

Crawley Borough Council

Minutes of Planning Committee

Monday, 20 July 2020 at 7.30 pm

Councillors Present:

J Purdy (Chair)

R Sharma (Vice-Chair)

L M Ascough, A Belben, I T Irvine, K L Jaggard, M Mwangale, M W Pickett, T Rana and P C Smith

Officers Present:

Mez Matthews Democratic Services Officer

Jean McPherson Group Manager (Development Management)

Marc Robinson Principal Planning Officer

Paula Slinn Legal Advisor

Jess Tamplin Democratic Services Support Officer

1. Disclosure of Interests

The following disclosure of interest was made:

Councillor	Item and Minute	Type and Nature of Interest
Councillor A Belben	6 – Planning Application CR/2020/0210/TPO – St Nicholas Church, Church Road, Pound Hill, Crawley (Minute 5)	Personal Interest – member of the Worth Conservation Area Advisory Committee

2. Lobbying Declarations

The following lobbying declarations were made by Councillors:

Councillors Ascough, A Belben, Irvine, Jaggard, Mwangale, Purdy, Rana, Sharma and P Smith had been lobbied regarding application CR/2019/0322/FUL - The Gables Nursing Home, Ifield Green, Ifield, Crawley.

3. Minutes

The minutes of the meeting of the Planning Committee held on 29 June 2020 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2019/0322/FUL - The Gables Nursing Home, Ifield Green, Ifield, Crawley

The Committee considered report [PES/353\(a\)](#) of the Head of Economy and Planning which proposed:

Demolition of existing buildings and structures and comprehensive redevelopment to provide a new care home with associated landscaping and access works (amended plans, noise assessment and flood risk assessment received).

Councillors Jaggard and Purdy declared they had visited the site. Although he had not visited the site recently, Councillor P Smith stated that he knew the site well.

The Principal Planning Officer provided a verbal summation of the application and informed the Committee that the hedge referred to in paragraph 5.12 of report PES/353(a), was not evergreen and that, although it retained its greenery throughout the spring, summer and autumn months, the level of screening it provided was reduced during the winter. The Committee noted that the application as a whole had been recommended for permission on the basis that the hedge would not always be there.

In line with the Council's Virtual Committee Procedure Rules, two statements submitted by members of the public were read to the Committee.

The first statement (submitted by objectors Mr and Mrs Salsano) highlighted matters including:

- The potential for major flooding as the application site was in a flood plain.
- A loss of privacy due to windows of the proposed development overlooking their property.
- The assertion that the proposed viewing balcony would provide an unrestricted view of their daily life as it overlooked the lounge, kitchen and sunroom of their property.
- The hedge did not provide adequate all year round screening.
- Inadequate provision for parking allocated within the proposal.
- Concerns regarding noise levels generated by the redevelopment.

The second statement (submitted by Avison Young as the Agents acting on behalf of the Applicant - Country Court Care) highlighted matters including:

- In addition to seeking pre-application advice in relation to the proposal, the application had been further refined post-submission to address the issues raised.
- The proposal would provide modern accommodation, bringing the application site back into its former use as a care home.
- The proposal addressed the increased need to plan for growth in the elderly population, including those with specific care needs.
- The design of the proposed development addressed the historic flooding issues associated with the application site.
- The design of the proposal met Care Quality Commission standards and the design's sustainability credentials had achieved BREEAM excellence.
- The proposed windows facing the neighbouring property had been angled away from the property.
- The existing hedge along the boundary would further obscure the proposal from the neighbouring dwelling.

The Committee then considered the application in detail and raised concerns including potential overlooking of the neighbouring property (especially with regard to the proposed balcony on the north elevation of the proposed development), the implications of the proposed flood mitigation measures and the layout of the (courtyard) amenity space. In response to the various planning issues and concerns raised by the Committee, the Principal Planning Officer:

- Informed the Committee that the proposed balcony was small as its purpose was to provide residents with fresh air.
- Stated that no formal comments had been received from the Ecology Officer, therefore, as per standard procedure, a condition relating to an Ecological Management Plan had been included.
- Assured the Committee that the proposed design of the foundations included cavities which would allow any flood water to flow through. As such, water would not be left standing beneath the proposed development. The Committee was also informed that the surface of the parking area would be permeable to allow excess water to dissipate.
- Clarified that the proposed application provided an increase in amenity space compared to the layout of the current building, and informed the Committee that the location of the courtyards would provide screening against noise from a potential second runway at Gatwick.
- Additional outside amenity space would also be provided to the south and front of the site.
- Stated that the application did not identify the anticipated level of employment the development would provide.

