

## Crawley Borough Council

### Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room C - New Town Hall**, on **Monday, 3 July 2023 at 7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read "S. Pritchard".

**Chief Executive**

**Membership:**  
Councillors

S Pritchard (Chair), M Mwagale (Vice-Chair), Z Ali, J Bounds,  
J Charatan, K L Jaggard, K Khan, Y Khan, M Morris, S Mullins and  
A Nawaz

Please contact [Democratic.Services@crawley.gov.uk](mailto:Democratic.Services@crawley.gov.uk) if you have any queries regarding this agenda.

Published 23 June 2023



01293 438000

[www.crawley.gov.uk](http://www.crawley.gov.uk)  
[www.democracy.crawley.gov.uk](http://www.democracy.crawley.gov.uk)

Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

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

## Part A Business (Open to the Public)

	Ward	Pages
1. <b>Apologies for Absence</b>		
2. <b>Disclosures of Interest</b>  In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.		
3. <b>Lobbying Declarations</b>  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. <b>Minutes</b>  To approve as a correct record the minutes of the Planning Committee held on 24 April 2023.		5 - 8
5. <b>Planning Application CR/2023/0198/TPO - Milton Mount Lake, Pound Hill, Crawley</b>  To consider report PES/431A of the Head of Economy and Planning.  <b>RECOMMENDATION</b> to CONSENT	Pound Hill North & Forge Wood	9 - 12
6. <b>Proposed Deed of Variation to Planning Application Cr/2020/0588/OUT relating to Nos. 42 and 44 Brighton Road, Southgate, Crawley</b>  To consider report PES/433 of the Head of Economy and Planning.  <b>RECOMMENDATION</b> to APPROVE	Southgate	13 - 16

			<b>Pages</b>
<b>7.</b>	<b>Objections to the Crawley Borough Council Tree Preservation Order Oak Trees Located Between 92 Gales Drive and 139 Three Bridges Road - 02/2023</b>  To consider report PES/432 of the Head of Economy and Planning.  <b>RECOMMENDATION</b> to CONFIRM	Three Bridges	17 - 28
<b>8.</b>	<b>Section 106 Monies - Q4 2022/23</b>  To consider report PES/434 of the Head of Economy and Planning.		29 - 34
<b>9.</b>	<b>Supplemental Agenda</b>  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

**This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services team on 01293 438549 or email: [democratic.services@crawley.gov.uk](mailto:democratic.services@crawley.gov.uk)**

This page is intentionally left blank

## Crawley Borough Council

### Minutes of Planning Committee

Monday, 24 April 2023 at 7.30 pm

#### **Councillors Present:**

R D Burrett (Chair)

Y Khan (Vice-Chair)

Z Ali, J Hart, K L Jaggard, K Khan, S Mullins, M Mwagale and S Sivarajah

#### **Officers Present:**

Valerie Cheesman

Principal Planning Officer

Siraj Choudhury

Head of Governance, People & Performance

Heather Girling

Democratic Services Officer

Jean McPherson

Group Manager (Development Management)

Clem Smith

Head of Economy and Planning

#### **Apologies for Absence:**

Councillor S Raja

#### **1. Disclosures of Interest**

No disclosures of interests were made.

#### **2. Lobbying Declarations**

The following lobbying declarations were made by councillors:

All councillors in attendance had been lobbied but had expressed no view on Application CR/2021/0685/OUT.

#### **3. Minutes**

The minutes of the meeting of the Planning Committee held on 3 April 2023 were approved as a correct record and signed by the Chair.

## **4. Planning Application CR/2021/0685/OUT - Ten Sixty-Six, Balcombe Road, Pound Hill, Crawley**

The Committee considered report [PES/413a](#) of the Head of Economy and Planning which proposed as follows:

Outline Application for demolition of existing residential dwelling and outbuildings and redevelopment of the site to provide a new 64-bed Class C2 Care Home with associated car parking and landscaping.

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

The Principal Planning Officer provided a verbal summation of the application which sought outline planning permission, with access to be approved. The other matters of appearance, landscaping, layout and scale would be considered at the Reserved Matters stage, if the application were to be approved. The illustrative material gave an indication of how the development might be accommodated on the site. The Committee heard that the site was within the defined built-up area and within the wider allocation in the current Local Plan for the new Forge Wood neighbourhood under Policy H2. However, it was outside of the area shown on the approved Forge Wood master plan and as such was classed as residual land. All development must accord with the policies and objectives set out in the Local Plan as a whole.

Tom Edmunds, the Agent (Walsingham Planning), spoke on behalf of the applicant in support of the application. Matters raised included:

- There was a strong need for housing in Crawley, including older people's accommodation. The proposal for a high-quality, purpose-built care home would meet this need, particularly in the area of Forge Wood which was allocated for housing and undergoing significant change.
- The scheme would create jobs during the construction phase and during operation, whilst also contributing business rates to the borough.
- The proposal was an outline application and suitably worded conditions would provide the Council control and reassurance for later reserved details, together with a S106 Agreement for financial contributions which the applicant would be prepared to enter into, should the Council grant consent.

The Committee then considered the application. Following a query from a Committee member, the Principal Planning Officer clarified the visibility splays calculation and access. WSCC had confirmed that the visibility splays were in accordance with standards and that manoeuvring could take place to a satisfactory level. Some Committee members raised concerns that there was no pavement on the west side of the Balcombe Road. It was noted there was a pavement on the eastern side, to which the application proposed connecting onto two crossing points and two short sections of pavement either side of the site access. There may be future options following further Forge Wood developments, including a possible connection from the Steers Lane development to the south. However, views were expressed that pedestrian access to the site was unsuitable as residents, visitors and staff would be required to cross the Balcombe Road.

A question was raised regarding the S106 Agreement. The Principal Planning Officer confirmed that if the application were to be permitted, a S106 Agreement would be required. It was clarified that the refusal reason was in place as a S106 Agreement

# Agenda Item 4

Planning Committee (68)

24 April 2023

had not been completed and to ensure the provision of the appropriate financial contribution in the event there was a potential appeal.

Committee members sought clarification regarding the designation of the current dwelling on the site, and it was established that the building was proposed to be added to the list of Locally Listed Buildings.

Following a query from a Committee member, it was clarified that the proposed scale and details of the scheme, as illustrated by the indicative layout and associated material, was considered to have an unneighbourly relationship with the adjoining dwellings, so the proposal was not deemed policy-compliant in this regard.

Clarity was sought regarding the removal of the majority of the tress/shrubs/hedges, particularly those of Categories B, C and U. It was confirmed that Category U trees were in poor condition and should be removed and it was also noted that there were no Category B trees to be removed currently subject to a Tree Preservation Order. Concerns were raised regarding the layout and proximity of the building and retained trees (the boundary being approximately 6 metres away from bedroom windows shown on the indicative layout plan), which could lead to future pressures for tree felling. It was felt that there would be a negative impact on daylight to the bedrooms as a result of this relationship.

