructure Levy. It provides details of the CIL charges and when S106 contributions will be sought.

PLANNING CONSIDERATIONS:-

5.1 The key planning issues to consider in respect of this full planning application are as follows:

- The principle of the development in this location

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- Noise impacts
- Design and appearance of the proposal and the impact on the character of the area and street scene
- Housing mix and affordable housing
- Acceptability of the accommodation proposed for future occupiers
- Highways, access and parking, and operational requirements
- Sustainability
- Drainage
- Impact on ecology, protected trees and proposed landscaping
- Open space and recreation provision
- Gatwick Airport safeguarding
- Impact on the amenities of the occupants of neighbouring properties
- Air quality
- CIL, s106 requirements and infrastructure contributions

The principle of the development in this location

- 5.2 In terms of the principle of housing development on this site, Policy SD1 of the adopted Local Plan confirms that the Council will take a positive approach to approving development which is sustainable. This includes where it meets the strategic objectives, set out in the Policy, including, amongst other matters,
- *that it provides a safe and secure environment for its residents and visitors,*
 - *that it provides for the social and economic needs of the current and future population of the town,*
 - *and where it accords with the policies and objectives set out in the Plan, unless material considerations indicate otherwise.*
- 5.3 Furthermore, Policy H1 states that the Council will positively consider proposals for the provision of housing to meet local housing needs, whilst ensuring against unacceptable impacts on residential amenity.
- 5.4 The site is within the defined built-up area and is within the wider allocation for housing in the current Local Plan for the new Forge Wood neighbourhood under Policy H2. However, it is outside of the area shown on the approved Forge Wood master plan and as such is classed as residual land. It is thus categorised as a 'Broad Location' for housing. Outline planning permission for Phase 1 was granted on appeal under reference CR/2018/0894/OUT for 175 dwellings and reserved matters have been approved under CR/2020/0548/ARM. The development is currently under construction.
- 5.5 Thus the site is within the built up area and on this aspect alone could be considered appropriate for housing. However, development must accord with the policies and objectives set out in the Plan as a whole. In particular, in this case the noise environment is a key consideration in determining whether the site is one that can provide a suitable standard of living environment and hence a high quality of life for future occupants. This aspect is considered in more detail in the next section.

Noise impacts

- 5.6 Policy ENV11 seeks to protect future residents from unacceptable noise impacts, and it requires a noise impact assessment where sensitive development is proposed in noisy locations. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted, unless appropriate mitigation, through careful planning, layout and design, can be provided. Thus residential development will be permitted where it can be demonstrated that residents will not be exposed to unacceptable noise disturbance from existing or future uses.
- 5.7 For this site the specific noise sources are aviation noise due to the proximity of Gatwick Airport (including a potential wide-spaced southern runway) and road noise, especially from Balcombe Road and Steers Lane. For transport sources the unacceptable level is where noise exposure is above 66dB and residential development in such circumstances would be unacceptable in principle.
- 5.8 The Local Plan references the aviation noise contours in the Noise Annex to ENV11. Noise was one of the considerations at the public inquiry in respect of the outline permission for Phase 1 Steers Lane, when it was agreed between the parties and confirmed by the appeal Inspector that as that site was

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below the 66dB contour line the issue could be resolved with good acoustic design and a carefully considered housing layout , both for the site as a whole and at plot level for all of the individual dwellings. Two specific conditions were imposed – condition 34 setting out maximum noise levels and condition 35 requiring noise mitigation measures.

- 5.9 Since this appeal decision new noise contours have been published based on the metrics produced by the CAA's Environmental Research and Consultancy Department. Using these more recent contours, the bulk of the application site falls between the 63dB and 66dB noise contours. A small area of the site, in its northwest corner, is situated within the 66dB noise contour, but no noise sensitive development is proposed in that location.
- 5.10 Thus from an aviation noise point of view residential development on the application site is acceptable in principle. The site will still be subject to aviation noise pollution, just at a lower dB level, which can be mitigated. However, as accepted by the appeal Inspector for Phase 1 as aircraft noise comes from above, it affects the whole of the site and therefore the overall layout is not the sole issue, but rather it is a mix of this, the individual design of the units and an appropriate ventilation system. Therefore, a combination of careful acoustic design and layout will be required to ensure that noise impacts can be made acceptable.
- 5.11 With regard to the layout, the revised plans have been submitted to address a number of issues, including noise. The most significant change is that the access road has moved to the northern side of the houses and the units are now placed further away from the northernmost boundary. This is beneficial from an acoustics perspective because all private gardens for that northernmost row are now located directly to the south of houses, and therefore benefit from additional acoustic screening to aircraft movements. The new layout is such that over the site as whole it has enabled the majority of the units to have principal windows with a southern or eastern aspect.
- 5.12 Turning to the individual design of the units, a bespoke design has been employed for this site incorporating internal layouts where circulation areas and the less noise-sensitive rooms are placed on the north facing elevations. So habitable rooms are located on the quieter façades or have access to windows located on quieter elevations where possible. This applies to the flat blocks and also to the houses.
- 5.13 Another specific feature is the use of single pitch garage roofs between the detached houses, which aids with the barrier effect. and provides additional screening to the first floor side windows and balcony area. A similar mitigation measure was employed on Phase 1 where a line of dwellings face onto Balcombe Road. Other measures to mitigate noise, and to address overheating, include a highly efficient fabric envelope and high efficiency heating, lighting and appliances to reduce internal gains, high performance solar control glazing for affected elevations, external shading from balconies, a concrete floor slab in the flat blocks to absorb excessive gain within the building, and mechanical ventilation
- 5.14 The Environmental Health Officer commented on the noise environment and concludes that mitigation is essential given the proximity to the airport. He has considered the documents provided by the applicant including the overheating report and considers that a condition for noise mitigation, including cooling is required.

Layout and urban design, appearance of the proposal and the impact on the character of the area and street scene

- 5.15 Local Plan policies require that all development in Crawley should be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context. Development should be of a high quality and protect and enhance the distinctive character of the town.
- 5.16 Policies CH2, CH3 and ENV1 require the scheme and its associated layout to respond to and to reinforce locally distinctive patterns of development and landscape character, so that it reflects and respects the existing sylvan landscape character of the immediate area and the site itself. In addition, Policy CH3 requires that the development should have regard to the surrounding built development in the locality and relate sympathetically to its surroundings.

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- 5.17 In this regard the relationship of the site to phase 1 is an important consideration as this site will not be a stand-alone development, but is a continuation of the earlier scheme, being accessed from the same access point on Steers Lane. The proposal must therefore be assessed in this context and also with regard to the character of the wider Forge Wood neighbourhood, of which it will ultimately form a part. A further contextual element is Structural Landscaping comprising mature trees and understorey planting that runs along the Balcombe Road frontage, which is identified in Policy CH7, and a number of preserved trees around the site boundaries and within the site, including a line of trees that run through the site from north to south.
- 5.18 During the consideration of the application, the overall layout has been significantly revised to improve it in urban design terms, and especially to enable the majority of the units to have principal windows with a southern or eastern aspect, with the northernmost boundary trees retained as amenity landscaping, rather than being incorporated in individual gardens. Thus the east/west road has been repositioned further to the north and plots 1 – 15 are now on the southern side of this road, with south facing rear gardens. Flats and maisonettes/coach houses (plots 49 – 60, including flat Block 3) have been introduced to the rear of plots 1 – 6. This creates a perimeter block in the western part of the site, and which overlooks the kickabout area, providing a focal point along the main access road, and active frontage to and framing the open space. The repositioning of the flats in Block 2 and the house at Plot 7 has created a visually interesting and legible layout along the main access road. An east/west cycle route has also been introduced to run through the site from Phase 1 and onto Balcombe Road.
- 5.19 The proposed layout and detailing of the 2 and 3 storey flats and houses continues the overall design approach established at Phase 1 and is also complementary to that of the main Forge Wood development. The house types and designs are of a traditional vernacular form and are not dissimilar to those that have been approved in these surrounding schemes, but with some variations to address the local site context and specifically the noise environment, with bespoke dwelling floorplans and designs in this regard.
- 5.20 The specific materials and finishes can be further considered through a condition discharge submission to ensure they would create a high quality and distinctive development. This would include the brickwork and tile hanging detailing. A separate condition is required for the balcony design for the flats. It is also considered appropriate to control by a condition the details of the potential installation on the flats of external pipework, flues and other features that otherwise may have a significant and discordant visual impact on the building design.
- 5.21 The layout also complies with Policy CH7 in regard to the Structural Landscaping that runs along Balcombe Road which provides the sylvan character and distinctive context to this locality. In this respect the block of flats at the eastern boundary adjacent to the Balcombe Road frontage – Block 4 - is sited away from the boundary and would be within a landscaped setting.
- 5.22 Overall it is considered that significant improvements have been made to the design approach and layout from the initial submission, resulting in an acceptable design and layout, for both within the site itself and in relation to its context with Phase 1 as well as being as part of the wider Forge Wood neighbourhood.
- 5.23 The layout is also considered to connect with key linkages, including the road, footpath and cycle links through Phase 1 leading to the south across Steers Lane into the main part of Forge Wood, including the local centre area, the school and the central parkland (phase 1), and to the east across Balcombe Road to phase 4 of Forge Wood.
- 5.24 As a result the scheme is considered to accord with Policies CH2, CH3 and CH7 of the Crawley Borough Local Plan (2015 – 2030) and the guidance in the Urban Design SPD (2016).