Following further consideration by the Committee, concern remained regarding the potential overlooking of the neighbouring property by the balcony. Support was expressed that the balcony either be removed or that a screen be provided to retain the privacy for the neighbouring dwelling. The Principal Planning Officer confirmed that the application should be considered with the balcony or the application could be refused. Following consultation with the Principal Planning Officer, it was moved by Councillor P Smith (seconded by Councillor Jaggard) that the following additional condition be included relating to the installation of a privacy screen on the north facing balcony.

Additional Condition (Balcony – Privacy Screen)

“Prior to any occupation of the approved building, a privacy screen shall have been installed on the north facing balcony in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority. The privacy screen shall thereafter be retained in accordance with the approved details.

REASON: To ensure the privacy of neighbouring occupiers is protected in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2020.”

No objection was expressed by the Committee and the additional condition was therefore declared to be CARRIED.

A recorded vote was taken on the substantive recommendation in accordance with the Council’s Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendation, along with any abstentions, were recorded as follows:

For the recommendation to permit:
Councillors Irvine, Jaggard, Mwagale, Pickett, Purdy, Rana, Sharma and P Smith (8).

Against the recommendation to permit:
Councillors Ascough and A Belben (2).

Abstentions:
None.

RESOLVED

Permit subject to conditions set out in report [PES/353\(a\)](#), and the additional condition above.

5. Tree Preservation Order Application CR/2020/0210/TPO - St Nicholas Church, Church Road, Pound Hill, Crawley

The Committee considered report PES/353(b) of the Head of Economy and Planning which proposed:

T6 – Turkey Oak – fell, and T7 – Common Lime – fell.

Councillors Jaggard and Purdy declared they had visited the site. Although he had not visited the site recently, Councillor P Smith stated that he knew the site well.

The Group Manager (Development Management) provided a verbal summation of the application.

In line with the Council's Virtual Committee Procedure Rules, two statements submitted by members of the public were read to the Committee.

The first statement (submitted by objector Mr John Cooban) highlighted matters including:

- The application to fell the trees did not solve the access problem to the church.
- The trees in question could provide 20-40 years more years of beneficial life if they were managed appropriately.
- Felling the trees could damage the roots (and health) of the remaining adjacent trees.
- Alternative access routes had not been properly considered.

The second statement (submitted by Mr Hal Appleyard as the Agent for the Applicant) highlighted matters including:

- The removal and replacement of the trees would have a negligible visual impact on the landscape and conservation area.
- The tree roots currently impeded access along the path to the church, causing a 'trip hazard', especially to those who were elderly or infirm.
- Pruning the tree roots would cause unsustainable harm to the trees.
- Relocating the path was not feasible given the position of existing graves.
- It was prudent to remove and replace the trees in question.

The Committee then considered the application in detail raising concern in particular about the loss of mature trees. Several Committee Members questioned whether an alternative option was possible which would enable retention of the trees. In response to the various concerns and queries raised by the Committee, the Group Manager (Development Management) advised the Committee that:

- Re-routing the pathway had been explored in the past and evidence had suggested that it was not a practical option. Given the age of the church the grave map was incomplete and did not include the early graves.

- The roots of trees T6 and T7, if felled, would not be dug out and would instead be left to decay so that the roots of the neighbouring trees would not be disturbed or damaged.
- The replacement trees would be planted close to the current trees but further from the path so they would remain part of the avenue once they matured, thus retaining the 12 Apostle principle.
- All twelve trees along the path to the church were subject to Tree Preservation Orders and, therefore, any tree works required submission of an application to the Council as the Local Planning Authority.

A recorded vote was taken on the recommendation in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendation, along with any abstentions, were recorded as follows:

For the recommendation to consent:
Councillors Irvine, Purdy, Sharma and P Smith (4).

Against the recommendation to consent:
Councillors Ascough, A Belben, Jaggard, Mwangale, Pickett and Rana (6).

Abstentions:
None.

The Officer's recommendation to consent was therefore overturned.

Following further consideration by the Committee, it was moved by Councillor Jaggard (seconded by Councillor A Belben) that the application be refused due to the amenity value and positive contribution provided by the two trees to both the approach to the church and the Worth Conservation Area. The Committee was of the view that the application had not demonstrated that the scheme for the proposed removal of those trees was justified.

A recorded vote was then taken on the proposal to refuse planning consent in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the proposal, along with any abstentions, were recorded as follows:

For the proposal to refuse consent:
Councillors Ascough, A Belben, Jaggard, Mwangale, Pickett and Rana (6).

Against the proposal to refuse consent:
Councillors Irvine, Purdy, Sharma and P Smith (4).

Abstentions:
None.

RESOLVED

Refuse for the following reasons:

The two trees have amenity value and make a positive contribution to the approach to the church and to the Worth Conservation Area. It has not been demonstrated to the satisfaction of the Local Planning Authority that the scheme for the proposed removal of the trees is justified.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.39 pm

J Purdy (Chair)