A concern was raised regarding the distance between various rooms as shown within the indicative plan, particularly the bedrooms overlooking the enclosed winter gardens (these bedrooms were situated approximately 9-10 metres away). The Principal Planning Officer confirmed that the Urban Design Supplementary Planning Document recommended a minimum distance of 21 metres, in order to avoid any potential overlooking and privacy issues.

Concerns were further raised regarding the noise environment, and the provision of enclosed winter gardens (to replace the lack of usable outdoor space) was not considered to be appropriate or adequate. Various Committee members expressed views that the mitigation measures and solutions proposed for ventilation and cooling systems, together with the use of closed windows for a residential care home, provided an unsuitable living environment.

The Principal Planning Officer clarified the nature of the windows that were proposed in order to mitigate noise and explained that, based on the documents, the advice from the Environmental Health Team was that whilst the windows could be opened to purge vapour or fumes, they would need to remain closed to be effective and to fully mitigate the noise from the Balcombe Road. Thus, a cooling ventilation system was required. Although this provided a solution it was not considered good acoustic design. Following this, the Committee discussed the refusal reasons regarding the noise environment and mitigation measures. A suggestion was made that this could be further strengthened to expand on the use of closed windows to mitigate noise, and this was accepted by the Committee.

Whilst it was acknowledged that in general, the principle of care home development was acceptable, the Committee could not support this proposal and voted unanimously that the application be refused.

## **RESOLVED**

Refuse, for the reasons set out in report [PES/413a](#), and the amended Refusal Reason 4 as follows:

## Amended Refusal Reason

4. The proposed development as shown in the illustrative material and associated documents would fail to provide an appropriate living environment for residents due to the noise environment and acoustic mitigation measures proposed, including the use of closed windows together with a mechanical ventilation and active cooling system. It is not considered that the development would follow the principles of good acoustic design. The development would therefore be contrary to policies CH3 and ENV11 of the Local Plan and the associated Noise Annex plus the relevant paragraphs of the National Planning Policy Framework.

## **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.29 pm.

**R D Burrett (Chair)**



# Agenda Item 5

**CRAWLEY BOROUGH COUNCIL**  
**PLANNING COMMITTEE - 3 July 2023**  
**REPORT NO: PES/431(a)**

---

**REFERENCE NO: CR/2023/0198/TPO**

**LOCATION:** [MILTON MOUNT LAKE, POUND HILL, CRAWLEY](#)  
**WARD:** Pound Hill North & Forge Wood  
**PROPOSAL:** YEW 9166 - CROWN REDUCTION ALL ROUND OF 1.5 TO 2 METRES  
YEW 9154 - CROWN REDUCTION ALL ROUND OF 1.5 TO 2 METRES

**TARGET DECISION DATE:** 24 May 2023

**CASE OFFICER:** Mr R. Spurrell

**APPLICANTS NAME:** Crawley Borough Council  
**AGENTS NAME:** Crawley Borough Council

---

## **PLANS & DRAWINGS CONSIDERED:**

Drawing Number	Revision	Drawing Title
CBC 0001		Tree Plan

## **REASON FOR REPORTING TO COMMITTEE:-**

Crawley Borough Council is the applicant

## **PUBLICITY / NOTIFICATION:-**

- 1.1 As CBC is the applicant, notification is required by way of a site notice. The consultation expiry period ended on the 10<sup>th</sup> June 2023. No representations have been received.

## **PLANNING HISTORY:-**

- 2.1 No history on record for these trees.
- 2.2 The trees are protected under Tree Preservation Order Reference 16.07.04 – Number A3.

## **PLANNING POLICY:-**

- 3.1 This application must be considered in the context of the following legislation:
- Part VIII of the Town and Country Planning Act 1990 and The Town and Country Planning (Tree Preservation) (England) Regulation 2012.
  - National Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.
  - Green Infrastructure Supplementary Planning Document (2016) produced to accompany the current adopted Local Plan and is a non-statutory document.

## **PLANNING CONSIDERATIONS:-**

- 4.1 The determining issues in this application are the effect of the proposal on the health, character and appearance of the trees and the level of amenity that they provide within the surrounding area.
- 4.2 The yew trees are located on the southern side of the lake footpath adjacent to the rear boundary of 3 and 4 Magdalene Close. They are mature specimens which make a positive contribution to the overall tree cover in the area and have an estimated life expectancy of over 100 years.

