

REFERENCE NO: CR/2017/0762/RG3

LOCATION: HASLETT AVENUE EAST AND LAND ADJACENT COUNTY MALL, CRAWLEY

WARD: Northgate

PROPOSAL: UPGRADE OF THE EXISTING FOOTPATH CLOSE TO THE JUNCTION WITH COLLEGE ROAD ALONG COUNTY MALL TO A SHARED PEDESTRIAN AND CYCLE PATH IN ORDER TO CREATE A CONTINUOUS LINK TO THE EXISTING TOUCAN CROSSING AT THE JUNCTION. THIS SHORT LENGTH AREA WILL BE UPGRADED TO A 3.5M WIDE SHARED PATH. (AMENDED PLANS RECEIVED)

TARGET DECISION DATE: 28 November 2017

CASE OFFICER: Miss D. Angelopoulou

APPLICANTS NAME: Crawley Borough Council

AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

PL21, Rev A04, Site Plan;
PL22, Rev A04, Land Ownership;
PL23, Rev A04, Existing Layout;
PL24, Rev A07, Proposed Layout.

CONSULTEE NOTIFICATIONS & RESPONSES:-

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| 1. WSCC - Highways | No objection subject to conditions. |
| 2. CBC - Property Division | No objection. |
| 3. CBC - Planning Arboricultural Officer | Following additional information/explanation on new surfacing within RPA, no objection is raised. |
| 4. Cycle Forum | No objection but comments: <i>'Where an end of route sign is used because the route changes direction, it should be clearly signposted which way the route goes. The new path should be signed as shared use from both directions.'</i> |

NEIGHBOUR NOTIFICATIONS:-

The application has been advertised by several site notices displayed within the application site on 6th October 2017.

RESPONSES RECEIVED:-

No responses have been received.

REASON FOR REPORTING TO COMMITTEE:-

Crawley Borough Council is the applicant.

THE APPLICATION SITE:-

- 1.1 The application site is a section of a mixture of tarmac and block paved footpath, railings, hedge and grass verge that extends from the exit of County Mall car park to the existing toucan crossing at the junction with College Road. A small part of Memorial Gardens is also part of the application site.
- 1.2 The application site is relatively level and is mainly highway land but a small part to the north of application site (Memorial Gardens) is Crawley Borough Council's land. There is an existing toucan crossing at the eastern end of the site area which provides access to College Road and existing cycle networks to the east.
- 1.3 There are several mature trees within the application site and adjacent to its northern and eastern boundaries. According to the Council's TPO records (reference: 16.6.19), within the application site are four protected trees: two oak trees to the western grass verge, one lime tree to the south and one poplar tree to the north-east. During the site visit on 06/10/2017, it was noted that the lime tree protected by TPO has already been removed from the site and there is only the stump of the tree remaining, next to the existing toucan crossing. There are also a lime tree to the south-east, and hedgerows to the east and west along the grass verges.
- 1.4 The site lies within the Town Centre Boundary. Memorial Gardens, which is part of the application site, is designated as an Historic Park and Garden. The site is also Structural Landscaping as set out in Policy CH7 of the Crawley Borough Local Plan 2015-2030.

THE PROPOSED DEVELOPMENT:-

- 2.1 The proposal seeks to create a continuous surface for both cyclists and pedestrians from the shared footpath along north of County Mall/south of Memorial Gardens to the existing toucan crossing at the junction with College Road to provide a link to the designated cycle routes to the east of College Road. This small section, close to the junction with College Road, is currently not classified as shared surface and is perceived as a problem area for cyclists. Part of the grass verge is heavily used and the grass is worn away, indicating that the priorities and routes for pedestrians and cyclists are unclear in this area. The proposal would thus improve the existing cycle facilities to the south of Memorial Gardens through the Town Centre and improve and clarify the route for pedestrians in this locality.
- 2.2 The layout of the footway close to the toucan crossing would be amended by creating a shared pedestrian and cycleway area. In particular, the proposal would include the following works:
 - Following the removal of a small section of beech hedgerow (north), central grassed area, flag pavers of the footway (west) and the metal railings (middle of site), a new footway/cycleway of at least 3.5m in width would be provided from west to the east with asphalt. The existing levels to this part would be lowered to enable the widening of the footpath. It should be noted that the protected lime tree, shown on plans as 'to be removed from WSCC', has already been removed.
 - A new area of soft landscaping and metal railings would be provided along the border with the highway to the south to help prevent pedestrians and cyclists crossing before the toucan crossing.
 - Provision of a new bollard with signs to indicate shared facility/end of route as applicable.
 - Installation of additional tactile paving (buff corduroy) to the east of the footway.
 - Upgrade of existing road markings with white colour.
- 2.3 During the course of the application, amended plans have been received adding a blue line around Memorial Gardens (owned by Crawley Borough Council), showing 6 new replacement trees and clarifying some key signs on the plans and legend.
- 2.4 The following documents have been submitted in support of the application:
 - Design and Access Statement.