Housing mix and affordable housing

- 5.25 A total of 60 units are proposed, comprising a mix of houses and flats, divided between 36 private market units and 24 affordable dwellings.

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- 5.26 Policy H3 relates to housing mix and requires housing developments to provide a mix of dwelling types and sizes to address local housing needs and market demands. Policy H4 sets out the expected levels of affordable within new housing developments. It seeks 40% affordable housing from all new developments, with a minimum of 70% of the affordable housing being affordable rent, or social rent where other forms of subsidy exist, and up to 30% intermediate tenure.
- 5.28 In terms of the 36 **private dwellings**, these equate to 60% of the total units. The mix of the private units is:
11 x 1 bed flats
9 x 2 bed flats
1 x 2 bed maisonette
4 x 3 bed houses
11 x 4 bed houses
- 5.29 In terms of the **affordable units**, of the 60 dwellings proposed, 24 are affordable and therefore the level of provision is 40%. The tenure split of these 24 affordable units is 17 units for affordable rent and 7 units for shared ownership. Thus the affordable housing element complies with the 40% and the 70:30 criteria for the proportion of units and tenure split that is set out in the policy and is therefore acceptable.
- 5.30 The mix of the affordable and shared ownership units provided is:
4 x 1 bed flats (4 affordable rent)
15 x 2 bed flats (8 rent, 7 shared ownership)
4 x 3 bed houses (4 affordable rent)
1 x 4 bed house (1 affordable rent)
- 5.31 The overall mix of units is considered to be acceptable and an improvement from the original submission. The Housing Enabling and Development Officer is satisfied that the proposal achieves 40% affordable housing on a 70/30 tenure split. He is also broadly satisfied with the proposal, as in this instance the private market units are providing most of the one-bed flats, and in respect of the affordable houses, they are all for affordable rent.
- 5.32 The design and detailing of the affordable houses is very similar to the market housing and it is considered the development would appear tenure blind. The difference from the private market houses is that the affordable units do not have garages, but have an undercroft area to the side of the houses for parking, similar to one of the private house designs. Overall, the level and form of detailing between the house types is consistent. The amendments to the layout have looked at the provision of adequate garden space and parking provision for the affordable houses to ensure that the affordable units are assimilated into the overall layout in a sympathetic manner. The large expanses of parking courtyards or frontage parking for the affordable houses have been eliminated from the scheme. Thus the parking for these houses is now completely on-curtilage and so ensures that affordable housing is not an obviously different element of the development.
- 5.33 With regard to the four blocks of flats, two blocks are for private tenure and two are for affordable units. Whilst each flat block has its own specific appearance, which gives variety across the development, they all share the same overall general massing, design, detailing, including brickwork, tiled roofs, tile hanging/weatherboarding and balcony design and parking arrangements.
- 5.34 Overall it is considered that the dwelling mix would be appropriate, providing an adequate mix of dwelling sizes and styles, creating a varied form of development, both for this site and taking into account Phase 1 and the Forge Wood neighbourhood as a whole. The provision of 40% affordable units is a major material consideration to meet the Borough's considerable affordable housing need in the analysis of this scheme and has to be given due weight in the planning balance.

Acceptability of the accommodation proposed for future occupiers

- 5.35 Policy CH5: Standards for all New Dwellings states that new dwellings must create a safe, comfortable and sustainable living environment and sets out minimum sizes for each dwelling, based on the Nationally Described Space Standards. All the proposed units would meet the minimum space standards for 1, 2, 3 and 4 bed flats and houses.

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- 5.36 In respect of amenity space and garden sizes guidance in the Urban Design SPD outlines minimum floor area standards for private amenity space. It also states that *'external space standards are of particular importance to affordable housing. Since affordable housing tends to be fully occupied after construction, garden sizes for affordable housing should be met given the likely level of full occupancy'*.

House gardens

- 5.37 With regards to the 20 houses proposed, this application has been the subject of various revisions, each time including further improvements made to the overall layout and specifically to the orientation, sizes and shapes of the gardens. As a result the gardens have significantly improved from the original submission, in that they would now all accord with the Councils Outdoor Space Standards for garden sizes, apart from one unit – plot 3, which is a 4B5P house requiring a garden area of 90 sqm. The plans show this to be slightly under at 89.7sqm, and so is within 10% of the standard required.
- 5.38 Whilst this means that the scheme in regard to the garden sizes for houses is not fully in accordance with the outdoor space standards, it is not considered that this marginal shortfall for one house is such that it would warrant a refusal of the whole scheme in this regard. Any further amendments could mean substantially revising or impacting on the layout as a whole, or without causing harm to other aspects of the development, such as the aesthetic urban environment, public realm and soft landscaping.
- 5.39 In addition, given the public amenity space and landscaping within the site and on Phase 1, including the kickabout area on land immediately adjacent to the west, the close proximity of the central parkland to the south which is in phase 1 of Forge Wood and the sports facilities in Phase 3 and 4 of Forge Wood which are to be on the eastern side of Balcombe Road, it is considered that the development would also benefit significantly from the additional nearby open space, landscaping and associated facilities.

Flat balconies and landscaping

- 5.40 In regards to flats, the Council's Urban Design SPD recommends that a minimum of 5sqm of private outdoor space, where the smallest dimension is not less than 1500mm, is provided for 1 to 2 person flats plus an extra 1sqm for each additional occupant. It also states that while balconies provide a good solution, they may not be appropriate in all contexts and a semi-private outdoor, communal space may be suitable.
- 5.41 The scheme proposes private balconies to the flats and private garden areas for the maisonette and one of the coach houses in Block 3. The amended plans for the application now show that the flats across the layout would all accord with the Councils Outdoor Space Standards for amenity space, apart from one unit where the balcony is below the standard size and 3 units where no balconies are proposed.
- 5.42 At the time of writing this report it has not been possible to negotiate any further amendments for these particular units. As further details of the design of the balconies would be needed to show how they would integrate with the building elevations, it is suggested that a condition be imposed requiring full details of the balconies to be submitted, to include their visual appearance, materials and finishes and dimensions. This would allow the applicant to reconsider the balcony provision as part of a condition discharge application, when such aspects can be assessed at this point, to ensure the sizes are appropriate and that the overall design and appearance on the flats buildings is consistent and satisfactory.
- 5.43 It should be noted in this regard that the scheme does provide for landscape areas both around the setting of the flats and within the development itself, plus there is the land to the west which provides the kick about area (permission CR/2020/0543/FUL), with ecological and landscape enhancements on the remainder.
- 5.44 The flats include balconies/patios for the ground floor units. The balconies and the ground floor windows provide active frontages on the elevations, giving natural surveillance to those facades of

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the building. However, as this could give rise to security and privacy issues, the submitted details show defensible space and areas of landscaping around these features. The details of these features can be secured by the landscaping condition attached to the outline permission.

- 5.45 Overall when assessing the application as a whole, the significant areas of open space and landscaping within the layout, the landscaping and nearby open space in the vicinity, plus taking into account that amenity space for the houses and flats is set out as guidance not policy (and the lesser weight that this affords), it is considered that the development will have an appropriate level of amenity space overall and officers are of the view that the scheme is acceptable.