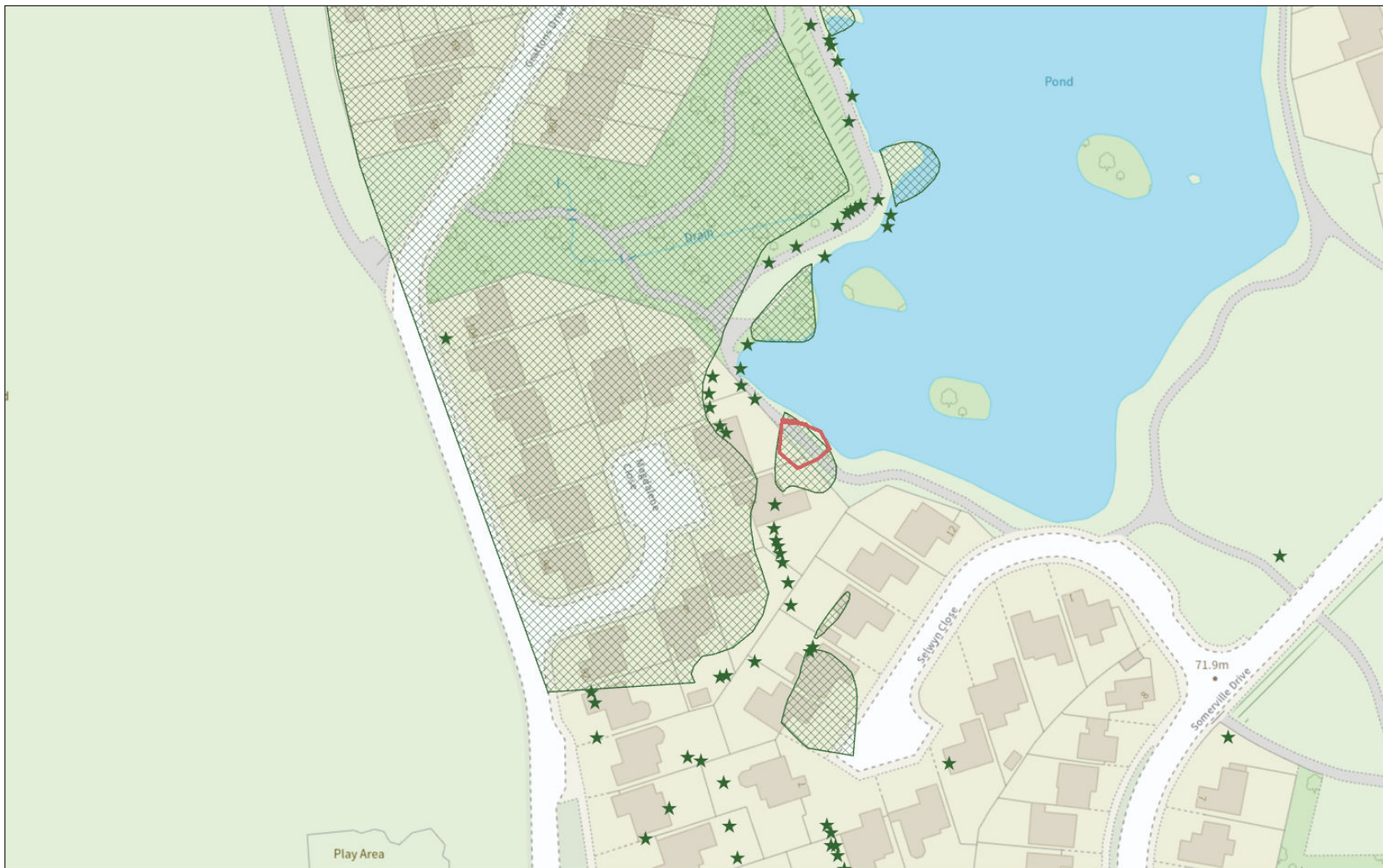
# Agenda Item 5

- 4.3 The trees are located right on the boundary with 3 and 4 Magdalene Close and as such are considered to require some containment pruning in order to manage the trees appropriately and mitigate their impact on the neighbouring properties in particular their encroachment into the rear gardens.
- 4.4 Though relatively slow growing, Yew responds to pruning well and the works will likely have a minimal impact on tree health and amenity and are therefore considered justified.

## **RECOMMENDATION RE: CR/2023/0198/TPO**

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

1. This consent is valid for a period of two years from the date of this notice and shall only be carried out once.  
REASON: To enable the Local Planning Authority to control the works in the interests of good tree management in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
2. All works should be carried out in accordance with BS3998: 2010 'Tree Work Recommendations'.  
REASON: In the interests of visual amenity and to ensure the continuing health of the tree(s) in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.



This page is intentionally left blank

## Crawley Borough Council

### Report to Planning Committee

3<sup>rd</sup> July 2023

## **PROPOSED DEED OF VARIATION TO PLANNING APPLICATION CR/2020/0588/OUT RELATING TO NOS. 42 AND 44 BRIGHTON ROAD, SOUTHGATE, CRAWLEY**

Report of the Head of Economy and Planning –**PES/433**

---

### **1. Purpose**

- 1.1. This report sets out a proposed change to the S106 Agreement previously completed in relation to planning permission CR/2020/0588/OUT by way of a Deed of Variation. The proposed changes relate to the delivery of twenty affordable flats within the approved development, rather than the two affordable flats originally secured. The report also addresses the reasons for the proposed amendments to these provisions. This change is not a minor variation to the original committee resolution on the planning application (which was secured via the S106 Agreement) and for this reason requires the approval of the Planning Committee.

### **2. Recommendation**

- 2.1. It is recommended that the Planning Committee **AGREE** to the making of a proposed Deed of Variation to reflect the changes as set out in para 5.1 of this report.

### **3. Background and Planning History**

- 3.1. The site to which this report relates is Nos. 42-44 Brighton Road in Southgate. It previously contained two houses, but is currently being redeveloped to form a part three/part four storey block of twenty flats. The new building is nearing completion.
- 3.2. In accordance with Policy H4 of the Local Plan, as part of its outline planning application CR/2020/0588/OUT, the applicant produced viability evidence showing that the development could not support the 40% affordable housing normally required. Consequently, Planning Committee permitted the development, subject to a S106 agreement to secure two (10%) affordable flats and financial contributions towards tree planting and open space, at its meeting on 7 December 2020. The 10% affordable provision within the scheme met the minimum requirement for a major development set out in the National Planning Policy Framework.
- 3.3. In chronological order, the following applications on the site are relevant to the current report:

**CR/2019/0214/OUT** - Outline application (access and layout to be determined with appearance, landscaping and scale reserved) for the erection of a part 3 and part 4 storey building comprising of 5 x 1No. bedroom flats and 15 x 2No. bedroom flats,

# Agenda Item 6

following the demolition of existing semi-detached dwellings, the creation of a new vehicular access from Stonefield Close and associated works and landscaping. Refused 19 November 2019 and subsequent appeal dismissed on the grounds of lack of affordable housing provision and failure to meet identified housing needs.

**CR/2020/0588/OUT** – Outline application (access and layout to be determined with appearance, landscaping and scale reserved) for the erection of a part 3 and part 4 storey building comprising of 5 x 1No. bedroom flats and 15 x 2No. bedroom flats, of which 2 No. will be designated as affordable housing, following the demolition of existing semi-detached dwellings, the improvement of an access from Brighton Road, the creation of a new vehicular access from Stonefield Close and associated works and landscaping. Permitted 16 February 2021, subject to a S106 agreement securing two affordable flats within the building.

**CR/2021/0308/ARM** – Approval of Reserved Matters in relation to appearance and scale pursuant to CR/2020/0588/OUT for the erection of a part 3 and part 4 storey building comprising of 5 x 1No. bedroom flats and 15 x 2No. bedroom flats, of which 2 No. will be designated as affordable housing, following the demolition of existing semi-detached dwellings, the improvement of an access from Brighton Road, the creation of a new vehicular access from Stonefield Close and associated works and landscaping. Approved 1 September 2021.

**CR/2020/0588/NM2** – Non-material amendment of approved planning application CR/2020/0588/OUT to vary the description of the development to remove the reference to 2 of the dwellings being designated as affordable housing. Permitted 1 June 2023.

- 3.4 There have been a number of other applications over the last couple of years, not directly relevant here, to discharge planning conditions and seeking non-material amendments. The current position is that all required planning conditions have been discharged.

## 4. Proposed Changes

- 4.1 Crawley Borough Council is now in the process of purchasing the building for use wholly as affordable housing. The recent non-material amendment application (CR/2020/0588/NM2) has facilitated a change in the original description of development to allow for an increase in the number of affordable units. The applicant, Turnbull Land Ltd, has requested that the Deed of Variation be pursued to facilitate an increase in the affordable housing provision on the site and to address related Community Infrastructure Levy (CIL) issues.
- 4.2 This proposal represents a substantial increase in affordable housing provision, with twenty affordable flats, rather than two, being delivered. This will help to meet local affordable housing need in Crawley and exceeds the requirement to provide 40% affordable provision as set out in Policy H4. In planning terms, this increase in affordable housing provision should be supported given the considerable local housing need.
- 4.3 The sale of the development to Crawley Borough Council is dependent on the scheme not being liable for a Community Infrastructure Levy payment. CIL is not payable in relation to affordable housing. The Council has received legal advice confirming that the proposed variation to the S106 agreement would be required in order to claim CIL exemption.