- Stage 1/2 Road Safety Audit – Designer’s Response.
- Arboricultural Impact Assessment
- Arboricultural Method Statement.

PLANNING HISTORY:-

3.1 There is no relevant planning history for this site.

PLANNING POLICY:-

National Planning Policy Framework (2012) (NPPF)

- 4.1 The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. More specifically:
- Paragraph 14 – Presumption in favour of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
 - Paragraph 17 – Core planning principles. Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
 - Section 4 – Promoting sustainable transport. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.
 - Section 8 – Promoting healthy communities. Paragraph 75: Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

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

- 4.2 The relevant policies include:
- 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 CH2: Principles of Good Urban Design in order to assist in the creation, retention or enhancement of successful places. Development proposals will be required among others to create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society, including disabled and elderly people; make places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport networks; and to provide recognisable routes, intersections and landmarks to help people find their way around.
 - Policy CH3: Normal Requirements of All New Development states all proposals for development will be required to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context; be of a high quality urban design in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings; not cause unreasonable harm to the amenity of the surrounding area; retain existing individual or groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity; and be able to meet its own operational requirements necessary for the safe and proper use of the site. Development proposals must adhere to any relevant supplementary planning guidance produced by the council.
 - Policy CH6: Tree Planting and Replacement Standards. Where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies.
 - Policy CH7: Structural Landscaping requires that development proposals should protect and/or enhance structural landscaping, which is within the application site.

- Policy CH17: Historic Parks and Gardens. Memorial Gardens is designated as an Historic Park and Garden and the council will support development, unless it will have a negative impact upon the historic setting and character of the designated Historic Park or Garden.
- Policy ENV1: Green Infrastructure. Crawley's multi-functional green infrastructure network will be conserved and enhanced through various measures including: i. development that protects and enhances green infrastructure will be supported, and v. proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space, providing opportunities for walking and cycling.
- Policy IN3: Development and Requirements for Sustainable Transport. Developments should not cause an unacceptable impact in terms of increased traffic congestion or highway safety.

Supplementary Planning Documents (adopted October 2016)

The Supplementary Planning Documents are non-statutory documents which supplement the policies of the Local Plan and are applicable to this application. In particular:

Urban Design SPD 2016:

- 4.3 The SPD contains guidelines on the standards the Council expects for the public design highlighting in particular the importance of massing and materials, public realm, street design and parking and sustainable design. In particular, it states that:
- *'A good public realm should be human in its scale and respond to people's needs, while stimulating the senses. It should encourage a variety of activities and uses, whilst providing through routes and clear connections for pedestrians and cyclists alike.'*
 - *'Effective street layout and design should encourage walking and cycling and recognise that pedestrians should be prioritised.'*
 - *'Care should be taken when making improvements to streets and the public realm that elements such as 'shared space' will not have a negative impact on vulnerable users. 'Shared surface', where kerbs are removed from the street completely, can have a detrimental impact to visually impaired individuals navigating the street. Therefore, it is important to understand the difference between 'shared space' and 'shared surface' and make sure the design is considerate to all users.'*
 - *'Street signage should be used to help with the legibility of a place and with way-finding.'*

Green Infrastructure SPD 2016:

- 4.4 This SPD provides clear guidance on how to meet the requirements of Local Plan Policies in relation to Crawley's Green Infrastructure assets. It provides further guidance on Policy CH6: Tree Planting and Replacement Standards.