Separation distances

- 5.46 The relationships between dwellings have been carefully considered as part of the overall layout and the design of the units. Amended plans have been submitted to improve separation distances wherever possible. The layout and design of the scheme has been influenced by number of factors, including preserved trees, the noise environment, and the shape and orientation of the site and the need to satisfactorily relate to phase 1 to the south. A key objective has been to maximize the orientation of the dwellings, from a noise and daylight/sunlight perspective so that the majority of units to have their primary outlook to the south, with the noisiest facades (north facing) being limited to secondary elevations. This is seen in the layout overall and also in the internal floor plans of the specific units, which aim to incorporate good acoustic design features.
- 5.47 In respect of privacy and overlooking, the Urban Design SPD states a separation distance of at least 21m between rear windows of proposed dwellings for 2 storey development is required unless an appropriate design solution is adopted. For 3 storey the separation distance is 30m.
- 5.48 The 21m separation distance is achieved for all the 2 storey relationships, apart from one instance when the distance is 19m (Plot 15 to plot 27). Despite a number of revisions to the overall layout, it has not been possible to achieve the required distance between these two particular dwellings without a related effect on the layout as a whole, or without causing harm to other aspects of the development, such as the aesthetic of the urban environment, public realm and soft landscaping. However, in this case the specific design of the dwellings at plots 27 – 30 are such that their main first floor outlook is to the south and the rear (north) facing windows serve a landing, bathroom and a bedroom. This bedroom is dual aspect and the rear window is a secondary window, which is proposed to be obscure glazed. This bedroom thus has its main window facing south and so in this regard the arrangements are considered to be satisfactory and specifically addresses this issue.
- 5.49 With regard to the 2 storey to 3 storey, and 3 storey to 3 storey aspects of the scheme, the 30m separation distance would apply however, there are very limited instances of direct habitable room window to window relationships in the layout, as the internal layout of specific units have been designed to protect the privacy of occupiers of the scheme.
- 5.50 In this regard, Plot 1 (3 storey) backs onto Plot 60 (2 storey) with a 13m distance, but the first floor north elevation of Unit 60 is blank and its bedroom windows face south/south west. Similarly Plot 6 (3 storey) backs onto the side elevation of Plot 49 (2 storey) but the first floor north elevation of Unit 49 is blank and its habitable room windows face west and east.
- 5.51 Plots 2 & 3 (3 storey) back onto unit 59 (2 storey), whose first floor windows serve a bathroom, landing and a bedroom. The separation distance at this point is 22m. The main outlook for this unit is to the front (south).
- 5.52 Turning to 3 storey to 3 storey relationships, Plots 4 & 5 (3 storey) back onto Flat Block 3 (3 storey), with a 23 - 27m distance and where the north rear elevation of the flats is formed of stairwell and bathroom windows. Similarly, Plots 7, 8,9 and 10 (3 storey) back onto Flat Block 2 (3 storey), where the distance is 21 – 23m and whose north rear elevation is formed of kitchen, bathroom and corridor windows.
- 5.53 The side elevations of Flat Block 1 and Flat Block 2 (both 3 storey) face each other with the 9m separation distance being formed of the access drive which leads to their rear parking spaces and landscaped amenity areas. The relevant flats on both blocks have living room windows on these

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facing elevations, but they are secondary windows as these particular flats have a triple aspect with their main outlook to the front and rear, and rear (east) facing balconies.

- 5.54 To conclude on this issue, having regard to the design and layout of the scheme, the extent and the specific nature of the separation distances between the dwellings within the scheme, including the particular windows involved and the rooms they serve, and the bespoke design and detailing that has been employed to address the concerns of the living environment, including noise, it is considered that these relationships must be viewed as part of the overall planning balance. In this regard, it is considered that the amended scheme provides an acceptable standard of development and amenity space; and the issues of privacy and outlook for future occupiers of the development are satisfactory.

Impact on the amenities of the occupants of neighbouring properties

- 5.55 The closest nearby dwellings are those in Radford Road, to the north and the dwellings under construction in phase 1 to the south.
- 5.56 The rear gardens of the Radford Road properties back onto the northern boundary of the site. They have relatively long rear gardens, with the closest house having a garden length of 60m. The trees along the northern boundary would be retained and enhanced with further planting. The front elevations of the new houses in this part of the site would be set back some 18/20m from this boundary with the access road intervening.
- 5.57 It is acknowledged that there would be a change in the context for these existing properties, with the new development to the south of them, but given, their separation from the site and the detail of the proposed layout, it is not considered that the development would give rise to issues of material loss of privacy, overbearing impact or other unneighbourly impacts, and would therefore comply with Policy CH3.
- 5.58 With regard to the relationship to the dwellings permitted in phase 1 of the development, these two phases are separated by landscaped areas, through which the 5m wide cycle path would run. The flats in Blocks 1 and 2 would have a gap of some 20 – 48m to Block 1 and 4 in Phase 1, which would also include the access drive to these units and their respective parking areas. Similarly for plots 30 and 31 to Block 5 in Phase 1 with a separation distance of 27- 31m, and plots 27 and 28 to Block 6 in Phase 1 with a separation distance of 15 – 1m, this area incorporates the cul de sac to these houses (which is also the cycleway at this point) and areas of landscaping. The flats in Block 6 in Phase 1 are also dual aspect, with balconies facing east. Finally in regard to Block 4 in this phase to Block 6 in Phase 1, the separation distance is 25m and contains the car parking area for Block 4 and landscaping.
- 5.59 Given this context with the intervening road, cycle path and landscaping it is considered that this approach is acceptable and the relationship between the units would be satisfactory and would in accordance with Policy CH3.

Highways, access and parking, and operational requirements

- 5.60 The site access is a continuation of the sole access point from Steers Lane that was approved to serve Phase 1. It runs north from the boundary with Phase 1 to a T-junction at the northerly extent of the site . The road then gives access to the western and eastern parts of the site , with the eastern arm wrapping round to the south and back to the west to form a cul de sac along the boundary with Phase 1. The key features are:
- Access road into the site with footway on eastern and western sides
 - Access road on northern boundary with footway on southern side of road
 - Shared footway/cycle way running west to east from Phase 1 to through to Balcombe Road
 - Path around kick about area
 - Path through central green space, with connection with Phase 1
- 5.61 With regards to parking provision parking spaces within the development are in accordance with the adopted standards and located to be readily accessible to the units they serve. The requirements are 1.2 spaces for a 1 bed dwelling, 1.5 spaces per 2 bed dwelling and 2-3 spaces for 3+ bed units. For

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the houses the parking provision proposed is in the form of garages or surface parking either to the front or side of the dwellings. Parking for the flats is in the form of either undercroft spaces at the ground floor level of the building or surface spaces in a courtyard arrangement in the immediate surrounds of the flats, with landscaping. Overall 106 spaces are required and 112 are shown to be provided. No details of electric vehicle charging points have been supplied to date with this application, but this can be secured by condition.

- 5.62 WSCC have commented that the access arrangements and the amended layout is acceptable and in accordance with the guidance in Manual for Streets, with carriageway and footway widths now at the appropriate dimensions. The proposed use of shared surfaces in certain areas is considered appropriate, including the east- west active travel corridor. Comments have been made in relation to the surfacing materials and detailing, and signage for the cycle route but these and other detailed construction matters will all be dealt with as part of the highway adoption agreement process. Conditions are recommended regarding the access, parking, construction management plan and a travel plan
- 5.63 Cycle parking for the houses is provided for in the garages or a storage shed in the rear gardens. The flat blocks have integral cycle stores. The Cycle Forum had commented on the number of cycle spaces per flat block, which needs slight adjustments to comply with the standards. Also, visitor parking is required. As the cycle storage provision does need further refinement a condition is recommended so that this can be satisfactorily resolved. The Cycle Forum have also commented on the need for signage to promote cycling and a s106 Agreement for a Travel Plan to ensure cycle, walking and wheeling paths from Phase 1 and Phase 2 are effectively linked to the wider network.
- 5.64 With regard to refuse and recycling arrangements, CBC Refuse & Recycling Team had objected to the layout in relation to the communal bin collection arrangements for the houses and have commented on the detailed arrangements regarding the bin stores for the flats. Amended plans have been received in this regard showing that the houses would have refuse storage facilities within curtilages, and that the individual houses would have the usual kerbside collection point. Revised bin stores for the flats are also shown. The CBC Refuse & Recycling Team have been reconsulted and an update will be given at the Committee meeting.
- 5.65 Overall, the scheme is considered acceptable in transport and highways terms. The car parking provision is considered to be satisfactory; and the cycle parking provision and the refuse and recycling facilities can be resolved through conditions.