# Agenda Item 6

- 4.4. This report seeks to agree a Deed of Variation to secure the delivery of twenty affordable flats within the building, rather than the two units previously secured. Officers consider that this represents a significant improvement in affordable housing terms upon the originally approved development, would facilitate the sale to the Borough Council and therefore recommend that Planning Committee approve the Deed of Variation.

## **5. Amendments to be addressed by the Deed of Variation**

- 5.1 Planning Committee is asked to agree the amendment to the scheme, to be addressed through a Deed of Variation to the original S106 Agreement:

- Securing twenty (100%) affordable flats to be provided within the development, rather than the two (10%) affordable units previously secured;

The previously agreed financial contributions towards tree planting and open space would be unaffected by the proposed change.

## **6 Background Documents**

- Application CR/2020/0588/OUT

[Planning Register - Crawley Borough Council](#)

# Agenda Item 6



## ArcGIS Web Map



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

1:1,000





# Agenda Item 7

## Crawley Borough Council

### Report to Planning Committee

3<sup>rd</sup> July 2023

### Objections to the Crawley Borough Council Tree Preservation Order Oak Trees Located Between 92 Gales Drive and 139 Three Bridges Road - 02/2023

Report of the Head of Economy and Planning –*PES/432*

---

#### 1. Purpose

- 1.1 This report presents the Oak Trees Located Between 92 Gales Drive And 139 Three Bridges Road - 02/2023. The Committee is requested to consider the objections 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 Oak Trees Located Between 92 Gales Drive and 139 Three Bridges Road - 02/2023 without modification.

#### 3. Reasons for the Recommendation

- 3.1 The trees are considered to have good landscape amenity value in the surrounding area. The trees are prominent in the locality and have significant amenity value. The trees are clearly visible from the public highway.

#### 4. Background

- 4.1 The trees the subject of this order are two Oak trees located in the rear garden of 139 Three Bridges Road, on the boundary with the rear garden of 92 Gales Drive. The trees are large and visually prominent and form part of an important line of trees which create a backdrop to and screen between Three Bridges Road and Gales Drive.
- 4.2 A TPO status enquiry was received by telephone from someone claiming to be a Tree Surgeon as they wished to cut the larger oak tree down and having checked the Local Planning Authority records the trees were found not to be protected. Upon visiting the site, one of the trees was found to have been severely and poorly pruned although it was still considered to have good amenity value and is considered likely to recover well with time. The imposition of a TPO will allow this tree the chance to recover and regain its amenity and prevent further excessive works which would further impact the trees health and amenity will offer ongoing protection to both trees in order to safeguard their futures.
- 4.3 The provisional Tree Preservation Order was made on 6th February 2023 and remains provisionally in force for a period of six months until 6<sup>th</sup> August 2023. If the Order is confirmed, the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

# Agenda Item 7

## 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:

- The owner / occupier, 92 Gales Drive, Three Bridges, Crawley, West Sussex, RH10 1QE
- The owner / occupier, 139 Three Bridges Road, Three Bridges, Crawley, West Sussex, RH10 1JT

Owners and occupiers of adjoining land affected by the TPO:

- The owner / occupier, 141 Three Bridges Road, Three Bridges, Crawley, West Sussex, RH10 1JT  
The owner / occupier, 137 Three Bridges Road, Three Bridges, Crawley, West Sussex, RH10 1JT

- 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 13th March 2023. Confirmation of the order is required within six months of the date upon which the Order was provisionally made.
- 5.3 Two representations have been received from the owners of 139 Three Bridges Road and 92 Gales Drive commenting / objecting to the TPO. A copy of these letters are provided within this report at **Appendix A**. There have been subsequent exchanges in emails and a site visit with the occupants of 139 Three Bridges Road. The Group Manager's comprehensive response to the occupant the subsequent TPO matters raised is attached to the committee report as **Appendix B** for further information.
- 5.4 A summary of the comments made to the initial TPO notification are set out below.

### Validity

- Concerns raised about the way in which the Order was made and how the trees came to the attention of the Local Planning Authority.

### Amenity

- Both these trees are located in an enclosed garden, with properties at all boundaries. There is no access to these trees unless through my garden. From the road the trees are visible but do not understand how they are more or less significant than all the other trees visible from this position, considering only the tops of the trees are visible from this point.
- Opposite my house there remains the remnants of Tilgate Forest and further down my road there are a number of significant trees so I don't see how these trees add significant value over and above the current background especially considering this is not a conservation area.

### Safety

- Recent trim of trees following health and safety concern. Our family have not been able to enjoy our personal garden because of the large tree to the centre of it, there is considerable concern over the risks posed by falling branches and acorns.

# Agenda Item 7

- Placing a group TPO significantly impacts our decision to live here as a family – the dangers posed by the large tree are not insignificant and I am worried for the health and wellbeing of my family.
- Concern for the spindlier tree which has been neglected which leans and has dead branches. Would like to have longer branches removed to reduce danger to property and allow more light to garden.

## Other

- We have no intention of felling either tree however maintain that this decision should be within our control as it was when we purchased the property almost 2 years ago and has been since prior to 1960s when the property was built. Want to enjoy living in property without restriction.
- The TPO should not be granted however prepared to concede that oak tree to right of property (139 Three Bridges Road) does provide beauty and does not pose a risk.

## **6. Amenity Value/Assessment**

- 6.1 There has been concerns raised about the way in which the Order was made and how the trees came to the attention of the Local Planning Authority (LPA). The trees had come to the attention of the LPA and were considered as being under threat of removal. It is not normal practice to advise the landowner prior to a TPO being served as there is a risk the trees could be removed before the Order is made. In this case the Order was served without any prior warning to the tree owners/ occupiers and this is usual practice given the nature of the process.
- 6.2 In respect of amenity, during the site visit it was found that one oak tree had suffered an excessive level of pruning, leaving large diameter pruning wounds and without pruning to suitable growth points or indeed any growth points at all. While the long term health of the tree likely has not been impacted the short to medium term health likely has and the visual amenity of the tree has been harmed in the short to medium term also. It was considered that these works would not have been allowed had the tree already been protected and given the significance of both the trees to the visual character of the area, a TPO was considered expedient. The trees are considered to make an important contribution to the visual amenity of the area.
- 6.4 Public access to a tree is not required in order for a tree to have visual amenity or to contribute to the visual environment. The trees make a strong contribution to the character of the area in their own right as well as the wider group with which they have cohesive strength. The subject trees form part of the screen of trees which were clearly retained and incorporated into the new town development at the time. The level of contribution made by a tree/group of trees goes beyond simply the overall tree cover or gross number of trees in a particular neighbourhood.
- 6.6 In relation to safety, the imposition of a TPO does not preclude necessary or justified works from being undertaken. Works that are justified and proportional and/or required for safety are likely to receive planning consent, however the imposition of a TPO protects the tree against excessive or unnecessary works which would have a negative impact on health and amenity. The works that had already been carried out to the larger Oak are exactly what a TPO seeks to protect against. Any individual whether they are the tree owner or not can apply for works to protected trees if for example there is a need to improve light to gardens or there is concern about damage. All applications are assessed by a site visit and works considered on their merits taking into account the health and amenity of the tree.
- 6.7 When a tree is considered to be under good arboricultural management and is not considered to be under threat from unjustified or excessive works it is unlikely to be considered for protection, however the larger tree was found to have been subject to a disproportionate level of pruning which was not arboriculturally sound nor conforming to industry best practice and was not

# Agenda Item 7

therefore considered to be under good management. It was therefore considered expedient to protect the tree along with the second tree in order to safeguard their amenity going forward.