PLANNING CONSIDERATIONS:-

- 5.1 The main planning issues in the determination of this application are:
- The principle of development
 - The impact on the visual amenity & streetscene
 - The impact on highway and users of the pavement
 - The impact on existing trees and hedgerows

The principle of development

- 5.2 The proposed development would create a continuous surface and link for both cyclists and pedestrians, providing a new cycle route between the existing shared surface to the north of County Mall/south of Memorial Gardens and designated cycle routes to the east of College Road. Policies CH2 and ENV1 clearly state that development proposals will be required to make places that connect with each other and are easy to move through, and to provide recognisable routes and intersections to help people find their way around. The proposal would extend the links to provide opportunities for walking and cycling and the principle of the development is therefore supported in accordance with the relevant Local Plan Policies and the NPPF.

The impact on the visual amenity & streetscene

- 5.3 The main works of the proposed development would include a new footway/cycleway of at least 3.5m in width to be provided from west to the east with asphalt. This would be facilitated following the removal of a small section of beech hedgerow to the north, flag pavers of the footway to the west and metal railings within the middle of site, and reduction in size of the central grassed area. The protected lime tree (tree T5), shown on plans as '*to be removed from WSCC*', has already been removed as noted on site. As stated on the submitted Arboricultural Impact Assessment, the tree needed removal because its crown partially obscured the traffic lights and to facilitate the development. It should be noted that the tree was on highway land and the Highway Authority can undertake works to trees in the interests of road safety, under their highways powers.
- 5.4 Policy CH6 requires that where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced, based on the trunk diameter of each tree, in order to mitigate for the visual impact resulting from the loss of the tree canopies. Local Plan Policy CH7 also states that development proposals should protect and/or enhance structural landscaping, which is partially within the application site.
- 5.5 The removal of the protected lime tree would require 6 new replacement trees under Policy CH6. An amended plan has been received showing one new tree within the highway verge to the east and five new trees within Memorial Gardens, owned by Crawley Borough Council. It is therefore considered that the replacement trees would help to offset the impact of the loss of the mature lime tree on the visual amenity of the area. A new area of soft landscaping along with metal railings are also proposed to the south-west to improve the impact on visual amenity and streetscene. Overall, it is considered that, given the replacement trees and new soft landscaping area, the works would not have a detrimental visual impact on the character of the area and are therefore acceptable in this regard.
- 5.6 A new bollard with signs to indicate shared facility/end of route and additional tactile paving (buff corduroy) to the east of the footway would also be provided. It is considered that the sign and tactile paving would not harm the visual amenity, but they would increase the safe use of the shared surface between pedestrians and cyclists and therefore are considered acceptable.
- 5.7 To conclude, the proposal would therefore comply with relevant Local Plan Policies and the NPPF, however two conditions are recommended to ensure implementation of the proposed planting of the new trees and soft landscaping.

The impact on highway and users of the pavement

- 5.8 The footpath to the west would be widened to be more than 3.5m in width to allow a shared surface for pedestrians and cyclists which would create a continuous link between the existing shared surface to the north of County Mall/south of Memorial Gardens and designated cycle routes to the east of College Road. The Highway Authority were consulted and advised that they raise no objection to the application. However, they comment on the need for a condition for a construction management plan and the ponding issue raised in the Road Safety Audit – Designer's Response document, which could lead to hazardous conditions in wet and icy conditions. Details of the levels of the surface are required to ensure this does not occur. It is considered that this issue could be covered through the Section 278 legal agreement which would need to be entered into prior to commencement of development and this would also cover the issues raised by WSCC regarding the type of tactile paving used.
- 5.9 The Cycle Forum commented on the application by stating that the new path should be signed as shared use from both directions. These comments have been addressed on the amended plans which show 'shared surface' signs and 'end of route' signs.

- 5.10 The proposal is therefore considered acceptable from a highway perspective and would accord with the relevant Local Plan Policies.