Sustainability

- 5.66 Policies ENV6 (Sustainable Design & Construction), ENV 7 (District Energy Networks) and ENV9 (Tackling Water Stress) of the Crawley Borough Local Plan and the Planning and Climate Change SPD are relevant to this proposal.
- 5.67 The proposal is supported by a revised Energy Statement and a Sustainability Statement which identifies and responds to the Local Plan policies identified above. The energy strategy is as follows:
- Fabric efficiency standards for each dwelling meeting the enhanced Building Regulations standard in Part L 2021
 - Space heating and hot water to be supplied by individual gas boilers;
 - Ventilation provided by mechanical extract ventilation (MEV);
 - Roof-mounted solar PV with a total capacity of 36.7kWp is proposed.
- 5.68 The combination of measures, which show improved fabric efficiency and an increased amount of solar PV, would be compliant with the updated 2021 Building Regulations. Overall the measures would result in a 7% reduction in carbon dioxide emissions over the Building Regulations Part L 2021 baseline. It should be noted that as a Part L 2021 baseline represents on average a 31% improvement over Part L 2013, a 7% improvement over Part L 2021 represents a high standard of sustainable construction.
- 5.69 In terms of potential options for district or communal energy as set out in policy ENV7 the Energy Statement sets out that there is no feasible available connection to an existing district energy network

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within the vicinity of the site and that the size and density of the proposed development are not sufficient to support a communal network for the site. PV panels are proposed as an alternative and are considered to represent an acceptable approach for this site. The deployment of solar PV as a form of low/zero carbon energy does not significantly constrain the layout of the site, so should not be in conflict with the general layout proposed. A condition is recommended to secure precise details of the design, appearance and location of the PV panels.

- 5.70 The response to Policy ENV9 (Water Stress) is set out in the Sustainability Statement. This sets out that the development will target a water efficiency standard of 90 litres/person/day. This would be achieved through flow control devices and water efficient fixtures and fittings. The precise fittings are still to be finalised but an illustrative specification for implementing this is set out which achieves 89.4 litres/person/day for internal use, with 94.4 l/p/d when allowance is made for external use. This would comply with relevant Local Plan requirements. All of the houses would be provided with water butts. These water efficiency measures can be secured by condition.
- 5.71 In summary, the proposed measures are considered to represent an acceptable response to the sustainability policy requirements, subject to their being secured by appropriate conditions.

Drainage

- 5.72 The site is deemed to be at a low risk of surface water flooding and the drainage strategy for the development includes the use of a Sustainable Drainage System (SuDS), including a swale and geo-cellular storage in order to control the surface water from this development. This approach complies with policy ENV8.
- 5.73 The CBC Drainage Officer has no objections to the drainage details that have been submitted, including the detailed design of the drainage measures, including connection to the existing drainage ditch. He requires conditions to cover details of the surface water management during the construction phase, and comments that a post construction certification is required to confirm that the works have been constructed as stated and detailed in the Drainage statement. This should be by a third party, which must not be the consultant responsible for the design of the drainage strategy. Other conditions would be regarding the future management and maintenance of the drainage features. The connection to the existing drainage ditch would require a separate application to the Council for land drainage consent.

Impact on ecology, protected trees and proposed landscaping

- 5.74 There are protected trees along the boundaries of the site and there is a belt of preserved trees and other vegetation that runs across the centre of the site from north to south (ref TPO No. 09/2017). The eastern part of the site also contains a number of younger more immature trees, including self-seeded silver birch, and other shrubs/undergrowth whilst the western part of the site has less trees and is more of an open grassed field. The Balcombe Road frontage is designated as Structural Landscaping (Policy CH7).
- 5.75 The development of the site would necessitate the removal of the younger self-seeded trees within the site. This is considered acceptable as the site is a housing allocation in the Local Plan. However it is important that the remaining trees are retained and the site as a whole is proposed to be enhanced with additional trees. The removal of the trees and the associated habitat is to be mitigated in part by new planting and other measures on the site and to ensure there is a net gain in biodiversity as required by the NPPF.
- 5.76 The Ecology Officer supports the conclusions of the updated ecology appraisal and that protected and Priority species can be adequately conserved for this development. In regard to the revised Biodiversity Net Gain report, this has addressed previous queries regarding the condition of the woodland and numbers of trees to be planted and ensures that a 10% measurable biodiversity net gain can be demonstrated. This is included in the revised landscape proposals and is to be secured via conditions and the s106 Agreement.
- 5.77 The Council's Arboricultural Officer was previously concerned with the original layout that the trees along the northern boundary would be within the gardens of houses, dominating the amenity space

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and limiting light to these properties and giving rise to nuisance issues. He also raised issues regarding the close proximity of the houses to the central belt of trees and their overbearing impact. Following the revised layout, with the access road now running adjacent to the northern boundary, he confirms that this has solved the issue of the northern boundary trees impacting on rear gardens and overall the separation between the trees and dwellings is better across the site. A condition is required to ensure the construction works are carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and the Tree Protection Plan.

- 5.78 With regard to landscaping, the proposals include tree planting along the internal roads, within parking courts and between parking bays to soften the built form. Additional native tree, hedge and shrub planting is proposed across the site, including along the site boundaries and within open spaces to provide enhanced biodiversity and connectivity. Full details of the planting and the boundary treatment are to be secured via the landscaping and ecology conditions and s106 requirements.

Open space and recreation provision

- 5.79 Policy ENV5 and the Green Infrastructure SPD relates to open space and recreation provision. The facilities required for this development are play space, amenity green space, outdoor sports space, natural green space, and allotments.
- 5.80 In this regard the Open Space Strategy that has been submitted has calculated the correct quantum of facilities in each category as required by the SPD. Some facilities are to be provided on site and others via a contribution for off site provision.
- 5.81 The play facilities in Phase 1 are located within the north-south green corridor including the belt of preserved trees and vegetation that runs across the centre of the site. These facilities comprise an informal trim trail and a nature/adventure walk rather than the more usual formal children's play area. Phase 2 also requires additional play facilities, and it is considered that these should be a continuation of those in Phase 1 and of a similar nature.
- 5.82 Amenity green space is shown within the central tree belt along the cycle route and along the northern boundary. Natural green space is incorporated into the landscaping proposals along the eastern boundary, parts of the northern boundary and around the kick about area.
- 5.83 In respect of outdoor sports space, the main area is the kick about area that is required to be provided pursuant to Phase 1. With regard to the additional provision required for these additional dwellings, it is considered that a contribution is appropriate towards off-site facilities. Similarly, for allotments it is proposed that these are provided as a financial contribution towards Borough-wide facilities.
- 5.84 The S106 legal agreement can secure both the provision of the on-site facilities (and their management and maintenance arrangements) and the financial contributions.

Gatwick Airport safeguarding

- 5.85 Gatwick Airport Safeguarding (GAL) and NATS have both commented on the application. NATS have no objection. GAL are satisfied with the landscaping details in respect of bird strike and require a condition regarding further details of the PV panels in relation to the safe operation of the Airport. Their comments about bird boxes can be covered via a condition regarding an Ecological Enhancement Plan. They have also required a Cranes Informative.

Air quality

- 5.86 An Air Quality Assessment and an Air Quality Damage Costs Calculation report have been submitted as part of the application documents. The Air Quality Officer has advised that the assessment found that during the construction phase there was the potential for dust and particulate impacts. However, with mitigation measures in place, through the implementation of a Construction and Environmental Management Plan, these impacts would not be significant.
- 5.87 With regard to the operational phase, she comments that the Air Quality Damage Costs Calculation report indicates the damage costs associated with the additional 335 AADT (Annual Average Daily

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Traffic) vehicle movements generated by the proposed development to be £18,047. She advises that a detailed package of mitigation measures to this value should therefore be submitted in order to identify those measures (in addition to minimum policy requirements) needed to offset the operational air quality impact of the proposed development. The mitigation package is subsequently to be agreed by the local planning authority and secured through a planning condition or Section 106 agreement.