## 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.

- 7.2 Article 8 and Article 1 of the First Protocol – 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 Trees Located Between 92 Gales Drive And 139 Three Bridges Road - 02/2023

Contact Officer: Russell Spurrell

Direct Line: 01293 438033

Email: [russell.spurrell@crawley.gov.uk](mailto: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
NONE		

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

Reference on Map	Description	Situation
G1	English Oak (2)	Grid Ref: TQ-28177-36835

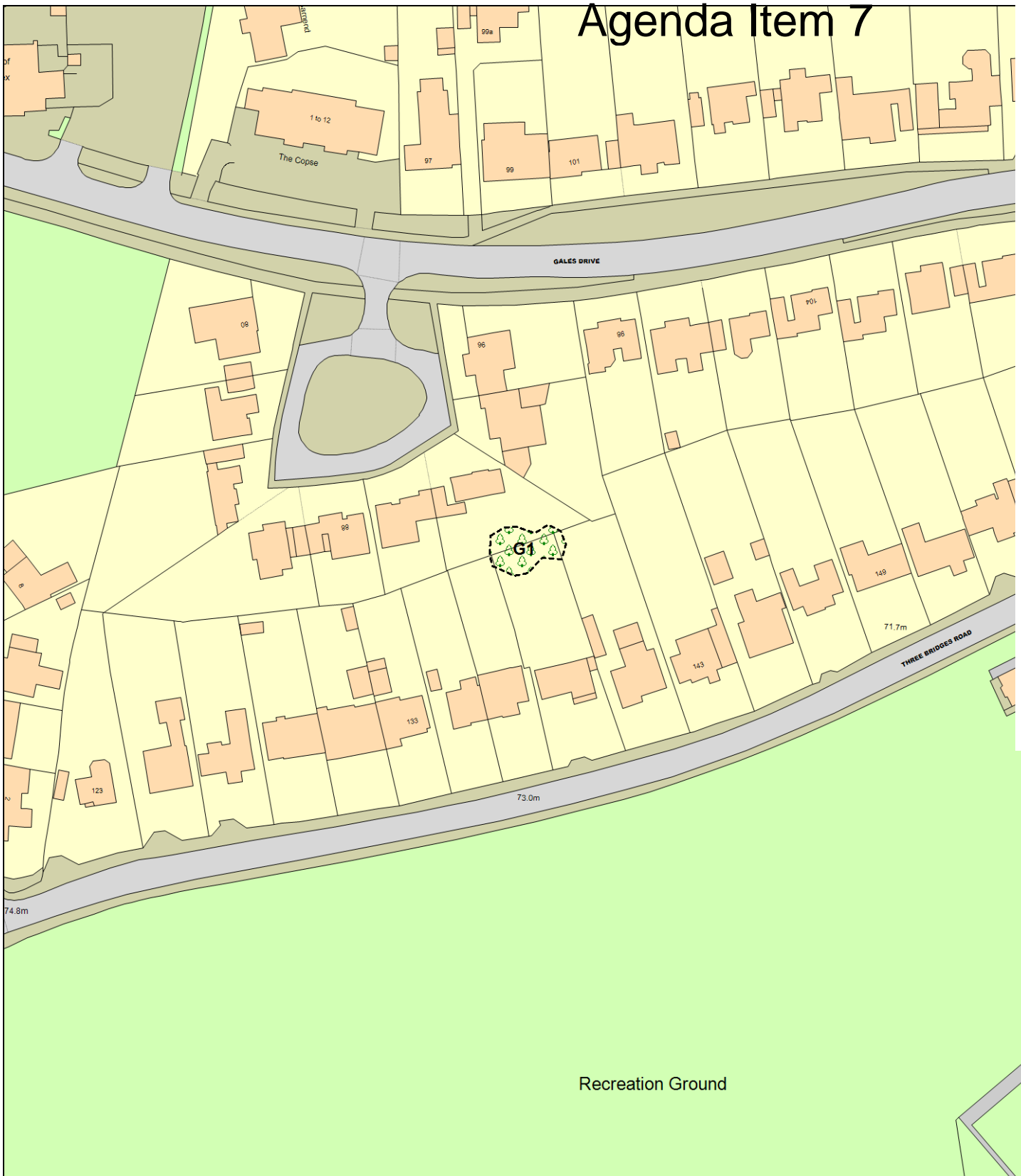
#### Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

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

Reference on Map	Description	Situation
NONE		

# Agenda Item 7



**Tree Preservation Order No 02/2023**  
**Oak Trees Located Between 92 Gales Drive and 139**  
**Three Bridges Road**

**Clem Smith**  
**Head of Economy and Planning Services**



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

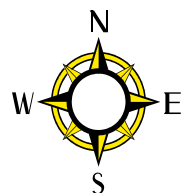
© Crown copyright and database rights 2014 Ordnance Survey 0100023717

Scale

1:1250

Date

12/06/2023



[REDACTED]

From [REDACTED]  
Sent: 09 February 2023 15:26  
To: Trees, Protected [REDACTED]  
Subject: TPO request 139 Three Bridges Road

Dear Russell

Thank you for your time earlier today.

As discussed we have chosen to personally reply to this notification.

We would like to dispute the TPO order - and as discussed the grounds for the initial viewing were highly suspicious.

Due to the nature of the tree - we asked for dead branches to be removed and the overhanging branches to be cut back. We hired a reputable tree surgeon [REDACTED]

[REDACTED]

There are 2 oak trees in question. Neither have TPOs in place which was checked with the council prior to purchasing this property and at the time no plans in place for TPOs to be issued. With this in mind this property was purchased. There should already be an email chain as proof of this.

In regards to natural beauty - both these trees are located in an enclosed garden, with properties at all boundaries. There is no access to these trees unless through my rear garden (which is not large). From the road - which is a busy main road, the trees are visible - however I do not understand how they are more/less significant than all the other trees visible from this position, considering only the tops of the trees are visible from this point. Opposite my house there remains the remnant of tilgate forest and further down my road there are a number of significant trees. So I do not see how these trees in question add significant value over and above the current background especially considering this is not a conservation area.

Having said that - I do appreciate these trees and as much as possible have looked to maintain them in keeping with the character of our garden. The reason for the recent trim was following a health and safety concern for our children. Our family have not been able to enjoy our personal garden, because of the large tree to the centre of it, there is considerable concern over the risks posed by falling branches and acorns. It is for this reason we would like to maintain control over these trees and do not see how our actions are posing significant concern to the wellbeing of the trees that warrant a TPO.