The impact on existing trees and hedgerows

- 5.11 According to the Council's TPO records (reference: 16.6.19), within the application site are four protected trees: two oak trees to the western grass verge, one lime tree to the south and one poplar tree to the north-east. There are also a lime tree to the south-east, and hedgerows to the east and west along the grass verges.
- 5.12 The proposal would require the removal of the protected lime tree (T5 on plans that has already been removed) and a small section of the beech hedgerow to the north-west of the site. According to the submitted Arboricultural Impact Assessment, no additional pruning beyond the above tree/hedgerow clearance works would be required to facilitate the proposed improvements. A section of existing grass area would be removed to the west and existing levels would be lowered to allow the widening of the footway to 3.5m. The amended details show the planting of 6 replacement trees to compensate for the loss of the lime tree.
- 5.13 With regard to the other trees, the proposed site layout involves construction of new permanent hard surfacing areas within the root protection areas of T1, T2 (two protected oak trees) and T4 (one protected poplar tree). These surfaces cannot be of a no-dig design, however a root investigation has been undertaken to ensure the excavation would be feasible without damaging the two large oak trees. The applicant also submitted an Arboricultural Method Statement in support of the application, which states a series of measures to ensure the protection of all retained trees within the site. These measures include: providing construction exclusion zones and installing tree protection fencing, avoiding the storage and handling of harmful chemicals in proximity to trees, providing a suitable location for site cabins, contractor parking and site facilities for operatives in agreement with the project arboriculturalist during a pre-commencement meeting, and all soil stripping within the areas highlighted pink on the Tree Protection Plan to be undertaken by hand.
- 5.14 The Council's Arboricultural Officer raised no objection to the proposal and requested some clarification regarding the new permanent surfacing area within the Root Protection Areas (PRA) for trees T1 and T2 and how this new surfacing area would be undertaken. The applicant's Arboricultural Consultant provided some photos and drawing from the trial holes undertaken at County Mall. This showed that *'although the works will be within the root protection zone of trees T1 and T2, the actual trial holes shows there are no roots within this region. Based on this information any resurfacing in the area would be acceptable as no roots were found.'* The Council's Arboricultural Officer confirmed that he is happy with that clarification. However, he stated that all works should be carried out in accordance with the measures set out in the Arboricultural Method Statement. It is therefore considered that subject to these requirements being conditioned, the proposed development would not have a detrimental impact on the existing protected trees and hedgerows and would thus would comply with Local Plan Policy CH3.

CONCLUSIONS:-

- 6.1 The proposal would provide a new cycle route between the existing shared surface to the north of County Mall/south of Memorial Gardens and designated cycle routes to the east of College Road, and would create a continuous link. This upgrade of shared surface is consistent with the Local Policies. Subject to conditions to ensure implementation of new replacement trees and soft landscaping, the works would have limited visual impact on the character of the area. In addition, the proposal would not have any adverse impact on highway safety and users of the existing pavement, and the impact on the existing protected trees and hedgerow can be controlled via condition. The proposal is therefore considered acceptable and would accord with the relevant Local Plan Policies, the Urban Design SPD, the Green Infrastructure SPD and the NPPF, and it is therefore recommended to permit this application.

RECOMMENDATION RE: CR/2017/0762/RG3

PERMIT - 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. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application 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.
4. Any excavations carried out in the root protection area of any trees shall be carried out in accordance with the provisions laid out in BS 5837 : 2012 – Trees in relation to design, demolition and construction and the development shall be carried out in accordance with the submitted Arboricultural Method Statement (PJC ref: 4344-3/17-03) prepared by PJC Consultancy and dated 31st August 2017, and its associated tree protection plan (Drawing PJC/4344-3/17/C), including tree protection barriers, storage and handling of harmful chemicals, soil stripping for new surfaces, removal of existing tarmac surfaces and Arboricultural supervision.
REASON: To ensure the retention and maintenance of the protected trees and vegetation which are an important feature to the visual amenity of the area in accordance with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015 - 2030.
5. No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The approved landscaping scheme shall provide for a minimum of 6 mature standard trees of an appropriate species and planted in an appropriate location within the layout as shown on the approved drawing PL24 RevA06 in accordance with the requirements contained within Policy CH6 and Green Infrastructure SPD to replace the removed tree.
REASON: In the interests of amenity and of the environment of the development in accordance with Policies CH3 and CH6 of the Crawley Borough Local Plan 2015 – 2030.
6. All planting, seeding or turfing, including the six new trees shown on drawing PL24 RevA06, comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development 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 the accordance with Policies CH3, CH6 and CH7 of the Crawley Borough Local Plan 2015 - 2030.
7. No development shall take place until a Construction Management Plan (plans and details) has been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
REASON: In the interests of highway safety and the amenities of the area in accordance with Policies CH3 and IN3 of the Crawley Borough Plan 2015-2030.

INFORMATIVE(S)

1. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works and address the ponding issues and tactile

surfacing design. 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.

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 applicant 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 and 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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