- 5.88 The report refers to mitigation measures such to cycle stores and electric vehicle charging infrastructure, and mentions the potential for a car club, car sharing scheme, electric bikes and improved cycle paths.
- 5.89 At the time of writing this report, a full package of measures is being prepared and it is anticipated that an update can be given at the Committee meeting to confirm those that can be secured as part of the on-site measures and those which require a contribution, such as cycling provision in the wider area.

CIL, S106 requirements and infrastructure contributions

- 5.90 Policy IN1 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will seek to implement a Community Infrastructure Levy (CIL). The Crawley CIL Charging Schedule came into effect on 17th August 2016 and is relevant to this application. The charge for residential within the borough-wide zone is £100 per sqm subject to indexation. Should this application be granted, an Informative can be attached to the decision notice to inform that the private market housing on this development constitutes CIL liable development which is a mandatory charge on development.
- 5.91 In respect of site specific requirements for a development, these can either be provided on-site or by way of a commuted sum and would be secured by a legal agreement. Phase 1 of the development was subject to a s106 agreement and it is considered that a similar agreement is required for this phase, particularly to ensure consistency between the phases.
- 5.92 Policy CH6 requires that landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate location. As required by the Green Infrastructure SPD, for this development 60 new trees would need to be provided on site or as payment in lieu (£700 per tree) of this provision. In addition, 594 replacement trees are required for the 375 trees to be removed as part of the development, based on the formula in the SPD.
- 5.93 Given the scale of the development and the site layout there are constraints of the level of replacement tree planting that is achievable on the site and at this stage the plans indicate that around 445 trees could be planted on the site itself. The precise detail, including the final confirmed number of specimens, will be part of the landscaping scheme required by condition and the legal agreement. At this point the precise shortfall in the number of trees that can be provided on the application site (and hence the corresponding contributions payment) will be known. The formula for calculating the appropriate payment for new trees is to be included in the s106 agreement as the basis of the commuted sum that would be payable. In this case it would be 60 units plus the number of existing trees that are to be removed as part of the development minus the number of trees to be provided as part of the development x £700.
- 5.94 Policy ENV5 relates to open space provision and, in accordance with the Green Infrastructure SPD methodology, the relevant on-site provision has been incorporated into the layout where possible and the remainder are to be a financial contribution to be secured in the legal agreement.
- 5.95 Thus in respect of the site specific requirements a s106 Agreement is required to secure the following:
- Affordable Housing – 40% onsite provision in accordance with an agreed mix and 70:30 tenure split
 - Open Space and Landscaping - onsite provision – play space, amenity green space and natural green space, plus the subsequent management and maintenance of these facilities
 - Open Space – £42,619.50 contributions comprising:
 - outdoor sports space £36,382.50 contribution
 - allotments £6,237 contribution)

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- Landscape and Ecological Management and Maintenance Plans
- Tree Mitigation - on-site provision and contribution
- SuDS Management and Maintenance Plans
- Bird Hazard Management Plan
- Residential Management Company
- Highway Works
- Management and Maintenance of highway infrastructure – those to be offered for adoption and those to remain private
- Air Quality Mitigation (to be confirmed)

CONCLUSIONS:-

- 6.1 The development of this site for residential purposes is acceptable in principle, as it is an allocated site in the current Local Plan and given the latest aircraft noise contours. This scheme would enable the delivery of much needed units in the Town and in particular the provision of affordable housing in line with policy H4 is welcomed to meet Borough's housing need.
- 6.2 The scheme has been amended through the course of the consideration of this application, through revisions to the layout, the use of a bespoke design and layout for the houses and flats to specifically address noise issues, location of the affordable units, increased separation distances and garden sizes, revisions to the parking arrangements, improved paths and routes to enhance connectivity and revisions to the landscaping proposals. Thus the scheme has been refined and specific design solutions have been put forward to address concerns and it is considered that the proposals as now submitted would provide a high quality living environment and, overall, a high standard of development that is sympathetic to the character of the area and complies with Local Plan policies.
- 6.3 Whilst there are some aspects that have not been completely resolved, it is necessary to weigh the social, environmental and economic impact of the proposal to come to a conclusion on this planning application. The proposal would provide a significant number of new affordable residential units in a sustainable location within the Forge Wood neighbourhood and meet the general objectives of the NPPF.
- 6.4 It is therefore recommended that planning permission is granted subject to the completion of the S106 legal agreement and subject to conditions.

RECOMMENDATION RE: CR/2022/0055/FUL:-

To delegate the decision to the Head of Economy and Planning to conclude the s106 legal agreement and thereafter to grant planning permission 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 shall take place, including any ground works, 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,
 - details of the area(s) subject to construction activity,
 - details of cranes and other tall construction equipment (including details of obstacle lighting)
 - the parking of vehicles by site operatives and visitors,

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- the loading and unloading of plant, materials and waste,
- the height and areas for the storage of plant, equipment and materials used in construction of the development,
- details of temporary lighting
- 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.
- details of a dust and smoke management plan
- surface water construction management plan
- control and disposal of putrescible waste to prevent attraction of birds
- site restoration
- protection and mitigation measures for wildlife and habitat

REASON: In the interests of highway safety, the amenities of the area, to ensure that construction work and equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) or cause interference with communication, navigational aids & surveillance equipment and endanger the safe operation of Gatwick Airport and to accord with Policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030. the interests of highway safety, the amenities of the area and to accord with Policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.

REASON FOR PRE-COMMENCEMENT CONDITION: The potential impacts upon highways and amenity from activity will arise from the occupation of the site by contractors and the plan therefore needs to be agreed and in place before commencement.

4. No development shall take place until the applicant, or their agent, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

REASON: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy CH12 of the Crawley Borough Local Plan 2015-2030.

REASON FOR PRE-COMMENCEMENT: This condition is required to be pre-commencement as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development

5. No development or site works of any description, including setting up works or storage of materials, plant or equipment, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with the details set out in the Arboricultural Impact Assessment report, the Arboricultural Method Statement and the Tree Protection Plan. The development shall be implemented in accordance with the approved details and within the protected areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.

REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policies CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.

REASON FOR PRE-COMMENCEMENT CONDITION: Potential damage to trees could occur from site activity before development commences and therefore the agreed measures need to be in place before commencement of development.

6. A No development above slab level shall take place unless and until a scheme for 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

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(ii) The means by which the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAF_{max} 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 LA_{eq,16hr}. Where this standard cannot be achieved despite all potential mitigation being carried out, a level of no more than 55dB LA_{eq,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 55 DnT,w + C_{tr} 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 must be implemented in full and maintained for the lifetime of the buildings. Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

D. After completion and prior to occupation, a study involving the measurement of the effectiveness of the scheme, shall be undertaken not less than one month after completion. The survey shall identify the level of compliance with the scheme. A written report of the findings, identifying the level of compliance shall be submitted to the LPA within one month of the survey completion. No part of the development can be occupied where compliance has not 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 flats 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, 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

8. Prior to the commencement of the development in relation to the pumping station, details of its design, appearance, materials and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development is to be implemented in accordance with the approved details.

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REASON: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory visual appearance in the interests of amenity and in accordance with policy CH3 of the Crawley Borough Local Plan 2015 – 2030.