Our wishes are that our family can enjoy our garden that we have worked hard for, free from concern of serious injury and for that reason we would like to maintain control over our property. Like I imagine most people do after they invest a significant amount in where they live.

[REDACTED] feel that it is unreasonable not to consider the basis of this initial request, prior to considering the request itself. [REDACTED]

We have no intentions of felling either tree however maintain that this decision should be within our control as it was when we purchased the property almost 2 years ago and it has been since prior to 1960s when the property was built.

Placing a group TPO significantly impacts our decision to live here as a family - the dangers posed by the large tree in the middle are not insignificant and I am worried for the health and wellbeing of my family. If this is not considered, I have placed formally in writing such that the council are aware of our concerns for any future matter arising from this.

Considering there are 2 trees that are being considered - although my wishes are that no TPO is granted. I am willing to concede that the oak tree on the border of my property on right as looking at it provides beauty as described AND does not pose a risk so could at least consider this as an amenable solution.

However I would see this very much as a co-operative solution. If both trees are granted TPOs, considering the safety of my family I would have no option but to consider relocating and explore further legal options.

I hope you will consider our views surrounding our house with reason and understand the need to balance a right for a family to enjoy their own property without restriction. As said considering the nature of this request - my first position is that no TPO is granted at all and the request is rejected.



On a separate note - I do think there should be some levels of protection in place such that programmes like this cannot be exploited as a means to cause stress and undue suffering on others.





McPherson, Jean

**Sent:** 13 March 2023 12:20  
**To:** Trees, Protected  
**Subject:** TPO No.02/23

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing with respect of the above TPO affecting the two oak trees on our boundary at 92 Gales Drive, Three Bridges – and wish to make the following points:-

1. During our 30 years living in the property we have only had these trees slightly pruned once.
2. The occupants of 139 Three Bridges Road on the other hand have had their side of the trees lopped twice in the 12 months they have lived there – the most recent being about a month ago when they had large boughs taken of the much larger tree overhanging their garden.
3. Our concern is for the much weaker spindlier tree on the left side facing our border. This has been neglected over the years to the extent that it has long strappy branches at the top – which are very precarious in high winds since they have little support. It is consequently much higher than its more robust neighbour and in addition is leaning about 30 degrees over the boundary towards our property. Many of the branches are dead- and in strong gusts are often blown onto our garden.
4. We raised concerns about the safety of this tree when the Planning Department were dealing with the extension to 139 Three Bridges Road – REF CR/2021/059/FUL. We also noticed that the planning officer himself questioned the closeness of these trees to the proposed extension – even though they are closer to our house than the newly constructed extension to 139 Three Bridges Rd. We received no feedback on our objection and the planning work was approved.
5. All we are looking to do at the moment is to have a professional tree surgeon take off some of the long strappy branches at the very top of the thinner tree so that it no longer poses a danger to our property over which they are completely hanging. This should strengthen the tree and make it the same time allows us some early morning light sunshine.
6. We would welcome someone from the council visiting us to see our problem.

I look forward to hearing from you.



## Response for 139 Three Bridges Road

I write with reference to your complaint report submitted on the 23<sup>rd</sup> February 2023 and apologise for the delay in responding to your enquiry. In this response I have also addressed the points raised in your emails dated 15<sup>th</sup> February, 16<sup>th</sup> February, 23<sup>rd</sup> February and 10<sup>th</sup> March sent to Russell Spurrell which I understand he briefly acknowledged receipt of and referred onto me. I am Russell Spurrell's line manager.

By way of background, a Tree Preservation Order (TPO) is made by a Local Planning Authority (LPA) to protect specific trees, groups of trees or woodlands in the interests of amenity. The effect of a TPO prevents works (other than the deadwooding of a tree) without the LPA's written consent. Consent to carry out works is via application to the LPA and if not granted there is a right of appeal to the Planning Inspectorate.

Looking at the case file, the chronology of events suggests that the trees were brought to the attention of the LPA by a caller enquiring whether the trees was protected by a TPO. The typical Council procedure is such that tree surgeons and householders need to contact the LPA and complete a form in order to receive a check the status of a tree in the Borough (the TPO's are not displayed publicly). Tree surgeons in particular, will do this to check a trees status as they are well aware of risks of prosecution if they carry out works to a protected tree without the necessary consent. This process also allows the LPA to review the tree and consider based on the evidence provided with the request if the tree should be protected by a TPO (if it is not found to be already protected by an Order). This may seem a little underhand but is common practice, in accordance with the Town and Country Planning Act 1990, for a LPA to place a TPO order without first consulting the landowner and / or those with a relevant land interest. This is due to the need to ensure the tree in question is protected, because there is always a risk that the landowner or a party with a land interest or other third party decides to fell the tree before the TPO is able to be made.

The TPO procedures provide that any party can request that the LPA considers placing a TPO order on a tree. Trees can come to the attention of the LPA through the enquiry process described above or through a phonecall, staff member or Councillor and the LPA have a duty of care to respond to such requests. The decision to make a TPO to protect trees is based on their amenity value in the wider public interest, the potential threat to the trees from felling or excessive works so in this case the circumstances in which this tree came to the attention of the LPA were therefore not unusual. In such cases, the decision is taken to promptly protect the trees, the priority is to serve the Order to enable its immediate protection of the tree/s. At the service stage the LPA does not need to thoroughly check all the facts as, once made, the TPO legal process allows for consultation with affected parties and for transparency of process prior to any final decision being taken on whether or not to confirm the TPO.

The LPA is not able to divulge the name of the person who contacted it about your trees

The TPO process which is set in law requires those with land interests affected by the Order must be served a copy of the TPO by the Planning Authority once the TPO order has been put in place. Russell duly served the notice on all interested parties in accordance with the TPO regulations and all have the right to respond with their comment on the order within 28 days. Through your emails to Russell you have made your representations about the service of the TPO. This now means that the decision on whether or not to confirm the TPO

will be taken by the Planning Committee. A report will be prepared for a future meeting and your representations will be reported and you will have an opportunity to address the committee if you wish and will be notified of the Committee meeting date once the report has been prepared.

With regard to some other specific points you raise:

I can see from the email trail below that Russell has visited you about this matter.

I note that you do not plan to cut the trees down however, a TPO is made not just to protect the felling of a tree but also to control the level of surgery that can take place to it. This is because excessive surgery not only damages the visual appearance of a tree but can also harm its long term health. In this case, one tree has had surgery but 2 trees have been protected. This is quite normal as other trees near or adjacent to the subject tree are often included for good measure or if they form part of a group. The level of surgery carried out on the oak tree is considered to be excessive in arboricultural terms and with the TPO in place, the LPA can control the future works to the trees to protect them from excessive works in the future.

If you wish to have the trees trimmed you can make an application free of charge for surgery to the trees. I note that you are concerned about the health and safety of the trees in relation to you children. These concerns will be considered alongside any level of works if it can be demonstrated by yourself or a tree surgeon that the trees are dangerous, that remedial works are necessary and the level of works proposed can be justified. This process has a right of appeal if the LPA refuse application.

You ask how many trees have orders in Three Bridges Road, there are a number but exactly how many would need to be worked out through an audit of the Orders. Such information is obtainable via a Freedom of Information request.

In terms of amenity value, the trees are visible from Three Bridges Road and Gales Dive and are therefore considered to have considerable public amenity. Amenity is not defined in law but one test is that the loss of such trees would have a significant negative impact on the local environment, in this case it is considered that the loss of these trees due to their visibility, size and form would have negative impact on the surrounding area.

You mention that you may wish to seek professional advice, this is a matter for you. I trust this response has set out clearly the planning position for you, however if you want some further information on the processes and legislation the following websites may be of interest.

[Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Works to Trees - Consent types - Planning Portal](#)

[Tree Preservation Orders - Woodland Trust](#)

# Agenda Item 8

## Crawley Borough Council

### Report to Planning Committee 3 July 2023

#### Section 106 Monies – Q4 2022/23

Report of the Head of Economy and Planning, **PES/434**

---

#### 1. Purpose

- 1.1. Section 106 of the Town and Country Planning Act 1990 provides that planning permissions may be granted subject to planning obligations, agreed for individual site permissions between the developer and the local planning authority, which are set out in a separate legal agreement, often referred to as a 'Section 106 Agreement'. Financial contributions arising from such Agreements are paid by site developers to the local planning authority and must be spent as set out in the relevant Section 106 (S106) agreement and in accordance with legislation. (See Appendix A).
- 1.2. This report summarises all the S106 monies received/ spent and committed to project schemes in Q4 2022/23.

#### 2. Recommendations

That the Committee:

- 2.1. Notes the update on S106 monies received, spent, and committed in Q4 2022/23.

#### 3. Reason for Recommendations

- 3.1. The Council's Policy Statement of S106 Monies, collected through planning agreements, requests an update to be reported, quarterly, to the Planning Committee.

#### 4. S106 Monies Received in Q4 2022/23.

- 4.1. In Q4 2022/23 a total of £248,301.54 of monies were paid to the Council by developers in accordance with their obligations under the S106 agreements with the local planning authority. These monies came from S106 agreements for the following permitted planning applications:

S106 Spend Category	Ref	Address	Value
Affordable Housing	CR/2020/0113/FUL	10 - 11 QUEENS SQUARE, NORTHGATE	£ 32,015.28
Open Space	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 6,987.22
Open Space	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 3,963.34
Open Space	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 2,642.22
Public Realm (MR)	CR/2018/0172/FUL	GATWICK SCHOOL, 23 GATWICK ROAD, NG	£ 1,978.00
Public Realm (MR)	CR/2012/0134/OUT	FORMER GSK SITE, MANOR ROYAL	£ 44,327.27
Public Realm (MR)	CR/2016/0580/FUL	IBIS GATWICK HOTEL, LONDON ROAD, NG	£ 4,272.03
Transport	CR/2018/0172/FUL	GATWICK SCHOOL, 23 GATWICK ROAD, NG	£ 84,000.00
Transport	CR/2012/0134/OUT	FORMER GSK SITE, MANOR ROYAL	£ 39,143.70
Tree Contribution	CR/2020/0113/FUL	10 - 11 QUEENS SQUARE, NORTHGATE	£ 1,845.59
Tree Contribution	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 27,126.89

**£ 248,301.54**

## 5. S106 Monies Spent in Q4 2022/23.

5.1. In Q4 2022/23, a total of -£60,074.81 of S106 monies were spent by the Council on the following infrastructure projects.

5.2. £85,036 were returned to the Station Gateway project as alternative funding has been used, this has been returned to the S106 committed to Station Gateway to be used on a later phase of the project.

S106 Spend Category	Project Name	Lead Org	Project Cost	Status
Affordable Housing	Longley House - Water Neutrality	CBC	-£ 41,000.00	Ongoing
Affordable Housing	Longley House - Water Neutrality	CBC	-£ 1,351.00	Ongoing
Affordable Housing	Longley House - Water Neutrality	CBC	-£ 14,420.00	Ongoing
Open Space	Southgate Playing Fields	CBC	-£ 827.25	Ongoing
Open Space	Curteys Walk	CBC	-£ 705.00	Ongoing
Open Space	Wakehams	CBC	-£ 1,410.00	Ongoing
Transport	Town Centre Cycle Improvements (Western Boulevard)	CBC	-£ 361.56	Ongoing
<b>Total Spend in Q4 2022/23</b>			<b>-£ 60,074.81</b>	
Town Centre	Station Gateway (Alternative funding used)	CBC	£ 85,036.00	Ongoing
			<b>£ 24,961.19</b>	

## 6. S106 Monies Committed in Q4 2022/23.

6.1. A further £40,000.00 of S106 monies were committed to infrastructure projects in Q4 2022/23, through the Council's agreed approval process. The following table provides a breakdown of the individual projects to which the S106 funds were committed.

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete	Status
Town Centre	CBC	Art within the Town Centre	£ 40,000.00	2024/25	On Going
			<b>£ 40,000.00</b>		

6.2. The following table lists the projects which had S106 funds committed prior to 1 January 2023 and are still ongoing:

<b>S106 Spend Category</b>	<b>Lead Org</b>	<b>Project Name</b>	<b>Project Cost</b>	<b>Due to Complete</b>
Affordable Housing	CBC	Longley House	£1,209,213.52	2025/26
Open Space	CBC	Bowness Close	£ 19,818.00	2023/24
Open Space	CBC	Brideake Close	£ 18,812.00	2023/24
Open Space	CBC	Curteys Walk	£ 15,905.00	2023/24
Open Space	CBC	Halley Close	£ 16,610.00	2023/24
Open Space	CBC	Ifield Junior	£ 6,010.70	2024/25
Open Space	CBC	Meadowlands	£ 71,565.00	2023/24
Open Space	CBC	Newbury Close	£ 200.00	2024/25
Open Space	CBC	Perkstead Court	£ 22,115.00	2023/24
Open Space	CBC	Plantain Crescent	£ 16,610.00	2023/24
Open Space	CBC	Puffin Close, Ifield	£ 19,818.00	2023/24
Open Space	CBC	Southgate Playing Fields	£ 44,193.61	2022/23
Open Space	CBC	Stoney Croft	£ 126.15	2024/25
Open Space	CBC	Wakehams	£ 53,590.00	2023/24
Public Realm (MR)	CBC	CGP MR Superhubs	£ 146,945.21	2023/24
Town Centre	CBC	CGP Station Gateway	£ 97,855.60	2025/26
Town Centre	CBC	Mosaic Memorial Gardens	£ 11,483.69	2022/23
Transport	CBC	Bus Shelters	£ 104,675.73	2024/25
Transport	CBC	CGP MR Superhubs	£ 116,617.87	2023/24
Transport	CBC	CGP TC Superhubs	£ 64,793.34	2024/25
Transport	CBC	CGP Three Bridges Railway Station	£ 11,847.78	2024/25
Transport	CBC	Manor Royal Walking & Cycling	£ 174,117.25	2025/26

**£ 2,242,923.45**

## 7. Available Funds and potential future spend

7.1. Officers at the Council have identified a programme of infrastructure projects to the value of £893,575.59, which are proposed to be delivered by 2026/27. The individual projects that make up this programme will be subject to the existing S106 approval process before any formal commitment is made. As of 1 April 2023, there remains £385,827.45 of other uncommitted S106 monies for which projects have yet to be identified. The table below lists the proposed infrastructure projects, which will be coming forward in due course for consideration through the S106 approval process.