9. No part of the development shall be occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
REASON: To secure satisfactory standards of access for the proposed development in accordance with policy CH3 of the Crawley Borough Local Plan 2105 - 2030
10. No individual dwelling shall be occupied until the vehicle parking serving that dwelling has been constructed in accordance with the approved plans. Once provided the spaces shall thereafter be retained for their designated use.
REASON: To provide adequate on-site car parking and turning space for the development and to accord with policy CH3 of the Crawley Borough Local Plan 2015 - 2030
11. No dwelling shall be occupied until plans and details showing the location of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall thereafter be occupied until it is provided with EV charging in accordance with the approved plans and details.
REASON: To provide EV charging and encourage the use of low emission vehicles in accordance with policies CH3 and IN1 and ENV12 of the Crawley Borough Local Plan 2015 - 2030
12. Notwithstanding the submitted details and prior to above ground level works for the dwellings which they are to serve, details of the cycle parking for residents and visitors for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities for the dwellings shall be constructed in accordance with the approved details and be operational prior to the occupation of the dwellings for which they are intended to serve and thereafter be retained for their designated use.
REASON: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to ensure the operational requirements of the development are met in accordance with Policies CH3, IN3 and IN4 of the Crawley Borough Local Plan 2015 -2030.
13. No part of the development shall be occupied until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the County Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.
REASON: To encourage and promote sustainable transport and to accord with policies CH3, IN3 and IN4 of the Crawley Borough Local Plan 2015 - 2030
14. No development above slab level shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls, glazing and roofs of the proposed buildings and for external hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030
15. Notwithstanding the submitted details and prior to above ground level works for the residential flats to which they relate, details of the balconies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their visual appearance, materials and finishes and dimensions. Thereafter the balconies for the flats shall be constructed in accordance with the approved details prior to the first occupation of the unit which they are intended to serve.
REASON: To safeguard the appearance of the development and ensure the operational requirements of the development are met in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.

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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 xxx (to be added)
FLATS
Block xxx Plots xxx (to be added)
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
17. Prior to their installation on the flats to which they relate, details of rainwater goods, external extract grilles, pipes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory visual appearance in the interests of amenity and in accordance with policy CH3 of the Crawley Borough Local Plan 2015 – 2030.
18. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.
REASON: To ensure that the proposed development is satisfactorily drained in accordance with Policy ENV8 of the Crawley Borough Local Plan 2015-2030.
REASON FOR PRE-COMMENCEMENT CONDITION: The drainage measures including maintenance details will form an integral part of the development and therefore need to be addressed at an early stage.
19. No development shall take place 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 policy CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.
REASON FOR PRE-COMMENCEMENT CONDITION: The landscaping proposals will form an integral part of the development and therefore need to be addressed at an early stage.
20. The development shall not be occupied until the measures detailed in the submitted Energy Statement dated November 2022 have been implemented, or otherwise in accordance with details which have first been submitted to and agreed in writing by the Local Planning Authority.
REASON: In the interests of environmental sustainability, in accordance with policy ENV6 of the Crawley Borough Local Plan 2015-2030 and the Planning & Climate Change Supplementary Planning Document.
21. No solar panels or renewables which may be required pursuant to the discharge of condition 20 on this permission shall be installed on the dwelling to which they relate unless and until full details of their design, appearance and location have been submitted to and agreed by the Local Planning Authority in writing. No subsequent alterations to the approved scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with

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the agreed details prior to the first occupation of the unit which they are intended to serve and thereafter retained.

REASON: To control the design of the development in detail and to ensure it does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment and glare issues in accordance with CH3 of the Crawley Borough Local Plan 2015 - 2030

22. The residential units shall not be occupied until details have been submitted to the Local Planning Authority to demonstrate that they shall achieve a water efficiency standard consistent with the submitted Sustainability Statement dated November 2022 by consuming not more than 95 litres per person per day maximum water consumption. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable design and efficient use of water resources in accordance with policies ENV6 and ENV9 of the Crawley Borough Local Plan 2015-2030 and the Planning & Climate Change Supplementary Planning Document.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or Orders amending or revoking the same, no development within Class A, Class B, Class C and Class E of Part 1 of Schedule 2 to that Order shall be carried out without the prior permission of the Local Planning Authority on an application in that behalf.

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

24. No development above slab level shall take place unless and until a scheme to provide combined television reception facilities and superfast broadband for the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and the approved facilities shall be made available to each individual unit prior to that unit being occupied.

REASON: In the interests of visual amenity, to help reduce social exclusion and to allow good access to services in accordance with Policies CH3 and IN2 of the Crawley Borough Local Plan 2015-2030.

25. No flats shall be occupied until full details of refuse and recycling storage facilities for that flat have been submitted to and approved in writing by the Local Planning Authority. The agreed refuse and recycling storage facilities shall be fully implemented prior to occupation of that flat and subsequently maintained for the use of its residents.

REASON: To ensure the operational requirements of the site can be met in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030 and the Urban Design Supplementary Planning Document (2016).

26. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling/unit forming part of the proposed development, the required fire hydrants shall be installed in the approved location to BS 750 standards or stored water supply and shall be connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting. The fire hydrants shall thereafter be retained and maintained as part of the development.

REASON: to meet the operational needs of the development in accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030

REASON FOR PRE-COMMENCEMENT CONDITION: the provision of fire hydrants is an integral part of the development and will therefore need to be addressed at an early stage

INFORMATIVES

1. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL and associated forms visit www.crawley.gov.uk/cil, email development.control@crawley.gov.uk or telephone 01293 438644 or 438568. To avoid additional financial penalties the requirements of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Please also note that any reliefs or exemptions from CIL are subject to the correct procedures being followed as laid down in the regulations, including the following:

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a) Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.

b) A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced.

c) Any event occurred during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefiting from the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.

2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email: Igwcranes@gatwickairport.com. Details of the crane process can be found in CAP1096 'Guidance to Crane Operators on Aviation Lighting and Notification' available at www.caa.co.uk.
3. The water efficiency standard required under condition XX is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1.
4. The applicant's attention is drawn to the consultation response for Thames Water dated 24th March 2022 regarding Surface Water Drainage:

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

5. The applicant's attention is drawn to the consultation response from Sussex Police dated 17th September 2020 regarding Secured by Design issues.

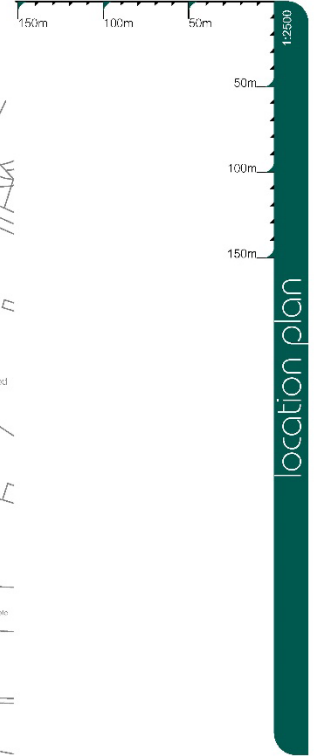
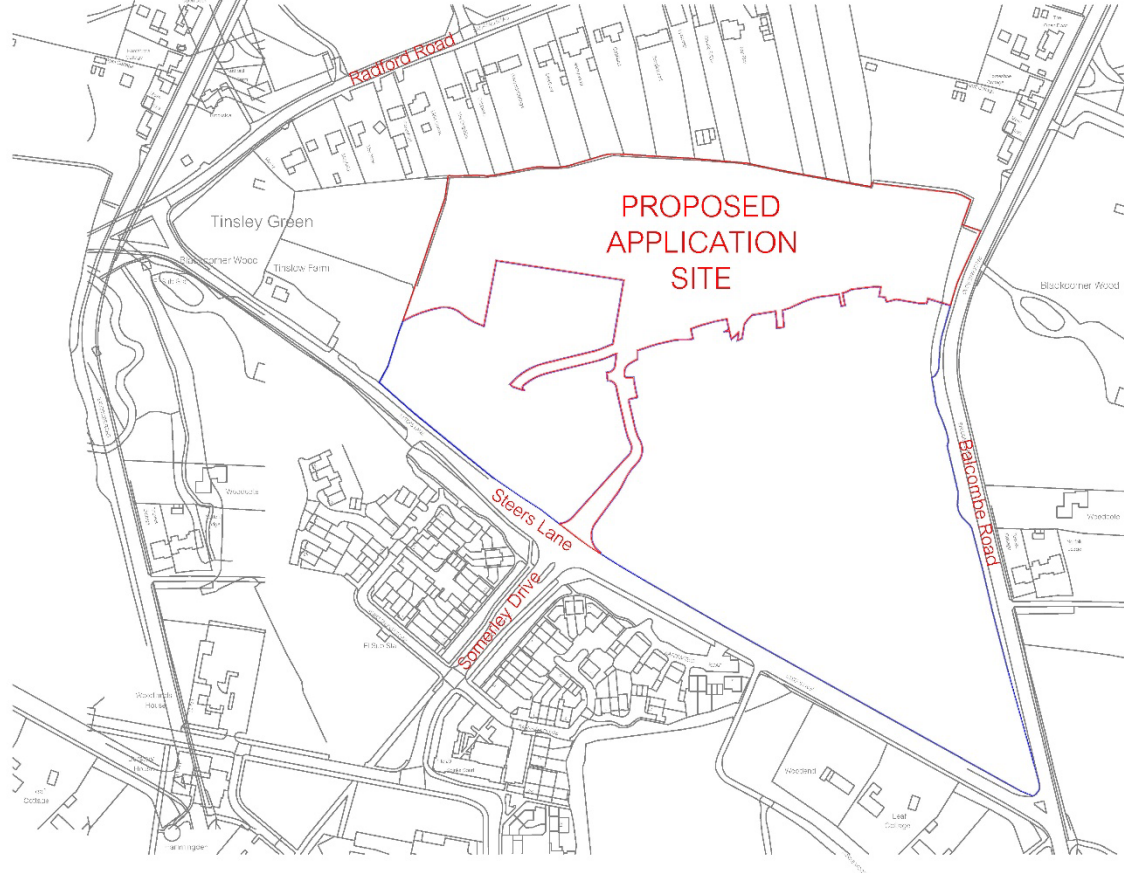
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1. NPPF Statement

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

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

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.