Contribution Type	Project Name	Provisionally Allocated	Delivery by	Organisation	Status
CCTV	TC CCTV maintenance	£ 28,325.00	2025/26	CBC	Process to Commence
CCTV	Mobile CCTV	£ 4,966.00	2025/26	CBC	Process to Commence
Fire	Breathing Equipment	£ 50,000.00	TBC	WSCC	Process to Commence
Fire	Crawley Fire Station	£ 102,246.81	2026/27	WSCC	Process to Commence
Library	Business and information services at Crawley Library	£ 26,455.33	TBC	CBC	Process to Commence
Open Space	Allotments	£ 26,072.25	TBC	CBC	Process to Commence
Open Space	Play Strategy	£ 81,824.92	2023/25	CBC	Process to Commence
Open Space	Amenity green space within Three Bridges	£ 2,119.83	2023/25	CBC	Process to Commence
Open Space	Playing Fields, locations under review	£ 51,500.00	2023/25	CBC	Process to Commence
Public Realm (MR)	Creation of the nearby County Oak/ Metcalf Way Pocket Park	£ 5,672.03	TBC	MRBID	Process to Commence
Public Realm (MR)	Public realm improvements at Crawter's Brook	£ 22,846.00	TBC	MRBID	Process to Commence
Public Realm (MR)	Gateway 2 Project or street furniture in zone 3 of Manor Royal	£ 9,960.30	TBC	MRBID	Process to Commence
Public Realm (MR)	Crawley Growth Programme	£ 44,327.27	2025/26	CBC	Process to Commence
Town Centre	Town Centre Crawley Growth Programme	£ 12,232.50	2025/26	CBC/WSCC	Process to Commence
Transport	Transport Crawley Growth Programme	£ 220,066.62	2025/26	CBC	Process to Commence
Transport	Bus Stop Contribution, Steers Lane	£ 20,845.92	2023/24	CBC	Process to Commence
Transport	Car Club	£ 2,343.00	2024/25	CBC	Process to Commence
Transport	Travel Plan	£ 6,843.15	2024/25	WSCC	Process to Commence
Transport	A23 Crawley Avenue/ Ifield Avenue Roundabout improvement	£ 90,928.66	2026/27	WSCC	Process to Commence
Transport	Towards the provision of services on the route 200	£ 84,000.00	2026/27	CBC	Process to Commence

£ 893,575.59



## 8. Summary of S106 Monies

- 8.1. The table below provides an overall overview of the S106 monies spent, received, and committed in Q4 2022/23 and shows the change in the balance of S106 at the end of Q4 of the financial year 2022/23 (far right-hand column) compared to the balance of S106 funds brought forward as of 1 January 2023(2<sup>nd</sup> column from the left).

### On Going Projects.

S106 Categories of Spend	Balance Brought Forward 01.01.23	Received Q4 2022/23	S106 Spend Q4 2022/23	Committed prior to Q4 2022/23 Project Ongoing	Committed Q4 2022/23	Provisionally Allocated Q4 2022/23	Uncommitted/ not Provisional Allocation 31/03/23	Total Balance 01.04.23
Transport	£780,652.04	£123,143.70	-£361.56	£472,051.97	£0.00	£425,027.35	£6,354.86	£903,434.18
Public Realm (MR)	£182,001.57	£50,577.30	£0.00	£146,945.21	£0.00	£82,805.60	£2,828.06	£232,578.87
Library	£43,970.28	£0.00	£0.00	£0.00	£0.00	£26,455.33	£17,514.95	£43,970.28
Open Space	£469,832.90	£13,592.78	-£2,942.25	£305,373.46	£0.00	£161,517.00	£13,592.97	£480,483.43
Town Centre	£76,535.79	£0.00	£85,036.00	£109,339.29	£40,000.00	£12,232.50	£0.00	£161,571.79
Fire	£152,246.81	£0.00	£0.00	£0.00	£0.00	£152,246.81	£0.00	£152,246.81
Education	£182,798.46	£0.00	£0.00	£0.00	£0.00	£0.00	£182,798.46	£182,798.46
CCTV	£33,291.00	£0.00	£0.00	£0.00	£0.00	£33,291.00	£0.00	£33,291.00
Affordable Housing	£1,265,984.52	£32,015.28	-£56,771.00	£1,209,213.52	£0.00	£0.00	£32,015.28	£1,241,228.80
Tree Contribution	£101,750.39	£28,972.48	£0.00	£0.00	£0.00	£0.00	£130,722.87	£130,722.87
<b>Total</b>	<b>£3,289,063.76</b>	<b>£248,301.54</b>	<b>£24,961.19</b>	<b>£2,242,923.45</b>	<b>£40,000.00</b>	<b>£893,575.59</b>	<b>£385,827.45</b>	<b>£3,562,326.49</b>

## 9. Background Information

The last report to planning committee [PES/428](#)

Contact Officer: Mandy Smith, Regeneration Programme Officer.  
Tel: 01293438285. Email: [mandy.smith@crawley.gov.uk](mailto:mandy.smith@crawley.gov.uk)

## Appendix A

**Planning Obligations** (excerpt from: [Developer Contributions Guidance Note.pdf \(crawley.gov.uk\)](https://www.crawley.gov.uk/media/12345/Developer_Contributions_Guidance_Note.pdf))

- Planning obligations are used specifically when the planning permission is deemed to have significant impact on the local area which cannot be mitigated by conditions. The statutory framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12 (1) of the Planning and Compensation Act 1991). They are therefore widely referred to as 'Section 106' or 'S106' agreements.
- Planning obligations usually take the form of a legal agreement between the developer/landowner and the local planning authority, under which the former party is bound to undertake specific actions (including the payment of stated monetary sums) for the purpose of contributing to meeting the infrastructure demands arising from a development. They can also take the form of a 'Unilateral Undertaking' entered into by the landowner on their own initiative.
- The National Planning Policy Framework (NPPF) provides guidance to local planning authorities on the use of planning obligations in paragraphs 54 to 57. These state that local planning authorities can only use obligations where a condition cannot adequately address any impacts which are deemed unacceptable. Obligations must also meet the following criteria:
  - Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- The NPPF further sets out that where policies have set out the contributions expected from development, planning applications that comply with them should assumed to be viable.