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D 20/22/25 04
 A 1/22/25 04
 rev scale by details

Location Plan
 21/12/2021 created
 1:2500 by AS/creating
 MUKA/creating
 072010-BEL-SL-06 B 06/2020

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Crawley Borough Council

Planning Committee

3 April 2023

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

Report of the Head of Economy and Planning – *PES/430*

1. Purpose

- 1.1 This report presents the Oak Tree at 22 Lowe Close - 05/2022 Tree Preservation Order. The Committee is requested to consider the objection received and determine whether to confirm the Tree Preservation Order with or without modification for continued protection, or not to confirm the Tree Preservation Order.

2. Recommendation

- 2.1 It is recommended that the Committee **CONFIRMS** the Tree Preservation Order for an oak tree at 22 Lowe Close - 05/2022 without modification.

3. Reasons for the Recommendation

- 3.1 The tree has good shape and form.
The tree is considered to have good landscape amenity value in the surrounding area.
The tree is prominent in the locality and has significant amenity value.
The tree is clearly visible from the public highway.
The tree has a well balanced crown.

4. Background

- 4.1 The tree the subject of this order is an oak tree located in the rear garden of 22 Lowe Close. The property is owned by Crawley Borough Council and is leased to a private individual. It is understood that the leaseholder is responsible for the maintenance of the garden and this includes maintenance of the tree.
- 4.2 Following complaints to Crawley Borough Council from the adjacent neighbours regarding the size and encroachment of the tree, the leaseholder was asked by the Council's Community Services Department to prune the tree. Following receipt of a TPO status enquiry from the leaseholder the tree was found not to be protected and following a desktop review it appeared to be a large and attractive specimen making a significant contribution to the public visual amenity of the area. A site visit was then conducted and the tree was indeed found to be visually prominent and made an important contribution to the green amenity of the area.
- 4.3 The provisional Tree Preservation Order was made on 11th October 2022 and remains provisionally in force for a period of six months (until 11th April 2023). If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

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5. Notification/ Consultation/Representation

- 5.1 A Council must, as soon as practicable after making a TPO and before it is confirmed, serve a copy of the order and a prescribed notice on persons interested in the land affected by the TPO. The Council therefore served a copy of the provisional TPO and notice on all the owners/occupiers of the land and other interested parties as set out below.

Owners and occupiers of the land:

- Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ
- The Occupier, 21 Lowe Close, Crawley, RH11 9TF
- The Occupier, 22 Lowe Close, Crawley, RH11 9TF

Owners and occupiers of adjoining land affected by the TPO:

- The Owner/Occupier, 4 Jackson Road, Crawley, RH11 9TJ
- The Owner/Occupier, 3 Jackson Road, Crawley, RH11 9TJ
- The Owner/Occupier, 2 Jackson Road, Crawley, RH11 9TJ
- The Owner/Occupier, 3 Holman Close, Crawley, RH11 9TH
- The Owner/Occupier, 4 Holman Close, Crawley, RH11 9TH
- The Owner/Occupier, 5 Holman Close, Crawley, RH11 9TH
- The Owner/Occupier, 6 Holman Close, Crawley, RH11 9TH
- The Owner/Occupier, 23 Lowe Close, Crawley, RH11 9TF
- The Owner/Occupier, 24 Lowe Close, Crawley, RH11 9TF

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the Order. The notification period for objections ended on 16th November 2022. Confirmation of the Order is required within six months of the date upon which the Order was provisionally made.
- 5.3 One representation has been received from the leaseholder of 22 Lowe Close, objecting to the TPO. A copy of the letter is provided with this report at Appendix A. A summary of the objection is set out below.

Proximity to Properties

- The tree is in my small garden 6.5m from the property, subsidence is a real threat due to the close proximity of the building and the sheer size of the tree.
- The tree in question overhangs 5 separate gardens with mass debris being a huge issue to all concerned, due to damage occurring from the shedding of the tree.
- The position of the tree allows minimal sunlight into my property and garden and imposes on the view of my upstairs neighbours by severely reducing day light as its crown is all they can see from all back windows.
- The tree has outgrown its current position due to the previous owners not having maintained the tree for 13 years, this has caused the tree to grow causing damage to the fencing and ground.

Safety

- Should the tree become damaged/diseased the risk in the future to cause significant damage to my property and all neighbouring properties is one that is potentially rather high.

Amenity

- The tree has no amenity value due to lack of visibility and location. Question the reason for the sudden TPO order placed.
- Should the tree require removing this will not have an impact on public amenity due to the abundance of visible trees in the local area.

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Other

- The tree has caused great unrest with my neighbours and which cannot be resolved due to the TPO.
- The TPO has an adverse effect on my property value and its market appeal.
- I have been informed that a member of Crawley Council has recently inspected the tree and area, however, I question this due my garden being non-accessible without my attendance.

6. Amenity Value/Assessment

- 6.1 The tree is clearly visible from Lowe Close, Creasys Drive, Terry Road, Jackson Road and Holman Close and can be glimpsed from Jarvis Close and Fry Close. It is therefore considered that the tree has extremely good public visibility and significant amenity value and as an individual specimen is justified for a TPO. There are several large trees in the surrounding area, however the subject tree is a standalone specimen and for this reason its removal would most certainly cause a significant loss of amenity and leave a large hole in the treescape.
- 6.2 All trees grow and it is common for them to overhang neighbouring boundaries. Such encroachment is the nature of trees and is to be expected and certainly does not exclude trees from protection. In such cases containment pruning in order to manage the tree at a more appropriate size for its location is usually acceptable in many cases and the imposition of a TPO does not prevent necessary/justifiable works from being undertaken subject to an application being made to the Council. In this case, consent for a reduction in the tree height and crown radius by a maximum of 2 metres was granted on the 10th February 2023 under application ref: CR/2022/0695/TPO, it is therefore considered that this issue has been addressed.
- 6.3 Leaves, fruit and other detritus are considered to be a seasonal nuisance and do not generally cause damage to properties. Larger branches have the potential to cause damage however deadwood can be removed without planning consent and any live branches which are imminently dangerous can be removed under a '5-day notice' exemption for emergency works, subject to the agreement of the Council's Planning Department.
- 6.4 Trees, by their nature, create shade and while this can often be considered a positive, can also create issues for those properties affected. Shade and reduced light levels do not however exclude trees from protection, trees grow and cast shade and this is largely unavoidable, however as above, remedial pruning works to protected trees will often be considered acceptable provided the works are justified and the level of works is considered proportionate.
- 6.5 In respect of the concerns about subsidence, provided the house is founded on footings of adequate depth, the likelihood of subsidence is greatly reduced. In the event that subsidence should occur, the onus is on the applicant to prove, with sufficient evidence, that the tree is a likely material cause of the damage. Felling or excessive pruning cannot be allowed on the off-chance that subsidence may be caused in the future (when none is currently evident) and this is not considered a valid reason not to protect this tree with important visual amenity which makes a significant contribution to the character of the area. Evidence of damage to the fence has not been submitted or demonstrated in support of the objection.
- 6.6 The duty to maintain the tree in a safe condition lies with the landowner or in this case the leaseholder and this includes regular inspections of the tree so as to identify potential safety risks as they develop – this is a legal duty. The imposition of a TPO does not prevent this duty of care and allows for any required works to be carried out subject to the relevant planning permission. For this reason, the potential for trees to become dangerous in the future does not exclude trees from protection.
- 6.7 The imposition of a TPO does not prevent works from being undertaken to protected trees subject to the relevant planning permission, provided these works are justified and proportional. Property value and market appeal are not considered valid when assessing a tree for a TPO.

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7. Implications

Human Rights Act 1998

- 7.1 The referral of this matter to the Planning Committee is in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. Those persons who made representations in objection to the TPO are entitled to attend the Planning Committee meeting and to make any further verbal representations at the meeting. The Planning Committee must give full consideration to any such representations.

Article 8 and Article 1 of the First Protocol

- 7.2 The right to respect for private/family life and the protection of property also needs to be considered. These are qualified rights and can only be interfered with in accordance with the law and if necessary to control the use of property in accordance with the law and if necessary to control the use of property in accordance with the general interest. The recommended continued protection of this tree by confirming the TPO is considered to be in the general interest of the community and is considered to be both proportionate and justified.

Planning legislation

- 7.3 The law relevant to the protection of trees is set out in Part VIII of the Town and Country Planning Act 1990 as amended and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

8. Background Papers

- 8.1 The Crawley Borough Council Tree Preservation Order Oak Tree At 22 Lowe Close - 05/2022

Contact Officer: Russell Spurrell

Direct Line: 01293 438033

Email: russell.spurrell@crawley.gov.uk

Agenda Item 7

SCHEDULE

SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	English Oak	Grid Ref: TQ-25693-33946

Groups of Trees (within a broken black line on the map)

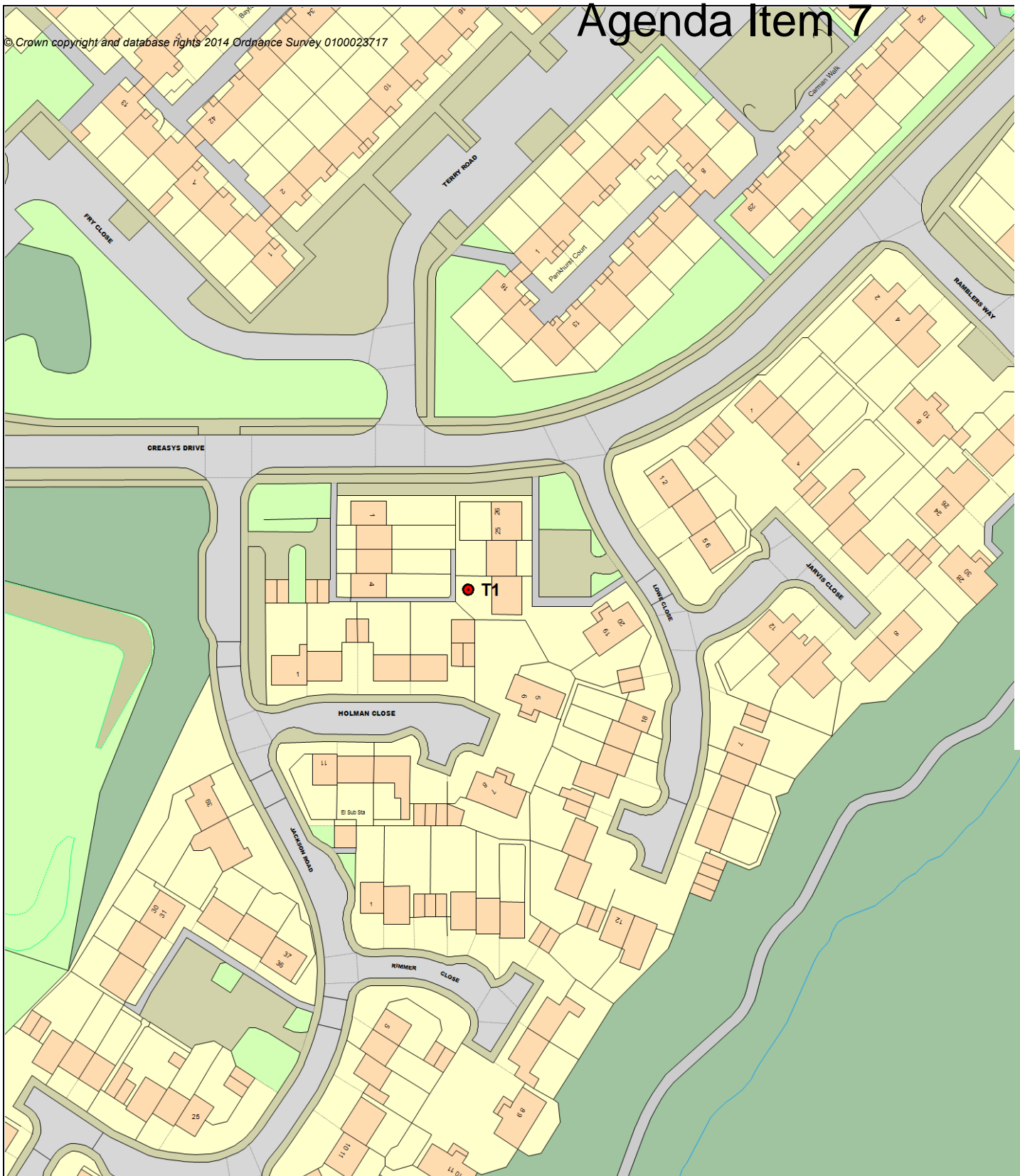
Reference on Map	Description	Situation
NONE		

Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

Reference to an Area (within a dotted black line on the map)

Reference on Map	Description	Situation
NONE		



Tree Preservation Order No 05/2022
Oak Tree At 22 Low Close

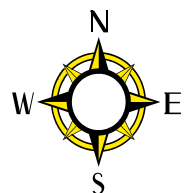
Clem Smith
Head of Economy and Planning Services

The scale shown is approximate and should not be used for accurate measurement.

Scale 1:1250

Date 17/03/2023

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Sent: 14 November 2022 18:58

To: Trees, Protected <ProtectedTrees@ Crawley.gov.uk>

Subject: 22 Lowe close-TPO Objection Ref 05/2022

Dear Russell Spurrell,

Re; Tree preservation order at 22 Lowe Close

Please accept this email as my objection to the tree preservation for the above address dated 11" October 2022

The tree is in my small back garden 6.5 meters from the property, I fear subsidence is a real threat due to the close proximity of the building and the sheer size of the tree.

The tree in question overhangs 5 separate gardens with mass debris being a huge issue to all concerned, due to damage occurring from the shedding of the tree.

Should the tree become damaged/diseased the risk in the future to cause significant damage to my property and all neighbouring properties is one that is potentially rather high.

The tree has caused great unrest with my neighbours and I am unable to resolve this due to the TPO.

The position of the tree allows minimal sunlight into my property and Garden, and imposes on the view of my upstairs neighbours by severely reducing day light as its crown is all they can see from all back windows.

The tree has out grown its current position due to the previous owners not having maintained the tree for 13 years, this has caused the tree to over grow causing damage to the fencing and ground.

The tree has no amenity value due to lack of visibility and location.

I would like to question the reason for the sudden TPO order placed?

In addition, I consider the TPO to have an adverse effect on my property value and its market appeal. Should the tree require removing this will not have an impact on public amenity due to the abundance of visible trees in the local area.

I have been informed that a member of Crawley Council has recently inspected the tree and area, however, I question this due to my garden being non-accessible without my attendance. The TPO order dated 11.10.22 was initiated after a previous letter requesting it be cut back dated 08.09.22. I have, since April 2022 made multiple attempts at contacting Crawley Council for advise/guidance/permission to maintain this tree, I have had no reply to my calls/messages/requests, this leaving me extremely disappointed in the lack correspondence.

To be clear I am not looking to remove the tree, I believe it requires maintaining as advised by an independent Arboriculture expert, I do however feel the TPO needs to be revoked due to the above reason and the issues it may create in the future. I feel the TPO will restrict necessary work to be undertaken should the tree cause more issues.

I appreciate your time and as stated in all of my correspondence I welcome you to attend my property so it inspected and discussed further.

I look forward to your reply.

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